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APPENDIX

TO

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FOR THE

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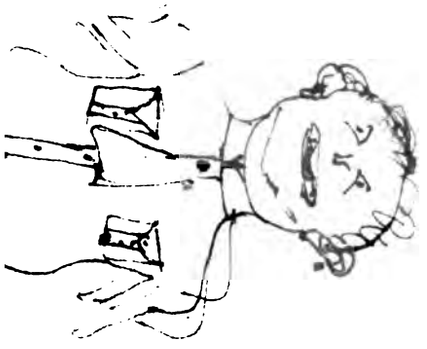

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APPENDIX

TO THE CONGRESSIONAL GLOBE.

THIS is the first number of the *Appendix to the Congressional Globe* for the second session of the Thirty-Third Congress. It will contain all the Messages of the President of the United States, the Reports of the Executive Departments, and all the speeches of Members of Congress withheld by them for revision. All the Laws that may be passed during the session will be published in the same form, so that they may be bound up with the Congressional Globe and Appendix.

Subscription price of the Congressional Globe and Appendix and the Laws for this session, (payable in advance,) $3 00. A sufficient number will be printed to supply all who may subscribe before the 15th of January.

MESSAGE.

Fellow-Citizens of the Senate and of the House of Representatives:

The past has been an eventful year, and will be hereafter referred to as a marked epoch in the history of the world. While we have been happily preserved from the calamities of war, our domestic prosperity has not been entirely uninterrupted. The crops, in portions of the country, have been nearly cut off. Disease has prevailed to a greater extent than usual, and the sacrifice of human life, through casualties by sea and land, is without parallel. But the pestilence has swept by, and restored salubrity invites the absent to their homes, and the return of business to its ordinary channels. If the earth has rewarded the labor of the husbandman less bountifully than in preceding seasons, it has left him with abundance for domestic wants, and a large surplus for exportation. In the present, therefore, as in the past, we find ample grounds for reverent thankfulness to the God of Grace and Providence, for His protecting care and merciful dealings with us as a people.

Although our attention has been arrested by painful interest in passing events, yet our country feels no more than the slight vibrations of the convulsions, which have shaken Europe. As individuals, we cannot repress sympathy with human suffering, nor regret for the causes which produce it. As a nation, we are reminded, that whatever interrupts the peace, or checks the prosperity, of any part of Christendom, tends, more or less, to involve our own. The condition of States is not unlike that of individuals. They are mutually dependent upon each other. Amicable relations between them, and reciprocal good will, are essential for the promotion of whatever is desirable in their moral, social, and political condition. Hence, it has been my earnest endeavor to maintain peace and friendly intercourse with all nations.

The wise theory of this Government, so early adopted and steadily pursued, of avoiding all entangling alliances, has hitherto exempted it from many complications, in which it would otherwise have become involved. Notwithstanding this, our clearly defined and well-sustained course of action, and our geographical position so remote from Europe, increasing disposition has been manifested by some of its governments to supervise, and, in certain respects, to direct, our foreign policy.. In plans for adjusting the balance of power among themselves, they have assumed to take us into account, and would constrain us to conform our conduct to their views. One or another of the Powers of Europe has, from time to time, undertaken to enforce arbitrary regulations, contrary in many respects to established principles of international law. That law the United States have, in their foreign intercourse, uniformly respected and observed, and they cannot recognize any such interpolations therein, as the temporary interests of others may suggest. They do not admit that the sovereigns of one continent, or of a particular community of States, can legislate for all others.

Leaving the trans-Atlantic nations to adjust their political system, in the way they may think best for their common welfare, the independent powers of this continent may well assert the right to be exempt from all annoying interference on their part. Systematic abstinence from intimate political connection with distant foreign nations, does not conflict with giving the widest range to our foreign commerce. This distinction, so clearly marked in history, seems to have been overlooked, or disregarded, by some leading foreign States. Our refusal to be brought within, and subjected to, their peculiar system, has, I fear, created a jealous distrust of our conduct, and induced, on their part, occasional acts of disturbing effect upon our foreign relations. Our present attitude and past course give assurances, which should not be questioned, that our purposes are not aggressive, nor threatening to the safety and welfare of other nations. Our military establishment, in time of peace, is adapted to maintain exterior defenses, and to preserve order among the aboriginal tribes within the limits of the Union. Our naval force is intended only for the protection of our citizens abroad, and of our commerce, diffused, as it is, over all the seas of the globe. The Government of the United States, being essentially pacific in policy, stands prepared to repel invasion by the voluntary service of a patriotic people, and provides no permanent means of foreign aggression. These considerations should allay all apprehension, that we are disposed to encroach on the rights, or endanger the security, of other States.

Some European Powers have regarded, with disquieting concern, the territorial expansion of the United States. This rapid growth has resulted from the legitimate exercise of sovereign rights, belonging alike to all nations, and by many liberally exercised. Under such circumstances, it could hardly have been expected that those among them, which have, within a comparatively recent period, subdued and absorbed ancient kingdoms, planted their standards on every continent, and now possess, or claim the control of, the islands of every ocean as their appropriate domain, would look with unfriendly sentiments upon the acquisitions of this country, in every instance honorably obtained, or would feel themselves justified in imputing our advancement to a spirit of aggression or to a passion for political predominance.

Our foreign commerce has reached a magnitude and extent nearly equal to that of the first maritime Power of the earth, and exceeding that of any other. Over this great interest, in which not only our merchants, but all classes of citizens at least indirectly, are concerned, it is the duty of the executive and legislative branches of the Government to exercise a careful supervision, and adopt proper measures for its protection. The policy which I have had in view, in regard to this interest, embraces its future as well as its present security.

Long experience has shown that, in general, when the principal Powers of Europe are engaged in war, the rights of neutral nations are endangered. This consideration led, in the progress of the war of our independence, to the formation of the celebrated confederacy of armed neutrality, a primary object of which was to assert the doctrine that free ships make free goods, except in the case of articles contraband of war; a doctrine which, from the very commencement of our national being, has been a cherished idea of the statesmen of this country. At one period or another every maritime Power has, by some solemn treaty stipulation, recognized that principle; and it might have been hoped that it would come to be universally received and respected as a rule of international law. But the refusal of one Power prevented this, and in the next great war which ensued, that of the French revolution, it failed to be respected among the belligerent States of Europe. Notwithstanding this, the principle is generally admitted to be a sound and salutary one; so much so that, at the commencement of the existing war in Europe, Great Britain and France announced their purpose to observe it for the present; not, however, as a recognized international right, but as a mere concession for the time being. The coöperation, however, of these two powerful maritime nations, in the interest of neutral rights, appeared to me to afford an occasion, inviting and justifying, on the part of the United States, for a renewed effort to make the doctrine in question a principle of international law, by means of special conventions between the several Powers of Europe and America. Accordingly a proposition, embracing not only the rule that free ships make free goods, except contraband articles, but also the less contested one, that neutral property, other than contraband, though on board enemies' ships, shall be exempt from confiscation, has been submitted by this Government to those of Europe and America.

Russia acted promptly in this matter, and a convention was concluded, between that country and the United States, providing for the observance of the principles announced, not only as between themselves, but also as between them and all other nations which shall enter into like stipulations. None of the other Powers have as yet taken final action on the subject. I am not aware, however, that any objection to the proposed stipulations has been made; but, on the contrary, they are acknowledged to be essential to the security of neutral commerce; and the only apparent obstacle to their general adoption is in the possibility, that it may be encumbered by inadmissible conditions.

The King of the Two Sicilies has expressed to our Minister at Naples his readiness to concur in our proposition relative to neutral rights, and to enter into a convention on that subject.

The King of Prussia entirely approves of the project of a treaty to the same effect, submitted to him, but proposes an additional article providing for the renunciation of privateering. Such, an article, for most obvious reasons, is much desired by nations having naval establishments, large in proportion to their foreign commerce. If it were adopted as an international rule, the commerce of a nation having comparatively a small naval force, would be very much at the mercy of its enemy, in case of war with a power of decided naval superiority. The bare statement of the condition in which the United States would be placed, after having surrendered the right to resort to privateers, in the event of war with a belligerent of naval supremacy, will show that this Government could never listen to such a proposition. The navy of the first maritime power in Europe is at least ten times as large as that of the United States. The foreign commerce of the two countries is nearly equal, and about equally exposed to hostile depredations. In war between that power and the United States, without resort on our part to our mercantile marine, the means of our enemy to inflict injury upon our commerce would be tenfold greater than ours to retaliate. We could not ex-

tricate our country from this unequal condition, with such an enemy, unless we at once departed from our present peaceful policy, and became a great naval power. Nor would this country be better situated, in war with one of the secondary naval powers. Though the naval disparity would be less, the greater extent, and more exposed condition of our wide-spread commerce, would give any of them a like advantage over us.

The proposition to enter into engagements to forego a resort to privateers, in case this country should be forced into war with a great naval power, is not entitled to more favorable consideration than would be a proposition, to agree not to accept the services of volunteers for operations on land. When the honor or the rights of our country require it to assume a hostile attitude, it confidently relies upon the patriotism of its citizens, not ordinarily devoted to the military profession, to augment the Army and the Navy, so as to make them fully adequate to the emergency which calls them into action. The proposal to surrender the right to employ privateers is professedly founded upon the principle, that private property of unoffending non-combatants, though enemies, should be exempt from the ravages of war; but the proposed surrender goes but little way in carrying out that principle, which equally requires that such private property should not be seized or molested by national ships of war. Should the leading powers of Europe concur in proposing, as a rule of international law, to exempt private property, upon the ocean, from seizure by public armed cruisers, as well as by privateers, the United States will readily meet them upon that broad ground.

Since the adjournment of Congress, the ratifications of the treaty between the United States and Great Britain, relative to coast fisheries, and to reciprocal trade with the British North American provinces, have been exchanged, and some of its anticipated advantages are already enjoyed by us, although its full execution was to abide certain acts of legislation not yet fully performed. So soon as it was ratified, Great Britain opened to our commerce the free navigation of the river St. Lawrence, and to our fishermen unmolested access to the shores and bays, from which they had been previously excluded, on the coasts of her North American provinces; in return for which, she asked for the introduction, free of duty, into the ports of the United States, of the fish caught on the same coast by British fishermen. This being the compensation, stipulated in the treaty, for privileges of the highest importance and value to the United States, which were thus voluntarily yielded before it became effective, the request seemed to me to be a reasonable one; but it could not be acceded to, from want of authority to suspend our laws imposing duties upon all foreign fish. In the meantime, the Treasury Department issued a regulation, for ascertaining the duties paid or secured by bonds on fish caught on the coasts of the British provinces, and brought to our markets by British subjects, after the fishing grounds had been made fully accessible to the citizens of the United States. I recommend to your favorable consideration a proposition, which will be submitted to you, for authority to refund the duties and cancel the bonds thus received. The provinces of Canada and New Brunswick have also anticipated the full operation of the treaty, by legislative arrangements, respectively, to admit, free of duty, the products of the United States mentioned in the free list of the treaty; and an arrangement, similar to that regarding British fish, has been made for duties now chargeable on the products of those provinces enumerated in the same free list, and introduced therefrom into the United States; a proposition for refunding which will, in my judgment, be in like manner entitled to your favorable consideration.

There is difference of opinion between the United States and Great Britain, as to the boundary line of the Territory of Washington adjoining the British possessions on the Pacific, which has already led to difficulties on the part of the citizens and local authorities of the two Governments. I recommend that provision be made for a commission, to be joined by one on the part of her Britannic Majesty, for the purpose of running and establishing the line in controversy. Certain stipulations of the third and fourth articles of the treaty concluded by the United States and Great Britain in 1846, regarding possessory rights of the Hudson's Bay Company, and property of the Puget's Sound Agricultural Company, have given rise to serious disputes, and it is important to all concerned, that summary means of settling them amicably should be devised. I have reason to believe, that an arrangement can be made on just terms, for the extinguishment of the rights in question, embracing, also, the right of the Hudson's Bay Company to the navigation of the river Columbia; and I therefore suggest to your consideration, the expediency of making a contingent appropriation for that purpose.

France was the early and efficient ally of the United States in their struggle for independence. From that time to the present, with occasional slight interruptions, cordial relations of friendship have existed between the Governments and people of the two countries. The kindly sentiments, cherished alike by both nations, have led to extensive social and commercial intercourse, which, I trust, will not be interrupted or checked by any casual event of an apparently unsatisfactory character. The French Consul at San Francisco was, not long since, brought into the United States district court at that place, by compulsory process, as a witness in favor of another foreign consul, in violation, as the French Government conceives, of his privileges under our consular convention with France. There being nothing in the transaction which could imply any disrespect to France or its Consul, such explanation has been made as I hope will be satisfactory. Subsequently, misunderstanding arose on the subject of the French Government having, as it appeared, abruptly excluded the American Minister to Spain from passing through France, on his way from London to Madrid. But that Government has unequivocally disavowed any design to deny the right of transit to the Minister of the United States; and, after explanations to this effect, he has resumed his journey, and actually returned through France to Spain. I herewith lay before Congress the correspondence on this subject, between our Envoy at Paris, and the Minister of Foreign Relations of the French Government.

The position of our affairs with Spain remains as at the close of your last session. Internal agitation, assuming very nearly the character of political revolution, has recently convulsed that country. The late Ministers were violently expelled from power, and men, of very different views in relation to its internal affairs, have succeeded. Since this change, there has been no propitious opportunity to resume, and press on, negotiations for the adjustment of serious questions of difficulty between the Spanish Government and the United States. There is reason to believe that our Minister will find the present government more favorably inclined than the preceding to comply with our just demands, and to make suitable arrangements for restoring harmony and preserving peace between the two countries.

Negotiations are pending with Denmark to discontinue the practice of levying tolls on our vessels and their cargoes passing through the Sound. I do not doubt that we can claim exemption therefrom, as a matter of right. It is admitted on all hands, that this exaction is sanctioned, not by the general principles of the law of nations, but only by special conventions, which most of the commercial nations have entered into with Denmark. The fifth article of our treaty of 1826, with Denmark, provides, that there shall not be paid, on the vessels of the United States and their cargoes when passing through the Sound, higher duties than those of the most favored nations. This may be regarded as an implied agreement to submit to the tolls during the continuance of the treaty, and, consequently, may embarrass the assertion of our right to be released therefrom. There are also other provisions in the treaty which ought to be modified. It was to remain in force for ten years, and until one year after either party should give notice to the other of intention to terminate it. I deem it expedient that the contemplated notice should be given to the Government of Denmark.

The naval expedition, dispatched about two years since for the purpose of establishing relations with the empire of Japan, has been ably and skillfully conducted to a successful termination by the officer to whom it was intrusted. A treaty, opening certain of the ports of that populous country, has been negotiated; and in order to give full effect thereto, it only remains to exchange ratifications, and adopt requisite commercial regulations.

The treaty lately concluded between the United States and Mexico settled some of our most embarrassing difficulties with that country, but numerous claims upon it for wrongs and injuries to our citizens remained unadjusted, and many new cases have been recently added to the former list of grievances. Our legation has been earnest in its endeavors to obtain from the Mexican Government a favorable consideration of these claims, but hitherto without success. This failure is, probably, in some measure, to be ascribed to the disturbed condition of that country. It has been my anxious desire to maintain friendly relations with the Mexican Republic, and to cause its rights and territories to be respected, not only by our citizens, but by foreigners, who have resorted to the United States for the purpose of organizing hostile expeditions against some of the States of that Republic. The defenseless condition in which its frontiers have been left has stimulated lawless adventurers to embark in these enterprises, and greatly increased the difficulty of inforcing our obligations of neutrality. Regarding it as my solemn duty to fulfill, efficiently, these obligations, not only towards Mexico, but other foreign nations, I have exerted all the powers with which I am invested to defeat such proceedings, and bring to punishment those who, by taking a part therein, violated our laws. The energy and activity of our civil and military authorities have frustrated the designs of those who meditated expeditions of this character, except in two instances. One of these, composed of foreigners, was at first countenanced and aided by the Mexican Government itself, it having been deceived as to their real object. The other, small in number, eluded the vigilance of the magistrates at San Francisco, and succeeded in reaching the Mexican territories; but the effective measures taken by this Government compelled the abandonment of the undertaking.

The commission to establish the new line between the United States and Mexico, according to the provisions of the treaty of the 30th of December last, has been organized, and the work is already commenced.

Our treaties with the Argentine Confederation, and with the Republics of Uruguay and Paraguay, secure to us the free navigation of the river La Plata, and some of its larger tributaries; but the same success has not attended our endeavors to open the Amazon. The reasons in favor of the free use of that river, I had occasion to present fully in a former message; and, considering the cordial relations which have long existed between this Government and Brazil, it may be expected that pending negotiations will, eventually, reach a favorable result.

Convenient means of transit, between the several parts of a country, are not only desirable for the objects of commercial and personal communication, but essential to its existence under one Government. Separated as are the Atlantic and Pacific coasts of the United States by the whole breadth of the continent, still the inhabitants of each are closely bound together by community of origin and institutions, and by strong attachment to the Union. Hence the constant and increasing intercourse, and vast interchange of commercial productions, between these remote divisions of the Republic. At the present time, the most practicable and only commodious routes for communication between them are by the way of the Isthmus of Central America. It is the duty of the Government to secure these avenues against all danger of interruption.

In relation to Central America, perplexing questions existed between the United States and Great Britain at the time of the cession of California. These, as well as questions which subsequently arose concerning interoceanic communication across the Isthmus, were, as it was supposed, adjusted by the treaty of April 19, 1850; but, unfortunately, they have been reopened by serious misunderstanding as to the import of some of its provisions, a readjustment of which is now under consideration. Our Minister at London has made

strenuous efforts to accomplish this desirable object, but has not yet found it possible to bring the negotiations to a termination.

As incidental to these questions, I deem it proper to notice an occurrence which happened in Central America, near the close of the last session of Congress. So soon as the necessity was perceived of establishing interoceanic communications across the Isthmus, a company was organized, under authority of the State of Nicaragua, but composed, for the most part, of citizens of the United States, for the purpose of opening such a transit way, by the river San Juan and Lake Nicaragua, which soon became an eligible and much used route in the transportation of our citizens and their property between the Atlantic and Pacific. Meanwhile, and in anticipation of the completion and importance of this transit way, a number of adventurers had taken possession of the old Spanish port at the mouth of the river San Juan, in open defiance of the State or States of Central America, which, upon their becoming independent, had rightfully succeeded to the local sovereignty and jurisdiction of Spain. These adventurers undertook to change the name of the place from San Juan del Norte to Greytown, and, though at first pretending to act as the subjects of the fictitious sovereign of the Mosquito Indians, they subsequently repudiated the control of any power whatever, assumed to adopt a distinct political organization, and declared themselves an independent sovereign State. If, at some time, a faint hope was entertained that they might become a stable and respectable community, that hope soon vanished. They proceeded to assert unfounded claims to civil jurisdiction over Punta Arenas, a position on the opposite side of the river San Juan, which was in possession, under a title wholly independent of them, of citizens of the United States, interested in the Nicaragua Transit Company, and which was indispensably necessary to the prosperous operation of that route across the Isthmus. The company resisted their groundless claims; whereupon they proceeded to destroy some of its buildings, and attempted violently to dispossess it.

At a later period they organized a strong force for the purpose of demolishing the establishment at Punta Arenas, but this mischievous design was defeated by the interposition of one of our ships of war, at that time in the harbor of San Juan. Subsequently to this, in May last, a body of men from Greytown crossed over to Punta Arenas, arrogating authority to arrest, on the charge of murder, a captain of one of the steamboats of the Transit Company. Being well aware that the claim to exercise jurisdiction there would be resisted then, as it had been on previous occasions, they went prepared to assert it by force of arms. Our Minister to Central America happened to be present on that occasion. Believing that the captain of the steamboat was innocent, for he witnessed the transaction on which the charge was founded, and believing, also, that the intruding party, having no jurisdiction over the place where they proposed to make the arrest, would encounter desperate resistance if they persisted in their purpose, he interposed, effectually, to prevent violence and bloodshed. The American Minister afterwards visited Greytown, and whilst he was there, a mob, including certain of the so-called public functionaries of the place, surrounded the house in which he was, avowing that they had come to arrest him, by order of some person exercising the chief authority. While parleying with them he was wounded by a missile from the crowd. A boat, dispatched from the American steamer Northern Light to release him from the perilous situation in which he was understood to be, was fired into by the town guard, and compelled to return. These incidents, together with the known character of the population of Greytown, and their excited state, induced just apprehensions that the lives and property of our citizens at Punta Arenas would be in imminent danger after the departure of the steamer, with her passengers, for New York, unless a guard was left for their protection. For this purpose, and in order to insure the safety of passengers and property passing over the route, a temporary force was organized, at considerable expense to the United States, for which provision was made at the last session of Congress.

This pretended community, a heterogenous assemblage gathered from various countries, and composed, for the most part, of blacks and persons of mixed blood, had previously given other indications of mischievous and dangerous propensities. Early in the same month property was clandestinely abstracted from the depot of the Transit Company and taken to Greytown. The plunderers obtained shelter there, and their pursuers were driven back by its people, who not only protected the wrongdoers and shared the plunder, but treated with rudeness and violence those who sought to recover their property.

Such, in substance, are the facts submitted to my consideration, and proved by trustworthy evidence. I could not doubt that the case demanded the interposition of this Government. Justice required that reparation should be made for so many and such gross wrongs, and that a course of insolence and plunder, tending directly to the insecurity of the lives of numerous travelers, and of the rich treasure belonging to our citizens, passing over this transit way, should be peremptorily arrested. Whatever it might be in other respects, the community in question, in power to do mischief, was not despicable. It was well provided with ordnance, small arms, and ammunition, and might easily seize on the unarmed boats, freighted with millions of property, which passed almost daily within its reach. It did not profess to belong to any regular government, and had, in fact, no recognized dependence on or connection with any one to which the United States or their injured citizens might apply for redress, or which could be held responsible, in any way, for the outrages committed. Not standing before the world in the attitude of an organized political society, being neither competent to exercise the rights nor to discharge the obligations of a government, it was, in fact, a marauding establishment, too dangerous to be disregarded and too guilty to pass unpunished, and yet incapable of being treated in any other way than as a piratical resort of outlaws, or a camp of savages, depredating on emigrant trains or caravans and the frontier settlements of civilized States.

Seasonable notice was given to the people of Greytown that this Government required them to repair the injuries they had done to our citizens, and to make suitable apology for their insult of our Minister, and that a ship of war would be dispatched thither to enforce compliance with these demands. But the notice passed unheeded. Thereupon, a commander of the Navy, in charge of the sloop-of-war Cyane, was ordered to repeat the demands, and to insist upon a compliance therewith. Finding that neither the populace, nor those assuming to have authority over them, manifested any disposition to make the required reparation, or even to offer excuse for their conduct, he warned them, by a public proclamation, that if they did not give satisfaction within a time specified, he would bombard the town. By this procedure he afforded them opportunity to provide for their personal safety. To those also who desired to avoid loss of property, in the punishment about to be inflicted on the offending town, he furnished the means of removing their effects, by the boats of his own ship, and of a steamer which he procured and tendered to them for that purpose. At length, perceiving no disposition on the part of the town to comply with his requisitions, he appealed to the commander of her Britannic Majesty's schooner Bermuda, who was seen to have intercourse, and apparently much influence with the leaders among them—to interpose, and persuade them to take some course calculated to save the necessity of resorting to the extreme measure indicated in his proclamation; but that officer, instead of acceding to the request, did nothing more than to protest against the contemplated bombardment. No steps of any sort were taken, by the people, to give the satisfaction required. No individuals, if any there were, who regarded themselves as not responsible for the misconduct of the community, adopted any means to separate themselves from the fate of the guilty. The several charges, on which the demands for redress were founded, had been publicly known to all for some time, and were again announced to them. They did not deny any of these charges; they offered no explanation, nothing in extenuation of their conduct; but contumaciously refused to hold any intercourse with the commander of the Cyane. By their obstinate silence they seemed rather desirous to provoke chastisement than to escape it. There is ample reason to believe that this conduct of wanton defiance, on their part, is imputable chiefly to the delusive idea that the American Government would be deterred from punishing them, through fear of displeasing a formidable foreign Power, which, they presumed to think, looked with complacency upon their aggressive and insulting deportment towards the United States. The Cyane at length fired upon the town. Before much injury had been done, the fire was twice suspended, in order to afford opportunity for an arrangement; but this was declined. Most of the buildings of the place, of little value generally, were, in the sequel, destroyed; but, owing to the considerate precautions taken by our naval commander, there was no destruction of life.

When the Cyane was ordered to Central America, it was confidently hoped and expected that no occasion would arise for "a resort to violence and destruction of property and loss of life." Instructions to that effect were given to her commander. And no extreme act would have been requisite had not the people themselves, by their extraordinary conduct in the affair, frustrated all the possible mild measures for obtaining satisfaction. A withdrawal from the place, the object of his visit entirely defeated, would, under the circumstances in which the commander of the Cyane found himself, have been absolute abandonment of all claim of our citizens for indemnification, and submissive acquiescence in national indignity. It would have encouraged in these lawless men a spirit of insolence and rapine most dangerous to the lives and property of our citizens at Punta Arenas, and probably emboldened them to grasp at the treasures and valuable merchandise continually passing over the Nacaragua route. It certainly would have been most satisfactory to me if the objects of the Cyane's mission could have been consummated without any act of public force; but the arrogant contumacy of the offenders rendered it impossible to avoid the alternative, either to break up their establishment, or to leave them impressed with the idea that they might persevere with impunity in a career of insolence and plunder.

This transaction has been the subject of complaint on the part of some foreign Powers, and has been characterized with more of harshness than of justice. If comparisons were to be instituted, it would not be difficult to present repeated instances in the history of States, standing in the very front of modern civilization, where communities, far less offending and more defenseless than Greytown, have been chastised with much greater severity, and where not cities only have been laid in ruins, but human life has been recklessly sacrificed, and the blood of the innocent made profusely to mingle with that of the guilty.

Passing from foreign to domestic affairs, your attention is naturally directed to the financial condition of the country, always a subject of general interest. For complete and exact information regarding the finances, and the various branches of the public service connected therewith, I refer you to the report of the Secretary of the Treasury; from which it will appear, that the amount of revenue during the last fiscal year, from all sources, was seventy-three million five hundred and forty-nine thousand seven hundred and five dollars; and that the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to fifty-one million eighteen thousand two hundred and forty-nine dollars. During the same period, the payments made in redemption of the public debt, including interest and premium, amounted to twenty-four million three hundred and thirty-six thousand three hundred and eighty dollars. To the sum total of the receipts of that year is to be added a balance remaining in the Treasury at the commencement thereof, amounting to twenty-one million nine hundred and forty-two thousand eight hundred and ninety-two dollars; and at the close of the same year, a corresponding balance amounting to twenty million one hundred and thirty-seven thousand nine hundred and sixty-seven dollars of

receipts above expenditures, also remained in the Treasury. Although, in the opinion of the Secretary of the Treasury, the receipts of the current fiscal year are not likely to equal in amount those of the last, yet they will undoubtedly exceed the amount of expenditures by at least fifteen millions of dollars. I shall, therefore, continue to direct that the surplus revenue be applied, so far as it can be judiciously and economically done, to the reduction of the public debt, the amount of which, at the commencement of the last fiscal year, was sixty-seven million three hundred and forty thousand six hundred and twenty-eight dollars; of which there had been paid on the twentieth day of November, 1854, the sum of twenty-two million three hundred and sixty-five thousand one hundred and seventy-two dollars; leaving a balance of outstanding public debt of only forty-four million nine hundred and seventy-five thousand four hundred and fifty-six dollars, redeemable at different periods within fourteen years. There are also remnants of other Government stocks, most of which are already due, and on which the interest has ceased, but which have not yet been presented for payment, amounting to two hundred and thirty-three thousand one hundred and seventy-nine dollars. This statement exhibits the fact, that the annual income of the Government greatly exceeds the amount of its public debt, which latter remains unpaid only because the time of payment has not yet matured, and it cannot be discharged at once, except at the option of public creditors, who prefer to retain the securities of the United States; and the other fact, not less striking, that the annual revenue from all sources exceeds, by many millions of dollars, the amount needed for a prudent and economical administration of the Government.

The estimates presented to Congress from the different Executive Departments, at the last session, amounted to thirty-eight million four hundred and six thousand five hundred and eighty-one dollars; and the appropriations made, to the sum of fifty-eight million one hundred and sixteen thousand nine hundred and fifty-eight dollars. Of this excess of appropriations over estimates, however, more than twenty millions was applicable to extraordinary objects, having no reference to the usual annual expenditures. Among these objects, was embraced ten millions to meet the third article of the treaty between the United States and Mexico; so that, in fact, for objects of ordinary expenditure, the appropriations were limited to considerably less than forty millions of dollars. I therefore renew my recommendation for a reduction of the duties on imports. The report of the Secretary of the Treasury presents a series of tables, showing the operation of the revenue system for several successive years, and as the general principle of reduction of duties with a view to revenue and not protection may now be regarded as the settled policy of the country, I trust that little difficulty will be encountered in settling the details of a measure to that effect.

In connection with this subject, I recommend a change in the laws, which recent experience has shown to be essential to the protection of the Government. There is no express provision of law requiring the records and papers of a public character, of the several officers of the Government, to be left in their offices for the use of their successors, nor any provision declaring it felony on their part to make false entries in the books, or return false accounts. In the absence of such express provision by law, the outgoing officers, in many instances, have claimed and exercised the right to take into their own possession important books and papers, on the ground that these were their private property; and have placed them beyond the reach of the Government. Conduct of this character, brought in several instances to the notice of the present Secretary of the Treasury, naturally awakened his suspicion, and resulted in the disclosure that at four ports, namely, Oswego, Toledo, Sandusky, and Milwaukie, the Treasury had, by false entries, been defrauded, within the four years next preceding March, 1853, of the sum of one hundred and ninety-eight thousand dollars. The great difficulty with which the detection of these frauds has been attended, in consequence of the abstraction of books and papers by the retiring officers, and the facility with which similar frauds in the public service may be perpetrated, render the necessity of new legal enactments, in the respects above referred to, quite obvious. For other material modifications of the revenue laws which seem to me desirable, I refer you to the report of the Secretary of the Treasury. That report, and the tables which accompany it, furnish ample proofs of the solid foundation on which the financial security of the country rests, and of the salutary influence of the independent treasury system upon commerce and all monetary operations.

The experience of the last year furnishes additional reasons, I regret to say, of a painful character, for the recommendation heretofore made, to provide for increasing the military force employed in the territory inhabited by the Indians. The settlers on the frontier have suffered much from the incursions of predatory bands, and large parties of emigrants to our Pacific possessions have been massacred with impunity. The recurrence of such scenes can only be prevented by teaching these wild tribes the power of, and their responsibility to, the United States. From the garrisons of our frontier posts, it is only possible to detach troops in small bodies; and though these have on all occasions displayed a gallantry and a stern devotion to duty, which on a larger field would have commanded universal admiration, they have usually suffered severely in these conflicts with superior numbers, and have sometimes been entirely sacrificed. All the disposable force of the Army is already employed on this service, and is known to be wholly inadequate to the protection which should be afforded. The public mind of the country has been recently shocked by savage atrocities committed upon defenseless emigrants and border settlements, and hardly less by the unnecessary destruction of valuable lives, where inadequate detachments of troops have undertaken to furnish the needed aid. Without increase of the military force, these scenes will be repeated, it is to be feared, on a larger scale, and with more disastrous consequences. Congress, I am sure, will perceive that the plainest duties and responsibilities of Government are involved in this question, and I doubt not that prompt action may be confidently anticipated when delay must be attended by such fearful hazards.

The bill of the last session, providing for an increase of the pay of the rank and file of the Army has had beneficial results, not only in facilitating enlistments, but in obvious improvement in the class of men who enter the service. I regret that corresponding consideration was not bestowed on the officers, who, in view of their character and services, and the expenses to which they are necessarily subject, receive at present what is, in my judgment, inadequate compensation.

The valuable services constantly rendered by the Army, and its inestimable importance, as the nucleus around which the volunteer forces of the nation can promptly gather in the hour of danger, sufficiently attest the wisdom of maintaining a military peace establishment; but the theory of our system and the wise practice under it, require that any proposed augmentation, in time of peace, be only commensurate with our extended limits and frontier relations. While scrupulously adhering to this principle, I find, in existing circumstances, a necessity for increase of our military force, and it is believed that four new regiments, two of infantry and two of mounted men, will be sufficient to meet the present exigency. If it were necessary carefully to weigh the cost in a case of such urgency, it would be shown that the additional expense would be comparatively light.

With the increase of the numerical force of the Army should, I think, be combined certain measures of reform in its organic arrangement and administration. The present organization is the result of partial legislation often directed to special objects and interests; and the laws regulating rank and command, having been adopted many years ago from the British code, are not always applicable to our service. It is not surprising, therefore, that the system should be deficient in the symmetry and simplicity essential to the harmonious working of its several parts, and require a careful revision.

The present organization, by maintaining large staff corps or departments, separates many officers from that close connection with troops, and those active duties in the field, which are deemed requisite to qualify them for the varied responsibilities of high command. Were the duties of the Army staff mainly discharged by officers detached from their regiments, it is believed that the special service would be equally well performed, and the discipline and instruction of the Army be improved. While due regard to the security of the rights of officers, and to the nice sense of honor which should be cultivated among them, would seem to exact compliance with the established rule of promotion in ordinary cases, still it can hardly be doubted that the range of promotion by selection, which is now practically confined to the grade of general officers, might be somewhat extended with benefit to the public service. Observance of the rule of seniority sometimes leads, especially in time of peace, to the promotion of officers who, after meritorious and even distinguished service, may have been rendered by age or infirmity incapable of performing active duty, and whose advancement, therefore, would tend to impair the efficiency of the Army. Suitable provision for this class of officers, by the creation of a retired list, would remedy the evil, without wounding the just pride of men who, by past services, have established a claim to high consideration. In again commending this measure to the favorable consideration of Congress, I would suggest that the power of placing officers on the retired list be limited to one year. The practical operation of the measure would thus be tested, and if, after the lapse of years, there should be occasion to renew the provision, it can be reproduced with any improvements which experience may indicate. The present organization of the artillery into regiments is liable to obvious objections. The service of artillery is that of batteries, and an organization of batteries into a corps of artillery would be more consistent with the nature of their duties. A large part of the troops now called artillery are, and have been, on duty as infantry; the distinction between the two arms being merely nominal. This nominal artillery in our service is disproportionate to the whole force, and greater than the wants of the country demand. I therefore commend the discontinuance of a distinction which has no foundation in either the arms used, or the character of the service expected to be performed.

In connection with the proposition for the increase of the Army, I have presented these suggestions with regard to certain measures of reform, as the complement of a system, which would produce the happiest results from a given expenditure, and which I hope may attract the early attention, and be deemed worthy of the approval, of Congress.

The recommendation of the Secretary of the Navy, having reference to more ample provisions for the discipline and general improvement in the character of seamen, and for the reorganization and gradual increase of the Navy, I deem eminently worthy of your favorable consideration. The principles, which have controlled our policy in relation to the permanent military force, by sea and land, are sound, consistent with the theory of our system, and should by no means be disregarded. But, limiting the force to the objects particularly set forth in the preceding part of this message, we should not overlook the present magnitude and prospective extension of our commercial marine, nor fail to give due weight to the fact that, besides the two thousand miles of Atlantic sea-board, we have now a Pacific coast, stretching from Mexico to the British possessions in the north, teeming with wealth and enterprise, and demanding the constant presence of ships of war. The augmentation of the Navy has not kept pace with the duties properly and profitably assigned to it in time of peace, and it is inadequate for the large field of its operations, not merely in the present but still more in the progressively increasing exigencies of the commerce of the United States. I cordially approve of the proposed apprentice system for our national vessels, recommended by the Secretary of the Navy.

The occurrence, during the last few months, of marine disasters of the most tragic nature, involving great loss of human life, has produced intense emotions of sympathy and sorrow throughout the country. It may well be doubted whether

all these calamitous events are wholly attributable to the necessary and inevitable dangers of the sea. The merchants, mariners, and ship-builders of the United States are, it is true, unsurpassed in far-reaching enterprise, skill, intelligence, and courage, by any others in the world. But with the increasing amount of our commercial tonnage in the aggregate, and the larger size and improved equipment of the ships now constructed, a deficiency in the supply of reliable seamen begins to be very seriously felt. The inconvenience may, perhaps, be met, in part, by due regulation for the introduction, into our merchant ships, of indented apprentices; which, while it would afford useful and eligible occupation to numerous young men, would have a tendency to raise the character of seamen as a class. And it is deserving of serious reflection whether it may not be desirable to revise the existing laws for the maintenance of discipline at sea, upon which the security of life and property on the ocean must to so great an extent depend. Although much attention has already been given by Congress to the proper construction and arrangement of steam-vessels and all passenger ships, still it is believed that the resources of science and mechanical skill in this direction have not been exhausted. No good reason exists for the marked distinction, which appears upon our statutes between the laws for protecting life and property at sea, and those for protecting them on land. In most of the States severe penalties are provided to punish conductors of trains, engineers, and others employed in the transportation of persons by railway or by steamboats on rivers. Why should not the same principle be applied to acts of insubordination, cowardice, or other misconduct on the part of masters and mariners, producing injury or death to passengers on the high seas, beyond the jurisdiction of any of the States, and where such delinquencies can be reached only by the power of Congress? The whole subject is earnestly commended to your consideration.

The report of the Postmaster General, to which you are referred for many interesting details in relation to this important and rapidly extending branch of the public service, shows that the expenditure of the year ending June 30, 1854, including one hundred and thirty-three thousand four hundred and eighty-three dollars of balance due to foreign offices, amounted to eight million seven hundred and ten thousand nine hundred and seven dollars. The gross receipts during the same period amounted to six million nine hundred and fifty-five thousand five hundred and eighty-six dollars; exhibiting an expenditure over income of one million seven hundred and fifty-five thousand three hundred and twenty-one dollars, and a diminution of deficiency, as compared with the last year, of three hundred and sixty-one thousand seven hundred and fifty-six dollars. The increase of the revenue of the Department, for the year ending June 30, 1854, over the preceding year, was nine hundred and seventy thousand three hundred and ninety-nine dollars. No proportionate increase, however, can be anticipated for the current year, in consequence of the act of Congress of June 23, 1854, providing for increased compensation to all postmasters. From these statements it is apparent that the Post Office Department, instead of defraying its expenses, according to the design at the time of its creation, is now, and under existing laws must continue to be, to no small extent, a charge upon the general Treasury. The cost of mail transportation, during the year ending June 30, 1854, exceeds the cost of the preceding year by four hundred and ninety-five thousand and seventy-four dollars. I again call your attention to the subject of mail transportation by ocean steamers, and commend the suggestions of the Postmaster General to your early attention.

During the last fiscal year, eleven million seventy thousand nine hundred and thirty-five acres of the public lands have been surveyed, and eight million one hundred and ninety thousand and seventeen acres brought into market. The number of acres sold is seven million thirty-five thousand seven hundred and thirty-five, and the amount received therefor nine million two hundred and eighty-five thousand five hundred and thirty-three dollars. The aggregate amount of lands sold, located under military scrip and land warrants, selected as swamp lands by States, and by locating under grants for roads, is upwards of twenty-three millions of acres. The increase of lands sold, over the previous year, is about six millions of acres; and the sales during the two first quarters of the current year present the extraordinary result of five and a half millions sold, exceeding by nearly four millions of acres the sales of the corresponding quarters of the last year.

The commendable policy of the Government, in relation to setting apart public domain for those who have served their country in time of war, is illustrated by the fact that, since 1790, no less than thirty millions of acres have been applied to this object.

The suggestions which I submitted in my annual message of last year, in reference to grants of land in aid of the construction of railways, were less full and explicit than the magnitude of the subject and subsequent developments would seem to render proper and desirable. Of the soundness of the principle then asserted with regard to the limitation of the power of Congress, I entertain no doubt; but in its application it is not enough that the value of lands in a particular locality may be enhanced; that, in fact, a larger amount of money may probably be received, in a given time, for alternate sections, than could have been realized for all the sections, without the impulse and influence of the proposed improvements. A prudent proprietor looks beyond limited sections of his domain, beyond present results, to the ultimate effect which a particular line of policy is likely to produce upon all his possessions and interests. The Government, which is trustee, in this matter, for the people of the States, is bound to take the same wise and comprehensive view. Prior to and during the last session of Congress, upwards of thirty millions of acres of land were withdrawn from public sale with a view to applications for grants of this character pending before Congress. A careful review of the whole subject led me to direct that all such orders be abrogated, and the lands restored to market; and instructions were immediately given to that effect. The applications at the last session contemplated the construction of more than five thousand miles of road, and grants to the amount of nearly twenty millions of acres of the public domain. Even admitting the right on the part of Congress to be unquestionable, is it quite clear that the proposed grants would be productive of good, and not evil? The different projects are confined, for the present, to eleven States of this Union, and one Territory. The reasons assigned for the grants show that it is proposed to put the works speedily in process of construction. When we reflect, that since the commencement of the construction of railways in the United States, stimulated as they have been by the large dividends realized from the earlier works over the great thoroughfares, and between the most important points of commerce and population, encouraged by State legislation, and pressed forward by the amazing energy of private enterprise, only seventeen thousand miles have been completed in all the States in a quarter of a century;—when we see the crippled condition of many works commenced and prosecuted upon what were deemed to be sound principles, and safe calculations;—when we contemplate the enormous absorption of capital withdrawn from the ordinary channels of business, the extravagant rates of interest at this moment paid to continue operations, the bankruptcies not merely in money, but in character, and the inevitable effect upon finances generally;—can it be doubted that the tendency is to run to excess in this matter? Is it wise to augment this excess by encouraging hopes of sudden wealth expected to flow from magnificent schemes dependent upon the action of Congress? Does the spirit, which has produced such results, need to be stimulated or checked? Is it not the better rule to leave all these works to private enterprise, regulated, and, when expedient, aided, by the coöperation of States? If constructed by private capital, the stimulant and the check go together, and furnish a salutary restraint against speculative schemes and extravagance. But it is manifest that, with the most effective guards, there is danger of going too fast and too far.

We may well pause before a proposition contemplating a simultaneous movement for the construction of railroads, which, in extent, will equal, exclusive of the great Pacific road and all its branches, nearly one third of the entire length of such works, now completed, in the United States, and which cannot cost, with equipments, less than one hundred and fifty millions of dollars. The dangers likely to result from combinations of interests of this character, can hardly be over estimated. But, independently of these considerations, where is the accurate knowledge, the comprehensive intelligence, which shall discriminate between the relative claims of these twenty-eight proposed roads, in eleven States and one Territory? Where will you begin, and where end? If to enable these companies to execute their proposed works, it is necessary that the aid of the General Government be primarily given, the policy will present a problem so comprehensive in its bearings, and so important to our political and social well being, as to claim, in anticipation, the severest analysis. Entertaining these views, I recur with satisfaction to the experience and action of the last session of Congress, as furnishing assurance that the subject will not fail to elicit a careful reëxamination and rigid scrutiny.

It was my intention to present, on this occasion, some suggestions regarding internal improvements by the General Government, which want of time at the close of the last session prevented my submitting on the return to the House of Representatives, with objections, of the bill entitled, "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law;" but the space in this communication already occupied with other matter of immediate public exigency constrains me to reserve that subject for a special message, which will be transmitted to the two Houses of Congress at an early day.

The judicial establishment of the United States requires modification, and certain reforms in the manner of conducting the legal business of the Government are also much needed; but as I have addressed you upon both of these subjects at length before, I have only to call your attention to the suggestions then made.

My former recommendations, in relation to suitable provision for various objects of deep interest to the inhabitants of the District of Columbia, are renewed. Many of these objects partake largely of a national character, and are important, independently of their relation to the prosperity of the only considerable organized community in the Union, entirely unrepresented in Congress.

I have thus presented suggestions on such subjects as appear to me to be of particular interest or importance, and therefore most worthy of consideration during the short remaining period allotted to the labors of the present Congress.

Our forefathers of the thirteen United Colonies, in acquiring their independence, and in founding this Republic of the United States of America, have devolved upon us, their descendants, the greatest and the most noble trust ever committed to the hands of man, imposing upon all, and especially such as the public will may have invested, for the time being, with political functions, the most sacred obligations. We have to maintain inviolate the great doctrine of the inherent right of popular self-government; to reconcile the largest liberty of the individual citizen, with complete security of the public order; to render cheerful obedience to the laws of the land, to unite in enforcing their execution, and to frown indignantly on all combinations to resist them; to harmonize a sincere and ardent devotion to the institutions of religious faith with the most universal religious toleration; to preserve the rights of all by causing each to respect those of the other; to carry forward every social improvement to the uttermost limit of human perfectibility, by the free action of mind upon mind, not by the obtrusive intervention of misapplied force; to uphold the integrity and guard the limitations of our organic law; to preserve sacred from all touch of usurpation, as the very palladium of our political salvation, the reserved rights and powers of the several States and of the people; to cherish, with loyal fealty and devoted affection, this Union, as the only sure foundation on which the hopes of civil liberty rest; to administer government with vigilant integrity and rigid economy; to cultivate peace and friendship with foreign

nations, and to demand and exact equal justice from all, but to do wrong to none; to eschew intermeddling with the national policy and the domestic repose of other Governments, and to repel it from our own; never to shrink from war when the rights and the honor of the country call us to arms, but to cultivate in preference the arts of peace, seek enlargement of the rights of neutrality, and elevate and liberalize the intercourse of nations; and by such just and honorable means, and such only, whilst exalting the condition of the Republic, to assure to it the legitimate influence and the benign authority of a great example amongst all the powers of Christendom.

Under the solemnity of these convictions, the blessing of Almighty God is earnestly invoked to attend upon your deliberations, and upon all the counsels and acts of the Government, to the end that, with common zeal and common efforts, we may, in humble submission to the Divine will, coöperate for the promotion of the supreme good of these United States.

FRANKLIN PIERCE.

WASHINGTON, *December* 4, 1854.

Report of the Secretary of the Treasury.

TREASURY DEPARTMENT,
December 4, 1854.

SIR: In obedience to the "act supplementary to the act entitled 'an act to establish the Treasury Department,'" approved May 10, 1800, the following report is submitted:

The balance in the Treasury on the 1st of July, 1853, was	$21,942,892 56
And the actual receipts into the Treasury for the first quarter:	
From customs	$19,718,822 00
From lands	1,489,562 05
Miscellaneous	147,994 87
	21,356,378 92
And the estimated receipts for the other three quarters were:	
From customs	37,000,000 00
From lands	3,000,000 00
Miscellaneous	300,000 00
Making the actual receipts for the first quarter, and the estimated receipts for the other three quarters	61,656,378 92
Add balance in the Treasury	21,942,892 56
Total for service of the year	$83,599,271 48

The actual expenditures of the first quarter of the fiscal year 1853 were $15,081,383 70, and the estimated expenditures for the remaining three quarters were $57,251,283 16, making for the actual expenditures of the first quarter, and the estimated expenditures for the other three quarters, $72,332,666 86; which would have left an estimated balance in the Treasury on the 1st of July, 1854, of $11,266,604 62.

The actual receipts into the Treasury for the fiscal year ending 30th of June, 1854, were as follow:

1st quarter—from customs		$19,718,822 00
from lands		1,489,562 05
miscellaneous		147,994 87
		$21,356,378 92
2d quarter—from customs		$13,587,821 27
from lands		2,223,076 39
miscellaneous		101,963 64
		$15,912,861 30
3d quarter—from customs		$16,896,724 83
from lands		2,012,908 36
miscellaneous		486,091 93
		$19,395,725 12
4th quarter—from customs		$14,020,822 17
from lands		2,745,251 69
miscellaneous		118,666 10
		$16,884,739 86
Making		$73,549,705 20
Balance in the Treasury 1st of July, 1853		21,942,892 56
Total sum for the service of the fiscal year ending June 30, 1854		$95,492,597 76

The receipts from customs were		$64,224,190 27
lands		8,470,798 39
miscellaneous		834,716 54
Balance in Treasury		21,942,892 56
		95,492,597 76
The actual expenditures for each quarter of said year were:		
For 1st quarter	$15,081,383 70	
2d quarter	22,301,886 24	
3d quarter	12,448,947 42	
4th quarter	25,522,402 90	
		75,354,630 26
Leaving a balance in the Treasury on July 1, 1854, of		$20,137,967 50

The usual and ordinary expenditures were as follow:

Civil list	$4,649,384 98
Foreign intercourse	7,726,677 13
Miscellaneous	13,531,310 33
Interior Department	2,609,054 79
War Department	11,733,629 48
Navy Department	10,768,192 89
Redemption of public debt, interest and premium	24,336,380 66
Total expenditures	$75,354,630 26

Balance in the Treasury on July 1, 1854, $20,137,967 50, as appears, in detail, per Statement 1.

The estimated receipts for the fiscal year, ending June 30, 1855, were as follow:

From customs		$51,000,000 00
From lands		3,500,000 00
Miscellaneous		500,000 00
		55,000,000 00
Add estimated balance in the Treasury July 1, 1854		11,266,604 62
Estimated resources for the fiscal year ending June 30, 1855		66,266,604 62
The estimated expenditures for the same year were as follow:		
Balance of former appropriations to be expended during the year	$6,865,126 44	
Permanent and indefinite appropriations to be expended during the year	8,285,716 14	
Specific appropriations asked for the service of the year	35,909,434 54	
Making an aggregate of		51,060,277 12
Leaving in the Treasury, on July 1, 1855, a balance of		$15,206,327 50

The receipts of the first quarter of the fiscal year, ending September 30, 1854, have been as follow:

From customs	$18,639,798 45
From lands	2,731,654 12
Miscellaneous	149,850 28
Total	$21,521,302 85

The expenditures for the same first quarter have been as follow:

Civil, miscellaneous, and foreign intercourse	$6,941,749 31
Interior Department	2,175,737 13
War Department	3,367,039 92
Navy Department	2,508,791 09
Redemption of public debt, interest and premium	1,876,013 17
Total expenditures	$16,169,330 62

as appears, in detail, from table 2.

The receipts for the remaining three quarters of the year are now estimated as follow:

From customs	$36,000,000 00
From lands	6,000,000 00
Miscellaneous	500,000 00
Total	$42,500,000 00

The receipts for the first quarter, the estimated receipts for the remaining three quarters, and the balance in the Treasury on the first day of July, 1854, make a total sum of $84,107,967 50 for the service of the fiscal year ending June 30, 1855.

The estimated expenditures for the remaining three quarters of the year are as follow:

Civil list, foreign intercourse, and miscellaneous	$15,066,931 13
Deficiency in the Post Office Department	2,719,464 00
Interior Department	3,133,655 25
War Department	13,628,350 90
Navy Department	11,258,095 71
Interest on the public debt	2,370,093 60
Making	$48,176,590 59
Total estimated expenditures for the year 1855	$64,345,921 21

The expenditures of the first quarter, and the estimated expenditures for the remaining three quarters, are $64,345,921 21, leaving an estimated balance in the Treasury, on the 1st day of July, 1855, of $19,762,046 29.

There is always, at the close of the fiscal year, a balance thus estimated, not expended, of at least $12,000,000. That $12,000,000 may be applied to the purchase of the public debt during the remaining three quarters, without disturbing the estimated balance in the Treasury.

The amount of the public debt, outstanding on the 1st day of July, 1853, was	$67,340,628 78
And on the 1st day of July, 1854	47,180,506 05
Being a reduction of	$20,160,122 73

The estimated receipts for the fiscal year ending June 30, 1856, are as follow:

From customs	$56,000,000 00
From lands	6,000,000 00
Miscellaneous	500,000 00
	62,500,000 00
Add estimated balance in the Treasury, July 1, 1855	19,762,046 29
Making the estimated sum of	$82,262,046 29

for the service of the fiscal year 1856.

Estimated expenditures for the fiscal year 1856:		
Balance of former appropriations, to be expended this year		$11,912,905 20
Permanent and indefinite appropriations, to be expended this year		7,934,411 70
Appropriations asked for, and to be expended this year		41,722,516 47
		$60,869,833 37

Leaving the sum of $21,392,212 92 on the 1st of July, 1856.

Upon this estimate of the receipts and expenditures of the fiscal year 1856 there will be a balance in the Treasury, on the 1st of July, 1856, of $21,392,212 92, without expending anything in the redemption of the public debt; but if $12,000,000 shall be applied to the redemption of the public debt, which may be done, there will remain an estimated balance in the Treasury of $9,392,212 92.

It appears the receipts from customs, for the second, third, and fourth quarters of the fiscal year 1854, were not diminished from the pressure in the money market and other causes, as expected in my former report. They were kept up from importations, growing out of large exports of provisions, caused by the scarcity in England and France, and the expected demands of the European war, and by the shipments to this country of foreign manufacturers, which, owing to the want of a remunerating market in those countries, sought the benefit of ours. They were also kept up by a greater uniformity and better valuation of foreign goods, and a diminution in smuggling, caused by increased vigilance on the part of the revenue officers. The foreign and internal immigration to the new States and Territories, combined with speculative investments in the public lands, greatly increased the receipts from that source; so that, instead of a reduced revenue, as anticipated, the receipts have been greater than in any previous year.

It also appears from the statement of the receipts of the first quarter of the fiscal year 1854, that the receipts, both from customs and lands, have been greater for the quarter than a fair proportion of the estimated receipts for the year. This has grown out of the same causes that kept up the receipts from customs and lands, for the last three quarters of the fiscal year 1854, aided as to lands, to some extent, by the effect of the act graduating the price, which operated in favor of the receipts, for the latter half of the quarter.

The receipts from customs for the remaining three quarters of the year cannot be in proportion to those of the first quarter, owing to the reciprocity treaty, introducing free trade with the British colonies, and the short crops in almost all portions of the country, which must materially affect the exportation of provisions and the return importations, and diminish the ability to purchase and pay for foreign goods. The effect of a scarcity of provisions, with consequent high prices, has

always been to diminish the consumption of other articles of customary use, and may be expected to operate on the importations for the remaining three quarters of the year, as it certainly will on the consumption. Moreover, the United States have enjoyed a long period of agricultural, manufacturing, and commercial prosperity, under extended bank and other credit facilities, backed by the immense production of gold, from the mines of California. This has led to large speculative investments in railroads, lands, lots, houses, ships, stocks, and other enterprises, and to enhanced prices for rents, labor, provisions, and all the necessaries of life. The bank and credit facilities have been in check for more than a year, with a prospect of a continued check; whilst the large and extended indebtedness of operators has to be met under receding prices, without the stimulating effect of new enterprises. This will also act in restraint of importations and consumption. In the estimated receipts from customs for the three remaining quarters of the current fiscal year, the effects of the reciprocity treaty and reduced importations have been considered; whilst, also, the same causes will operate in the sale of the public lands; but the effect of the act graduating the price has been considered sufficient to keep up the receipts from the latter source to what they were for the fiscal year 1854.

The estimate of receipts for the fiscal year 1856 has been made from an expectation that the same causes which will operate to reduce the importations and consumption of foreign goods for the remaining three quarters of the fiscal year 1855 will be continued through a part of the succeeding year, and sensibly affect the importation and consumption of foreign goods.

The accompanying table, 3, exhibits the particulars of the public debt on the 1st of July, 1853, and the accompanying table, 4, exhibits the particulars of the public debt on the 1st of July, 1854, to which is appended a table, exhibiting the interest paid on the public debt during the fiscal year 1854, and the principal, interest, and premium on the part redeemed within that year. Table 5 exhibits the principal, interest, and premium on the public debt, redeemed from the 1st July, 1854, to the 20th of November, 1854. From these tables it appears that the sum of $20,098,422 73 of the public debt was redeemed between the 1st of July, 1853, and the 1st of July, 1854, and that the interest and premium paid on the amount redeemed was $3,345,545 23; and the principal, interest, and premium on that part of the public debt redeemed between the 1st of July, 1854, and the 20th of November, 1854, was $2,604,203 51.

The table, 6, which accompanies this report, exhibits the tonnage engaged in our foreign and coasting trade from the year 1789 to the 30th of June, 1854. It will be seen the increase for the last year has been 395,692 20-95 tons.

The table, 7, which accompanies this report, exhibits our exports and imports for the same time; and the table, 8, which also accompanies this report, exhibits the sums received into the Treasury from customs, public lands, miscellaneous sources, including loans and Treasury notes, and the tariff, and particular price of the public lands under which the same was received; also the annual expenditures during the same period. From the table of exports and imports it appears the imports are $26,321,317 in excess of the exports, no account being taken of the precious metals brought in by emigrants. The profits on our exports, and the freights earned by our ships in foreign trade, ought to more than cover this excess. The exports include over $38,000,000 of specie and bullion exported; but, whilst specie and bullion are products of labor in our mines, they rank with any other product, and must enter into our foreign trade as articles of commerce, and can have no prejudicial effect upon the great interests of the country. These tables combined, exhibit the growth of our commercial marine, of our exports and imports, and the receipts and expenditures of our Government, and prove that the receipts into the Treasury are sufficient to meet all reasonable expenditures, discharge the public debt, and allow a reduction of the rate of taxation, with almost a certainty that our increasing commerce will give an increase of revenue equal to the reasonable demands of the future.

Therefore, I feel it necessary, again, to call the attention of Congress to the propriety of reducing the revenue from customs, so that no more money shall be received into the Treasury than is required for an economical administration of the Government. The reduction proposed in my former report, as carried out by the bill prepared in this Department, and the reduction proposed in the bill prepared and reported by the Committee of Ways and Means of the House of Representatives, would each have effected the object of bringing the receipts from customs to the proposed revenue standard.

The present tariff has eight schedules, or different rates of duties, as follow: The first of 100 per cent., the second of 40 per cent., the third of 30 per cent., the fourth of 25 per cent., the fifth of 20 per cent., the sixth of 15 per cent., the seventh of 10 per cent., and the eighth of 5 per cent. The bill prepared by the Committee of the House of Representatives has five schedules, as follow: The first of 100 per cent., the second of 20 per cent., the third of 15 per cent., the fourth of 10 per cent., and the fifth of 5 per cent. And the bill prepared at this Department, and which is substantially the one reported by the minority of the Committee of the House of Representatives, has but two rates of duty: The first of 100 per cent., and the second of 25 per cent. There are difficulties in the execution of the present tariff growing out of the required classification under the eight schedules; and these difficulties continue to increase by the acts of the manufacturers in assimilating one class of goods to another, and in ascertaining the material of chief value in the fabrics. The difficulties would be reduced under the bill of the committee, and would entirely disappear under that proposed by the Department.

The bill of the committee, with the tables herewith annexed, exhibits the revenue from customs for the fiscal year ending June 30, 1853, and what has been the revenue under the present tariff for the average of six years, including 1853, and what would have been the receipts for the same periods under the bill of the committee, and under the one recommended by this Department. These tables only include the enumerated articles in the bill of the committee, leaving the sum of about $2,000,000 of revenue from unenumerated articles; but they are sufficient to explain the character of the present tariff, the one proposed by the committee, and the one by the Department.

Herewith is also presented exhibit 10, containing the free list proposed by this Department, to which is added the English tariff on the same articles; from which it will be seen that the English tariff makes most of these articles free; and, as far as these articles are used in the arts and manufactures, most of them are free of duty under the laws of other manufacturing nations. Under the English tariff, the raw materials used in the arts and manufactures have been made free of duty, whilst our tariff of 1846 imposes on those articles heavy duties; and thus, to the extent of the duty on the raw material, the English manufacturer has a decided advantage over manufacturers of the United States in the markets of other nations, whilst the effect of the tariff of 1846 is reduced in our own markets. In the revision of the tariff, for the purpose of reducing the revenue, it was deemed expedient and proper to take away the advantages accruing to the manufactures of other countries, under their free list, by making the same articles free under our laws, except as to the article of wool, and as to that article, on the coarser wools. Under the reciprocity treaty, wool from the British provinces will be admitted free of duty. In 1853, the importations of wool and woolen goods amounted to over $30,000,000, and the wool and the value of the wool in the manufactured article, amounted to at least $10,000,000. This was over and above the amount produced in the country, and affords satisfactory evidence that sufficient wool is not produced in the country for its consumption. The consumption of wool in the United States for the year 1853, is estimated at 200,000,000 pounds, of which 60,000,000 is the production of the country, and 21,000,000 imported as wool, and the balance of 119,000,000 imported in manufactures of wool.

The proposed addition of articles of general consumption to the free list, such as salt, &c., was deemed more questionable, but was made because it seemed to have had the sanction of Congress and the people as to tea and coffee, and it was thought would leave the operation of the tariff laws more equitable in their bearing upon all sections of the country, than a general reduction on all articles. The addition of unadulterated wines was made to promote our commercial intercourse with wine-producing countries.

The present tariff, the bill of the Committee of the House of Representatives, and that of this Department, impose the like duty of 100 per cent. on spirits imported. The bill of the committee reduces the schedules of the present tariff from 40, 30, and 25 per cent. to 20 per cent., retaining the 15, 10, and 5 per cent. schedules, with some transposition of articles from one schedule to another; whilst that of the Department imposes a duty of 25 per cent. on all articles not made free; most of the articles in the 15, 10, and 5 per cent. schedules of the present tariff having been added to the free list, there being no just reason why the articles not added to the free list should not pay the higher rate of 25 per cent. The table, 11, which accompanies this report, exhibits the amount that would have been collected for the year 1853 under the present tariff, the bill of the committee, and that of the Department, and what would have been collected under each schedule of the bill of the committee, and affords evidence that the 5th schedule will not pay the expenses of collection. Indeed, it is believed the advantages of these schedules will be counterbalanced by the increased difficulties and expense of collection. Whether the general rate should be 20 or 25 per cent., is a question of some doubt. It was thought that a reduction to 20 per cent. might have the effect of increasing the revenue by increasing the importations; whilst the duty of 25 per cent. would not probably have that effect. A question of greater difficulty was, whether the rate of 40 per cent. should not be retained on manufactured and adulterated wines, and whether silks and some other sumptuary articles should not be added to that schedule. Upon mature reflection, I am fully satisfied that the schedule of 40 per cent. should have been retained, keeping in it wines not made free, and adding to it silks of all kinds, laces of all kinds, millinery of all kinds, and other sumptuary articles; and I now recommend that, in revising the tariff, such a schedule, specifying the articles, be added.

The table, 12, which accompanies this report, exhibits the articles manfactured in the United States, which have formed a part of our exports, for the years 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, and 1854. It will be seen from this table that there has been a great increase in the annual export of articles manufactured in this country. It may be fairly calculated that the $26,000,000, and upwards, of manufactured articles exported during the fiscal year 1854 will continue gradually to increase until the manufactures of the United States shall constitute a fair proportion of our foreign exports.

In recognizing, as I do, the principle that duties should be levied for revenue, and not for protection, I have considered it no departure from the principle to counteract the legislation of other countries, and make the same articles free under our laws that are free under theirs; knowing, also, that there never has been a tariff law enacted, under the Constitution, in which some articles were not allowed to be imported free of duty.

The table, 13, which accompanies this report, exhibits duties to the amount of $1,524,457 40 on the articles made free by the reciprocity treaty with Great Britain during the fiscal year 1854; to which extent the annual revenue from customs will thereby be reduced.

In my former report a repeal of the fishing bounties was recommended, for the reasons there referred to. That recommendation is renewed, and the subject of drawback duties on refined sugar is recommended to the consideration of Congress. The same principle would require like drawbacks on all exported articles on which there is a duty on the raw material used in their manufacture.

The reports of the First, Second, Third, Fourth, Fifth, and Sixth Auditors, and of the First and

Second Comptrollers, and the Commissioner of Customs, which accompany this report, numbered from 14 to 22, inclusive, exhibit a fair statement of the operations and condition of their respective offices. They are all in good order, and the current business is promptly, and, it is believed, correctly done; and, besides, considerable progress has been made in closing the large unsettled balances that stood open on the books of the Treasury, as stated in my former report. That report stated the outstanding balance on the 1st of April, 1853, at.....$132,521,704 09
And there had been settled, up to the date of that report..... 30,500,154 50

Leaving.....$102,021,549 59

Since the date of that report, this sum has been reduced by settlements, collections, &c., as follows:

In the office of the First and Fifth Auditors, per report of the First Comptroller of the Treasury.....$65,237,291 47		
Corrections in the same.....	1,001,020 00	
In the office of the First Auditor, per report of the Commissioner of Customs....	2,523,872 72	
In the office of the Second, Third, and Fourth Auditors, per report of the Second Comptroller	4,924,265 64	
In the office of the Auditor for the Post Office Department.....	400,715 64	
In the office of the Solicitor of the Treasury.....	351,235 50	
		74,438,400 97
Leaving yet unclosed.....		$27,583,148 62

The reports of the First and Second Comptrollers, and of the Commissioner of Customs, upon the subject of these balances, numbered 23, 24, and 25, and which accompany this report, give reason to hope that in another year they will be still further reduced, and a stricter system of accounting enforced.

The force in the office of the Sixth Auditor and First Comptroller is inadequate to the increased business in the former, and the increased business and arrearages in the latter; and it was not possible to give the required additional force by transfers from other offices, owing, in part, to the curtailment of five clerks in the Third Auditor's office, one in the Second Auditor's office, and one in the Second Comptroller's, from the failure to estimate for them, and from Congress only granting eleven of the twenty-one clerks recommended by the Department. The attention of Congress is called to the report of the Sixth Auditor and the First Comptroller, as to the necessity for additional force in their respective offices. It is recommended that Congress allow five additional clerks and two auditional messengers to the Sixth Auditor, and two additional clerks to the First Comptroller. The attention of Congress is also called to the report of the Sixth Auditor, as to the necessity of additional room for the accommodation of the clerks of his office, and the safety of the accumulating papers and records, with a recommendation that Congress make provision for the same.

It would facilitate the business, and render less complicated the accounts of the Department, should all the accounts of the Interior Department be given to the Second Auditor, and all the accounts of the War Department be given to the Third Auditor, as recommended in my former report.

The attention of Congress is called to the fact that the Commissioner of the General Land Office and his clerks still occupy a portion of the Treasury Building, and that the First and Fifth Auditors and their clerks, and part of the clerks of the Third Auditor, have to be accommodated in rented buildings, apart from the Treasury Building; also, that the clerical force in the building cannot be accommodated in suitable connection. Under the expectation that the Land Office will be removed in the course of next spring, an estimate has been submitted for the expense of affording additional light and ventilation to the Treasury Building, so that the rooms will be more convenient and comfortable, and the necessary appropriation for that purpose is recommended.

The system of monthly accounts from the collectors of customs, and the settlement thereof, within the succeeding month, at the Treasury, has been adhered to and fully carried out, with a few exceptions upon the Pacific; and the accounts are being rendered and settled with great dispatch. The benefits growing out of this system to the public, and the officers of the revenue, is more manifest the longer it is enforced. The Department has caused the collector's offices in all the ports to be examined within the year, with but few exceptions, by agents of the Department, in order to ascertain how their books and accounts were kept, and, by personal inspection, how the official corps discharged their duties. These examinations have enabled this Department to correct errors and omissions, and to see that the official corps devote themselves, in person, to the duties confided to them, and have resulted in securing greater vigilance, and a more faithful application of the revenue laws.

The report of the Register of the Treasury (No. 26) also accompanies this. It exhibits a greatly improved condition of his office. The annual report on commerce and navigation is in advance of any former one, and will be in print for the use of Congress at the commencement of its labors. The business of the office has been promptly and well done.

The Solicitor of the Treasury has caused to be made out a schedule (No. 27) of all the lots and lands purchased under execution and decrees for the United States, or otherwise taken for debts due to the United States, and which have heretofore been sold, and also a schedule of all such lands as are now held by the United States. They are submitted, in order that Congress may have in view the sales heretofore made, and devise some suitable mode for the future sale of the property on hand, and such as may hereafter be acquired; also for closing or crediting on the books of the Treasury such debts as have been, or shall be, discharged in whole or in part by the purchase of real estate; because, after accounts have been stated at the Treasury, leaving a balance due to the United States, they are passed to the Register, and appear on his books, and then to the Solicitor, and appear on his books, and are then sent to the proper district attorney for suit. When the debt is collected and paid into the Treasury, in whole or in part, the amount so paid is entered on the books of the Auditor, where the account was first stated, and then on the books of the Comptroller, and then on the books of the Register; but where lands or any other thing is purchased under execution for the debt in whole or in part, no entry thereof is made on the books of the Auditor, Comptroller, and Register, until a resale is made and the money is paid into the Treasury; and when the United States fail, in whole or in part, in the courts, no entry is made on the books of the Auditor, Comptroller, and Register. Thus, the books of the Treasury exhibit balances due the United States after the same are discharged. This might be remedied by a Treasury regulation, causing the proper entries to be made on the books of the Auditor, Comptroller, and Register, and opening in each office an account of the lands, &c., purchased for the United States on each debt, and for the discrepancies between the Treasury statements of indebtedness and the judgment in the particular case; but it had better be regulated by Congress. This correction of the books would be a work taking considerable time and labor, as it would require to overhaul the books from the commencement of the Government. Yet no just statement of the condition of the balances on the books of the Treasury can be made until it is done.

The report of the Solicitor of the Treasury (No. 28) also accompanies this report, and exhibits the operations of that office, and the attention given to the trial of suits, and the collection of money upon judgments in favor of the United States, with suggestions as to the propriety of amending the law, so as to authorize a commission to district attorneys for the collection of old judgments, and the propriety of authorizing the Department to make compromises and settlements. The attention of Congress is called to the subject, with a recommendation that the Department be authorized to allow district attorneys and others, employed for that purpose, a commission not exceeding ten per cent. on the amount collected.

The report of the Treasurer of the United States (No. 29) also accompanies this. The business in the office of the Treasurer has been promptly and satisfactorily performed. The money, both of the United States and the disbursing agents of the Government, deposited, has been safely kept. One additional clerk for the Treasurer's office is recommended, for the reason stated by the Treasurer in his report.

Under the eleventh section of the independent treasury law, it was thought advisable to have the offices of the assistant treasurers, and the depositaries of the United States, examined by an agent of the Department, and Mr. William M. Gouge was appointed to examine all of them, except that of San Francisco, California. His letter of appointment, No. 30, accompanies this report, as also his general report upon the condition and operation of the offices used as depositaries of the public money, and by the disbursing agents of the Government, exhibiting a highly satisfactory condition of said offices, the keeping the books and the public money, and the duties of the respective officers. He will be required to examine the southern offices not heretofore examined by him. The assistant treasurer's office at San Francisco has been examined by J. Ross Browne, another agent of the Department, and that office found in good condition, and the business promptly and satisfactorily performed.

The table, 31, which accompanies this report, exhibits the imports and exports of coin from the 30th day of September, 1821, to the 30th day of June, 1854; and the table, 32, which accompanies this report, exhibits the coinage at the United States Mint from the year 1792 to the 30th day of September, 1854; and the table, 33, which also accompanies this report, exhibits the coinage of the United States Mint and branches, from our own mines, from the year 1804 to the 30th day of September, 1854.

Under the act of 1853 there has been $16,152,170 of silver coined at the Mint in Philadelphia and branch Mint at New Orleans, and circulated at Philadelphia, New York, Boston, Detroit, Chicago, Baltimore, Washington, Richmond, Norfolk, Charleston, Savannah, New Orleans, St. Louis, Jeffersonville, Cincinnati, San Francisco, and Pittsburg; and furnished to citizens at various other places. This has tended to keep a sound currency for change in circulation, and afforded great convenience to the public; but the circulation of large amounts of small bank notes has contracted the benefits of the silver change in many places, or driven it away, or tied it up in the pockets of the people. The full benefit of silver coinage for change can never be realized whilst small bank notes are encouraged under bank charters, and made current by the patronage of the community.

These tables give some data from which an estimate may be made of the increasing amount of gold and silver coin retained in the country. The table, 34, with the remarks annexed, which accompany this report, exhibits estimates made by Secretaries of the Treasury and others, of the amount of gold and silver coin in the country at different periods, and gives the amount on the 30th of September, 1854, at $241,000,000, which is believed not to be a high estimate. Of this sum there was about $60,000,000 in the banks, and $26,000,000 in the United States Treasury; the rest being in circulation amongst the people, or hoarded up.

It appears from the report on the banks from this Department, submitted to Congress on the 6th of May, 1854, that in 1850-'51 there were 879 banks in the United States, with a capital of $227,807,533, and in 1853-'54 there were 1,208 banks, with a capital of $301,756,071, being an

increase of $73,948,538. In 1850-'51 the circulation of the 879 banks was $155,165,251, deposits $128,957,712, due to other banks $46,411,928, and together $330,539,891; and in 1853-'54 the circulation of the 1.208 banks was $204,689,207, the deposits $188.188,744, and there was due to other banks $50,322,162, and together $443,200,113, making an increase of $112,660,222, with specie in their vaults in 1850-'51 of $48,671,048, and in 1853-'54 of $59,410,253, being an increase of $10,739,205. These tables exhibit a bank circulation of $204,689,209, against the $241,000,000 of gold and silver in the country. The independent treasury of the United States, receiving and paying for the fiscal year 1854 more than $75,000,000 in the current coin, has kept up the demand for it, and prevented the large bank circulation from obtaining the mastery, and driving the constitutional currency from the country. In our table of exports we find an increase in the export of coin over the previous year, but not exceeding the produce of our mines. This increase may be, in part, accounted for by the large redemption of the public debt held abroad, and the bank circulation, a large part of which was in small notes circulated at a discount in places remote from the issuing bank, and forcing the better currency of gold and silver out of the market.

The United States having placed her receipts and expenditures upon the constitutional currency of gold and silver, it is in the power of the States, by prohibiting the banks from issuing and circulating notes of a small denomination, and by making the constitutional currency the basis of their own receipts and expenditures, to give the victory in all times to the constitutional currency, keep a sufficiency in the country for all the purposes of a circulating medium, and prevent the evils and losses that always attend an inferior currency. The disorder now felt in money matters grows out of the failure of many of these banks, and the curtailment of the circulation and discounts of others—which in the last six months must have reached forty or fifty millions of dollars; and in part out of the effects produced by the large imports, and in part out of the want of confidence between lender and borrower. It cannot be attributed to the shipment of gold and silver, which is nothing but a consequence growing out of these causes.

The independent treasury has been administered in strict accordance with the provisions of the law, in all respects, as stated in my former report. There has been found no difficulty in its operation, nor in complying with any of the provisions of the law. The opening the Treasurer's office at Washington, and the offices of the several assistant treasurers and public depositaries, as places of deposit for the disbursing agents of the Government, has been attended with signal success, and resulted in great advantage to the Executive Departments and the disbursing agents. The table, 35, which accompanies this report, shows the growth of the deposit system; the number of disbursing agents who deposit, with the places and amount of deposit at different periods. It will be seen that in September these deposits exceeded $3,500,000; whilst all disbursing agents who could, have not availed themselves of the privilege, and many disbursing agents could not do so, because there were not depositaries convenient to their location. The returns of these deposits furnish the means of ascertaining the operations of disbursing agents, and whether the funds are kept in readiness to meet the appropriations; whilst, upon the removal, resignation, or death of a disbursing agent, the amount on deposit passes at once into the United States Treasury and to the credit of the depositor, without the procrastination caused by having to await a settlement by the agent or an administration; and can at once be applied to the purposes of the appropriation through another agent. The money thus on deposit is as safe and secure as that in the Treasury, and is without risk to the depositor; and it is right the Government, and not the disbursing agent, should be at the expense and risk of keeping the public money until actually disbursed. It is to be regretted that all disbursing agents conveniently situated have not availed themselves of the right to deposit, because it furnishes cause of mistrust as to a strict compliance with the law, both in respect to the deposit and use of the public money; and does not give the United States the benefit of promptly obtaining the amount not disbursed, upon the removal, resignation, or death of the incumbent.

The work on the Coast Survey continues to make good progress, and the means appear to have been carefully and economically used. If the work shall have the continued support of Congress for a few years more, the fullest and most reliable knowledge will be obtained of our extensive coast, and of all our harbors, to the great advantage of our navigation and commerce. The work is recommended to the consideration of Congress, with the belief that no more convenient time will be found for its continuance and completion, nor a more able corps of officers to which it can be confided.

The report of the Light-House Board, No. 37, also accompanies this report, and is referred to for the detailed operations for the past year. The business has been promptly and faithfully attended to in all its branches, and the system made as efficient as the time and means would allow; and it is recommended to the continued favor of Congress, in order that increased facilities may be given to navigation in all its branches and connections.

Under the appropriation of $20,000 for continuing the system of protecting human life from shipwreck on the New Jersey coast, and $20,000 appropriated without specification, (which the Department has thought advisable to expend on the coast of Long Island,) Mr. S. C. Dunham was appointed for the New Jersey coast, and Mr. J. N. Schellinger for the Long Island coast, with instructions to examine existing stations, and report what would be needed to put them in a perfect state, and to select intermediate stations, so as to make the stations on each coast five, instead of ten, miles apart. Both these agents have reported, and are now employed in building the houses at the new stations, and providing the articles required for them and the old ones, and the additional boats have been built, and are being shipped to the new stations.

Under the appropriation of $12,500 for locating boats at different points on Lake Michigan, twenty-three boats have been purchased and sent to the places indicated in the act. Boats for the two remaining points will be purchased and sent so soon as persons can be found to take the proper care of them, for which purpose the necessary inquiries are now being instituted.

The late melancholy disaster to the ship New Era has shown the inadequacy of the mortars heretofore used for throwing lines to vessels in distress, and establishing a communication between the wreck and the shore. Experiments are now being made, with a view of providing a mortar, mounted, and capable of throwing a ball and line the requisite distance. The appropriations will not be sufficient to place all the stations in an entirely effective condition.

The report, No. 38, from Captain A. H. Bowman, of the Engineer Corps, in charge of the construction of custom-houses, marine hospitals, &c., which accompanies this, gives information in detail of all that has been done towards the completion of those under the direction of this Department since the date of my last report, and of the working of the system of operations, and affords all necessary information upon that subject. The attention of Congress is particularly called to that part of the report which relates to the custom-house being built at New Orleans. It satisfactorily appears that the foundation is not sufficient for the weight and character of the superstructure, as specified in the plan, according to which Congress has directed it to be built; and that there is urgent necessity to modify the plan and remedy the evil as far as practicable, and a modification of the plan as indicated by Captain Bowman is recommended.

The attention of Congress is also called to the report of Captain Bowman upon the site for a custom-house at Detroit; and it is recommended, for the reasons stated by him, that authority be given to sell the present lot, and purchase a more suitable one.

The Department has selected sites for the custom houses at New Haven, Connecticut; Burlington, Vermont; Oswego, New York; Toledo and Sandusky, Ohio; Chicago, Illinois; Milwaukie, Wisconsin; and Wheeling, Virginia, in accordance with the report of Captain Bowman, No. 39, accompanying this, he having been sent to examine the sites offered in the several cities, and confer with the commissioners and others upon the subject; and steps are being taken to obtain the titles, with a view to early action in having the buildings constructed. The table, No. 40, exhibits the sites and prices agreed to be paid in the several cities. No report was made on the site at Buffalo, New York; Cincinnati, Ohio; and Burlington, Iowa, for the reasons stated in the same report. There has not been time for information from New Orleans since instructions were issued to obtain offers for a site for the marine hospital there.

The Department having learned of an embezzlement of bullion by one of the officers in the Mint at Philadelphia, determined to have the Mint and course of business investigated, and a detailed report made with a view to the better security of its operations. Messrs. Richard Smith and J. C. Pickett were appointed for that purpose. A copy of the letter of appointment (No. 41) and their report accompany this, with a copy of the new regulations which the director of the Mint has adopted, with the sanction of this Department, for the government of the Mint and branches. They are submitted to Congress for such additional legislation as the circumstances seem to require.

The condition of the Mint at Philadelphia, as to safety as a depository and security from fire, was examined by Captain Bowman, under the directions of this Department. His report (No. 42) accompanies this, and states the necessity of giving the same greater security as a Mint and depository, and of its being made fire-proof; and estimates are submitted for the alterations, and also for improving the vaults of the Treasury Building at Washington. In Captain Bowman's general report it is stated that the appropriation for the repairs of the branch Mint at New Orleans is not sufficient to make it thoroughly fire-proof and secure as a Mint and depository, and estimates are submitted for that pupose. The attention of Congress is called to the condition of the Mint at Philadelphia and the branch Mint at New Orleans, and of the vaults in the Treasury, and such appropriations recommended as will make them fire-proof and perfectly safe. The propriety of an annual appropriation, for keeping in repair the vaults and safes for the assistant treasurers and depositories, is submitted.

The table, 43, which accompanies this report, exhibits fifty-four places, including the marine hospitals, where relief is afforded to sick and disabled seamen, under the direction of this Department, with the average cost per day of each patient at the several places. It appears the average cost is fair and reasonable at most of the places, but at others it greatly exceeds what it should be. Every effort has been made to bring the cost within fair and reasonable limits, but the greatest discrepancies are found in those places where there are but few patients to accommodate, and where it has been found impossible to reduce the items constituting the largest average in the expense, such as compensation of surgeons, &c.

The report of the supervising inspectors of steamboats, under the act of 30th August, 1852, No. 44, accompanies this report, as also a letter from Mr. William M. Gouge, charged by this Department with the duty of attending the meetings. The Department also procured Professor Booth, melter and refiner at the Mint in Philadelphia, to experiment upon fusible alloys, in connection with Evan's safety valves, and otherwise, with a view of testing the same, and in order to have reliable alloys should it be determined to continue their use. His report, No. 45, also accompanies this, and gives valuable information upon the subject. The attention of Congress is called to the suggestions in the report of the supervisors, the letter of Mr. Gouge, and the report of Professor Booth. The Department has been furnished with the table, 46, which accompanies this report, showing the loss of sixty-three steam-vessels from the 1st of January, 1854, to June of the same year, with the causes thereof. This

table exhibits ten by collision, seventeen by fire, five from ice, twenty-three from snags, and states nineteen of them were lost from inattention and negligence, thirty-one from accident, one from being unseaworthy, and only two from unavoidable causes. This exhibit proves that much remains to be done, under the steamboat act, to secure capable and efficient officers on steam vessels for the preservation of life. These, and the recent losses upon the ocean, properly raise the question whether the law should provide greater security in the construction of steam-passenger vessels, or leave them as now to the ship-owners.

In my former report the attention of Congress was called to the inconvenience arising from the two sets of local inspectors—one under the act of 1838, and the other under the act of 1852—and the propriety of having but one set under the same superintendence. The regulations which the supervising inspectors are authorized to make should also have the approval of the Department, and its supervision in enforcing them.

The propriety of providing for supervising inspectors on the Pacific coast was also stated, and is again recommended. The attention of Congress is also called to the penalty for collision, under the act of 1838, which only applies to the destruction of life on the vessel the officer commands, and does not embrace the killing done on the other vessel.

There seems to be no express provision, in any act of Congress, that the records and papers of the several collectors of customs shall be public property, and left in the offices for the use of their successors; nor any provision making it a felony to make false entries in the collectors' books, or return false accounts to the Treasury. It has been customary in many of the districts for the outgoing collector to carry away the books and papers, on the pretense that they were private property, because purchased out of the emoluments of the collector, under the regulations of the Treasury. They have been declared, by a Treasury circular, the property of the United States, and directed to be preserved and handed over to the successor. The fact that these books were carried away was cause of suspicion as to the integrity of the collectors, and in four ports, to wit: Oswego, Cleveland, Toledo, and Milwaukie, where other strong circumstances strengthen the suspicion, investigations were instituted, with copies of the returns made to the Treasury, and the books and receipts of the importers in the United States and those in Canada examined. The accounts of the late collector at Oswego were ascertained to have suppressed duties, actually collected by him, to over $75,000; the collector at Cleveland to an amount almost of $115,000; the collector at Toledo to an amount of about $5,000; and the collector at Milwaukie to over $3,000. These are the first frauds of this description that have ever been brought to light. They are now presented to the consideration of Congress, for such additional legislation as may be deemed necessary. In the revision of the revenue laws prepared at this Department, under a resolution of the Senate, and now before that body, clauses have been inserted for the purpose of providing the proper remedy. There has been no revision of the revenue laws since the enactment of 1789. The necessity of a revision is respectfully urged upon the consideration of Congress.

In addition to the tables and reports hereinbefore particularly mentioned, various statements of exports and imports, a statement of the persons employed in the several collection districts, and a complete set of the circulars issued by this Department since the date of my former report, also accompany this.

The important interests confided to this Department require that the clerical force should be not only capable, but trustworthy in all respects. I find there has been great improvement in that force. In most cases, the best of those found in office were retained, and under the system of classification, when vacancies occurred, a rule was established to promote, for capacity and efficiency, from the lower to the higher classes, whilst the required examinations have secured more capable clerks for the first class. The rules of the office are strictly enforced, and there exists commendable industry, capacity, efficiency, and, it is believed, integrity, in the corps employed. The Department is being brought into good condition.

All which is respectfully submitted.

JAMES GUTHRIE,
Secretary of the Treasury

Report of the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
December 4, 1854.

SIR: I have the honor to submit the usual annual report of the operations of this Department.

The business of the General Land Office has greatly increased, but has been conducted with vigor and ability.

The surveys of the public lands have progressed rapidly, and the necessary preparations, as far as the appropriations will permit, have been made for extending them into the new Territories.

The quantity of land in market has been largely augmented, and every facility given to the hardy pioneers to secure eligible and permanent homes.

The adoption of the graduation principle, introduced into the land system a novel and important feature, and stamped it with a character almost entirely new. The labor, on the part of the Bureau, produced by it, is immense, and has involved the office in difficulties that cannot be easily or effectually surmounted without the further aid of Congress. The law may be so modified as to preserve its distinctive features; relieve its provisions from the uncertainty that now attaches to them, and, at the same time, more effectually accomplish the grand object to be attained. No doubt the intention was to aid and protect the actual settler, and not promote the schemes of mere speculators.

This being assumed, the law, according to the plausible construction of the latter, will be found lamentably defective. It could not have been enacted to subserve their interests at the expense of those seeking permanent residences, and yet, unless it be more strictly guarded, its provisions more clearly defined, and its objects more fully declared, it is feared such will be the result.

During the last fiscal year 11,070,935 acres have been surveyed, and 8,190,017 acres brought into market. Within the same period there were sold for cash..... 7,035,735.07 acres

And the amount received therefor.....$9,285.533 58

Located with military scrip and land warrants..... 3,416,802.26 "

Swamp lands selected for States.....11,033,813.53 "

Selected on donations for roads, &c..... 1,751,963.19 "

Making a total of.....23,238,313.05 acres

Exhibiting an increase of 5,952,240.17-100 acres over the previous year of lands sold for cash, and a sensible diminution in the amount located with scrip and land warrants, and selected for States.

The quantity of land sold during the second and third quarters of the present year, was about 5,436,538 acres, being an increase of about 3,826,619 acres (in cash of $3,642,496 44) on that of the corresponding quarters of the last year.

This extraordinary difference is owing to the remarkable advance in the price of real estate over the whole country, and to the operation of the law graduating the prices of the public lands.

The quantity of land granted to satisfy the warrants issued to soldiers of all our wars since 1790, amounts to 31,427,612 acres. To satisfy Virginia land warrants, scrip embracing 837,356 acres has already been issued, and the balance yet required is estimated at about 200,000 acres.

In my last annual report, donations of public lands for the construction of great leading highways in the new States, were recommended for reasons therein stated. Although nothing has since transpired to change or modify the views then entertained and advanced by the Department, yet it would be folly to attempt to conceal the fact, that through the popularity of the scheme, the apparent prospect of being able to prostitute it to mere purposes of gain has induced many projects which are totally unworthy of public confidence. It may, therefore, be difficult, under existing circumstances, to discriminate between those worthy of governmental aid, and those urged for mere speculative purposes. But if the application proceeds from the Legislature of the State in which the improvement is contemplated; and upon a thorough examination and rigid scrutiny it is found to be promotive of the development of the country, and the enhancement of the value of the adjacent lands, there can be no reasonable objection to the grant. By confining it to the land in the vicinity of the projected thoroughfare, restricting the amount at any time to be patented to the construction and completion of a given number of miles of road, and throwing such guards around the grant as legislative wisdom may devise, there can be little danger of the donation being improperly used.

The applications to Congress, at its last session, contemplated the construction of five thousand and fifty-six miles of road—exclusive of the great Pacific railroad and its branches—and assuming six sections to each mile of road, would have required in round numbers twenty millions of acres.

In compliance with the urgent solicitations of the representatives of the several portions of country where these contemplated improvements were to be made, large bodies of land, estimated at about thirty-one millions of acres, were withdrawn from market in anticipation of the grants being made, but this not having been done, the lands were restored to market immediately after the adjournment of Congress. The withdrawal of lands from market under such circumstances, was found on examination and reflection, obnoxious to several objections, viz: its effects in retarding the settlement of the country—its questionable propriety—the difficulty in discriminating between cases in which it should be done, and those in which it should not—and the injury that might be inflicted upon the section of country the proposed grant was intended to benefit, by turning the tide of emigration elsewhere. For these and many other equally obvious reasons, it was determined that there should hereafter be no reservations for such purposes until grants are actually made by Congress.

The Department would reiterate its recommendation, that officers connected with the survey and sale of the public lands be prohibited, under severe penalties, from becoming purchasers. Such is the general rule in regard to ordinary agents and auctioneers, and it is essential that it should be applied here—experience shows its absolute necessity.

After the passage of the act of 1850, granting the swamps and overflowed lands to the several States in which they lie, many of them were entered at the Government Land Office; and, now, the purchasers claim their patents, and are equitably entitled to them.

It is, therefore, recommended, that, with the concurrence of the respective States in which the lands are situate, the patents be issued, and that, where the land was sold for cash, the money be paid to the State in which the land lies; and, where it was located with scrip or land warrants, the proper State be authorized to enter the amount of land, so located, from the public lands in that State subject to private entry. As the lands belonged to the respective States, from the date of the act, this will be the most equitable, and, perhaps, satisfactory manner of settling the difficulty. Some mode should be speedily devised to relieve the General Government, the States interested, and innocent purchasers from embarrassment.

It will be necessary again to extend the time for the completion of the work of the commission to ascertain and settle the private land claims in California. It expires on the 4th of March next; and, if the time is extended, it is desirable it should be done sufficiently early in the session to enable the Department to advise the commissioners to continue these labors. Notwithstanding the indefatigable exertions of the commissioners, their labors cannot, with a due regard to the public interests, be closed within the time allotted. The whole number of claims presented, is 813. Of these, 72 were adjudicated by the old board, which was constituted in September, 1851, and 325 by the new board, appointed in April, 1853. Of the 397 claims thus adjudicated, 294 were confirmed for 736 square leagues of land, and 103, covering 383 square leagues, rejected.

Transcripts have been forwarded to the Attorney General, in 295 cases, and duplicate transcripts, in 202 cases, to the proper courts, as required by law.

The recorded depositions of witnesses, decisions of the board, original Spanish documents, translations, and the daily proceedings of the board, cover, in all, 6,749 pages, equal to about 41,492 folios. It is estimated that there is at least as much more of this kind of clerical work to be done.

I append hereto a copy of the most recent report received from the commissioners.

Since the new classification and reorganization of the Pension Bureau, it has been conducted with much order and regularity. There is no unnecessary delay in deciding the applications presented, and every attention is given them that can be desired.

The fact was before noticed that the pension act of 3d February, 1853, did not cover the cases of the widows of officers, non-commissioned officers, marines, and mariners, who served in the Navy during the revolutionary war. Congress, at its last session, overlooked it; and, as the omission was clearly accidental, it is proper it should be again presented for consideration.

The widows of seamen who die in service in time of peace, are entitled to pensions which are withheld from those of officers and soldiers of the Army. There is no reason for this distinction. It is supposed by some that a fund is raised for the purpose by the seamen themselves, when in service; but this is an error. Both stand upon the same footing, and have like claims—the pension being a gratuity in either case.

Great irregularities exist in the pension laws, and in their operation. The evil is of so absurd a character, in many instances, as to be exceedingly annoying and mortifying, as well as unjust. Of those that might be adduced, it is presumed that a single one will be sufficient to attract proper attention to the subject. A seaman, a marine, and a private soldier of the Army may be engaged in the same battle, and, all alike, totally disabled. The seaman, by existing laws, will receive three dollars, the marine six dollars, and the soldier eight dollars per month. The disability, and all the attending circumstances, being the same, there should be no such gross disparity

There has been, within a few years past, a large increase in the aggregate amount of pensions paid, much of which is owing to the departure from the original design of the pension policy. The intention of its first projectors was to relieve the wants of those who, having served their country faithfully, and hazarded their lives and fortunes for its freedom and happiness, were destitute. Now, it has become general, and has been more and more enlarged every year, until it has grown into a stupendous system. At an early period of our history it was considered derogatory for any one, however meritorious, to accept the gratuity, even when tendered by the Government, unless in needy or indigent circumstances. A different sentiment, however, has now obtained, and the purest, best, and most honorable of our citizens, do not refuse it. There can be no well-founded objection to this, so long as the law remains as it is. But considering the small pittance (often, under existing laws, only one dollar and fifty cents or two dollars per month) doled out to the indigent soldier, his widow or minor children, it is a question worthy of consideration whether humanity does not demand that the system be so modified as at least to approximate the principle, established by its founders, to increase the amount bestowed upon those whose merits and circumstances entitle them to aid; and to give to them, if nothing more, such substantial relief as sound policy will permit. By adopting such plan, and cutting off all arrearages of pensions, the great evil of the system may be remedied.

The Third Auditor of the Treasury executes several acts of Congress, giving half pay for five years to widows and orphans of officers of the Army. These acts being of the same general character as others executed by the Commissioner of Pensions, and the same principles of construction applying to both, there is a manifest propriety in conferring the whole power upon the Pension Bureau, and thereby preserving uniformity in the decisions.

A biennial examination of invalid pensioners, to detect fraud and prevent imposition, was recommended to the consideration of Congress, but not authorized. It is a remarkably striking fact, that of the large and entire number on the invalid pension roll—with, recently, two honorable exceptions—there appears never to have been any diminution of the disability; but frequently an increase. Besides, the Pension Bureau, crippled as it is for means, has discovered many instances in which palpable fraud has been perpetrated and gross deception practiced. As the imputation of guilt may fall upon the innocent, as well as the guilty, it does seem proper that authority should be given the Commissioner of Pensions, on satisfactory proof of the commission of such offense, to reduce the pension, where the disability has decreased, and to strike the name of the pensioner from the list, where it has ceased. The Commissioner may safely be clothed with this power; for, besides subserving the interests of the public, it will protect from unjust aspersion the honest and worthy pensioner.

The Department would again earnestly recommend a modification of the act of Congress limiting, to two years, prosecutions for perjury and forgery committed in pension and land warrant cases. Why should the criminal escape, when the offense, owing to the ingenuity of the offender, is concealed until the time for his prosecution has elapsed? With all possible vigilance, this cannot be avoided. The cunning and duplicity of the persons engaged in the commission of such offenses is wonderful; still many have been detected through the watchfulness of the Pension Bureau. Up to the 30th of September last, thirty have been indicted; of whom eleven have been convicted, nine fled and forfeited their recognizances, one died, one committed suicide, two have eluded the officers, and six await trial. Others have not been prosecuted, owing to the limitation referred to; and, in several aggravated cases, the statute has been successfully pleaded. The pertinacity and success of the Pension Bureau, in pursuing the offenders, has perceptibly diminished the offense; and, with enlarged power, it may probably be totally checked.

The limitation operates as an incentive, and is, in effect, a bounty to the ingenuity and cunning of the felon.

By examining the reports of the able and efficient Chief of the Pension Bureau, the necessity of a thorough revision of the pension laws will be apparent. Justice to those entitled to pensions, as well as sound policy and true economy, demand it. With a judicious, well arranged system, the Government could diminish the expenditure, give more satisfaction, and do a vast deal more good than is now practicable.

By the act of Congress, approved 3d March, 1853, this Department was authorized to designate three clerks of the fourth class to act as disbursing clerks, and to allow each of them $200 additional as their services for such. With a view, however, to concentrate the responsibilty, and the better to preserve uniformity in the disbursement of the public money, it was deemed best to employ but one disbursing clerk, who, with the aid of two or three assistants, of lower grades, should constitute a financial division of the Department, where the salaries of all the officers of the Department and its Bureaus, and all contingent and other bills should be paid, and all requisitions drawn for the advance or payment of public money. So far the plan has worked admirably well, and it cannot fail to be highly beneficial.

Prior to the commencement of the last fiscal year (1st July, 1853) no ledgers or other books had been kept in the Department, from which the state of its various appropriations, and the amounts in the hands of its agents could be ascertained without resort to those kept at the Treasury. The proper books were, therefore, provided, and a system devised to supply this important defect; and now the balance to the credit of any appropriation can be readily ascertained and payments or advances made, as the public service requires, or the means at the command of the Department will admit. The adoption of this plan has enabled the Department to ascertain and correct what it conceived to be a mischievous practice, viz: the undue accumulation of public funds in the hands of officers who act as disbursing agents.

On the 31st of March, 1845, there was in the hands of pension agents alone the sum of $1,041,495 79
On the 31st of March, 1846..... 681,786 84
On the 31st of March, 1849..... 950,918 25
On the 31st of March, 1850..... 748,900 37
On the 31st of March, 1853..... 948,475 80

As constituting this sum in part, the agents had, under some acts, enough money to meet their estimated demands for several years, and they were required to repay it into the Treasury, which has been done in the adjustment of their accounts.

During the last fiscal year advances have been made to pension agents, with strict reference to carefully prepared estimates of the amounts necessary to meet probable demands upon them; and by this course the amount in their hands has been reduced from $948,475 80, on the 31st March, 1853, to $393,801 20, on the 30th June last. No difficulty has existed in procuring agents to pay pensions. On the contrary, such offices are sought after with as much eagerness as others; and, from the large amounts it has been heretofore customary for them constantly to have on hand, it is not doubted but that they have been fully compensated for their services.

The Mexican boundary survey is presumed to have been recommenced in the field, and no doubt was entertained of its completion under the accomplished officer at its head, within the time and amount estimated; but recent intelligence from the commission has reached the Department, which may render a further appropriation necessary.

An appropriation of $10,000 will be required to complete the maps and drawings of the previous survey. The whole estimate for this purpose was $20,000, but as $10,000 was all that could be economically expended during the fiscal year, that sum only was asked for.

The boundary line between the United States and the British Provinces in the northwest, as designated in the convention of June, 1846, deserves attention. That part especially which separates the Territory of Washington from the British possessions, should be traced and marked. As the British Government is understood to be ready to coöperate, there should be no delay on our part.

The Territory of Washington is in process of settlement, and difficulties have already arisen in regard to the extent of the rights of the Hudson's Bay and Puget Sound Companies, and the interests of many of our citizens are involved in the controversy. As yet, not very much value has attached to the country, and it is a question of moment whether it is not the wisest policy to settle these claims at once. They can probably be extinguished for a reasonable consideration; if so, it should be done.

The Patent Office is in excellent condition, and the manner in which its affairs are conducted gives universal satisfaction. Still, the character of the force, as now authorized by law, is not such as to attain the accomplishment of all that could be desired. By adopting a new arrangement—the result of urgent necessity—the Commissioner has dispatched more than the usual amount of business. Instead of six principal examiners, with two assistants each, there have been, practically, since the first of April last, eleven principal examiners, each with one assistant. Thus, instead of the usual tedious delays, most of the work is up to date.

Since the first of January last there have been issued upwards of sixteen hundred patents, and, within the year, the number will reach nineteen hundred—which will be about double the number issued during the last year. The arrangement, by which this result has been produced, was judicious, and has proved satisfactory to all parties interested.

Several amendments to the patent laws were suggested last year. Those of most immediate and pressing necessity are, provision for taking testimony, appeals, and prescribing a new rate of fees.

Many questions of great importance are frequently pending before the Patent Office, depending, for a correct decision, upon the testimony of

witnesses, and there is no power provided of compelling them to give it. Nothing is more common than for a witness to refuse to attend an examination, or to give testimony after he has attended.

The law now allows any person, who appeals from the decision of the Commissioner of Patents, to select which of the three judges of the circuit court of the District he chooses, before whom to bring his appeal. The chief justice of that court will probably never again be able to entertain an appeal, so that taking an appeal before him is tantamount to its postponement during the term of his natural life; and even after his death there may be some question whether the delay will be at an end. By such an abuse of the law a case has been suspended, in this manner, for nearly two years, and may be continued for an indefinite period.

The rate of fees was fixed at a time when the real value of money was much greater, in proportion to its nominal value, than at the present time.

The pay of the employees in the office has been much increased by Congress, and in various other ways its expenses have been largely augmented, whilst the fees have remained the same. In addition to this, the force of the bureau has been considerably increased, in order to dispose of the accumulation of business.

From all these causes the inevitable consequence has been, that, during the current year, the expenses of the office have been continually exceeding the revenue; and such will continue to be the case until the increase of the revenue shall have been provided for.

Such a reorganization of the examining corps as will place all its members on a proper footing is a subject worthy of consideration. The assistant examiners, who are performing the duties of principal examiners, may justly expect, at no distant day, the compensation attached to those duties and responsibilities.

The Attorney General should be clothed with supervisory power over the accounts of the marshals, clerks, and other officers of the courts of the United States now possessed by this Department. It is germane to the other powers intrusted to him. A law department should, for many obvious reasons, be constituted. Properly organized, it would be very advantageous to the other Departments of the Government, and, at the same time, introduce many radical and salutary reforms in our judicial expenditures.

The salaries of most of the judges of the district courts of the United States are inadequate. Their duties are arduous and important, and constantly increasing. The professional ability, knowledge, and qualities required for their faithful discharge, would insure a much larger compensation at the bar. In many of the districts the clerks and marshals, who perform, comparatively, little intellectual labor, are far better remunerated for their services. A respectable support should be given to men who cannot, on account of the positions they occupy, engage in any other profession or avocation. The preservation and perpetuity of our most valued institutions depend, to a great extent, on the purity, firmness, and independence of the judiciary, and these qualities should be nurtured and encouraged.

Much ambiguity exists in the act of 1853 as to the discretionary power of the Secretary of the Interior over the expenditures of judicial officers, and for judicial purposes. In several instances, judges have presented, for allowance, bills for law books purchased by them, which were disallowed. The district attorneys have frequently asked that offices and furniture be provided for them, which has generally been refused, the rule being to allow office accommodations when, at particular places or in large cities, the Government is compelled to make provision for the courts by renting buildings, and rooms can be spared without inconvenience, but not otherwise. In other cases, marshals have exceeded the limit prescribed by the statute, in the purchase of furniture, where the assent of the Secretary of the Interior is made a condition precedent to the expenditure, and the Department has refused to allow such accounts on the ground that the prerequisite approval had not been obtained, and it was doubted whether he then had the power to legalize an act manifestly illegal. In all such cases, it has been contended by intelligent and experienced jurists and lawyers, that such allowances are proper, and that the power has been conferred on the Department, and they feel aggrieved that it is not exercised. Not disposed, in the slightest degree, to wrong men whose opinions are entitled to so much weight, I hope Congress will, in the next appropriation for the expenses of the United States courts, indicate their opinion on the point in issue, and relieve it of all doubt in the future.

Some time after I entered upon the discharge of my duties, I observed that many inquests were held in the city by the coroner, and found that the sum of $9,800 had, within the last four years, been drawn from the Treasury to defray the expenses. Believing these expenditures to be unauthorized by law, I sought the advice of the Attorney General, who, in an elaborate opinion, having concurred with me, all further payments were discontinued.

In June, 1853, on the question being presented on appeal, I was of opinion that the clerk of the United States courts in this District was, by the one hundred and sixty-seventh paragraph of the act of 1842, obliged, as other clerks, to make report of his fees and emoluments, embracing those of the criminal court. As a contrary view had been taken by one of his predecessors, I submitted the question to the Attorney General, who, upon a thorough examination, came to the conclusion that such was his duty. From his reports, since made, after making large allowances for expenses, his fees and emoluments, in the five years ending the 31st December last, were $29,986 48, being an excess of $12,486 48 over the maximum allowed by law, which will be refunded. There is not even a plausible pretext for his being made a solitary exception to a rule applying to the clerks of all the other United States courts.

By existing laws, the costs of all criminal complaints made before the magistrates of this District, whether the complaint is sustained or not, are paid by the General Government. This item, for the last fiscal year, amounted to upwards of $10,500. The power should surely be conferred upon the magistrate or court to compel the complainant to pay the costs in all cases where the magistrate or court may deem the prosecution unfounded, frivolous, or malicious. This may be the means of preventing the institution of many prosecutions in which the public have no interest.

The judicial expenses of the United States are largely on the increase. To some extent this is natural, and many causes contribute to it; but some exist which seem to be unnecessary, and should, therefore, be removed. A preëminent one is believed to be the great number of terms and places at which courts are held.

Two hundred and twenty-three terms of the United States courts (exclusive of the Territories) are held, in eighty-eight different places, during each year. In the western districts of Virginia, courts are held at six different places; in the northern district of New York at eight; in California at six; in Louisiana at six; and in Florida at five. It is well to inquire whether the judicial business transacted justifies the expense in these and other instances. Were there but one or two places only in each State, for holding United States courts, there would be many obvious reasons in favor of constructing suitable buildings at these points for their exclusive use, so as to make them entirely independent of the State, county, or other local authorities. Such buildings, and everything connected with the federal courts, being assimilated as nearly as practicable to those of the State courts.

The accompanying report from the First Comptroller of the Treasury contains suggestions on this and other kindred subjects, which, emanating from such a source, deserve, and will no doubt receive, the proper consideration of Congress.

In pursuance of the separate resolutions of the two Houses of Congress, passed at the last session, the Superintendent of the Census has prepared, with much labor and ability, a compendium of the Seventh Census, and the required number of copies is ready for delivery. This has nearly exhausted the appropriation for census purposes, a small amount only remaining unexpended. The matters to which his attention was directed being completed, the Superintendent has tendered his resignation, to take effect in the course of the present month, and the office has been discontinued.

Many public improvements are required in the District of Columbia, which can be constructed, at this time, without the expenditure being seriously felt by the Treasury. In such a city certain objects of magnitude are to be accomplished which are beyond the reach of the citizens alone. Nothing can be lost by exhibiting a generous spirit of liberality, the more especially where important interests of the Government are thereby promoted.

The erection of fire-proof buildings is absolutely necessary for the safety and security, as well as the convenience and accommodation of the State, War, Navy, and Interior Departments. No city can be more exposed than this to fire, and none are in possession of fewer means to extinguish it. When there is such a surplus lying dormant in the Treasury, what good reason can be assigned for permitting millions of public property to be constantly exposed to imminent danger, without an effort to protect it?

The rents paid for additional buildings, although large, are trifling in comparison with the irreparable loss that would accrue from the occurrence of such a calamity.

If the money is not thus expended, may it not be applied to purposes of less importance to the American people?

The appropriations made for the present fiscal year, for improving and ornamenting the public grounds, were too small and too limited. With a view to the comfort, health, and beauty of the city, the admirable plan of Mr. Downing should be rapidly pressed to completion. It is impracticable to prosecute it vigorously, without additional means. If liberal appropriations were made, as well as provision for the employment of a skillful and intelligent landscape gardener, all the public grounds might soon be made to assume a beautiful appearance. The portions cultivated and improved are certainly very creditable to the action and taste of Congress; but the remainder, in their present condition, are not only offensive to the eye, but well calculated to generate disease in the city. The force employed upon the public grounds should be differently organized and arranged. There should be a controlling spirit at the head, who would direct and distribute the subordinates and laborers; and the salaries of the officers, instead of being paid at the discretion of the Department, should be fixed by law.

The lots in the city, belonging to the General Government, are now sold by the Commissioner of Public Buildings, and the proceeds expended for the improvement of the streets—nothing going into the Treasury. The propriety is suggested of selecting such as may be necessary for the public use, and turning over the balance to the city authorities, to be exclusively devoted by them to the purposes of education. This would relieve the Department from all embarrassment in connection with them, prevent private individuals from obtaining them, on *ex parte* statements, for a mere trifle, and would benefit a most worthy class of people.

Under the appropriation of $15,000 for completing the Little Falls bridge, a contract has been entered into for erecting, on the stone abutment and piers already built, two spans of wooden bridge—in length three hundred and twenty feet. The plan adopted is known as "Howe's Truss," combined with arches, and the structure is to be capable of sustaining a test weight, or load, of one ton for every foot in length. To make it available for travel, an inclined timber roadway will be constructed to lead from the river bottom, which is dry at low water, up to the roadway of the bridge. This part is liable to be carried away by the spring freshets, but can be replaced at a comparatively small cost. The whole will be completed by the 15th instant. To finish the bridge as originally proposed, would, according to the estimate of the engineer in charge, cost $75,000 more. If appropriated, the Department will endeavor to expend it judiciously and with frugality.

The erection of the buildings for the national hospital for the insane has been prosecuted with great energy, and strictly with an eye to utility

and economy. It was supposed that ere this it would have been ready to receive inmates; but, on reflection, it was concluded best to defer its occupancy until the erection of permanent appendages, which otherwise must have been temporary, and, in the end, far more expensive. The present intention is to receive the patients of the District, now under the care of the Maryland hospital, and Mount Hope institution, at Baltimore, on the first day of January next. It is probable the present edifice will be completely finished and in readiness for occupation on the 30th of June next. It will then accommodate eighty-five patients, with the usual proportion of officers, attendants, and servants. There are now twenty insane persons, belonging to the Army and Navy establishments, and fifty-three indigent insane in the Baltimore institutions, supported by the Government, and eleven are detained in jail in this city. So that it appears there are already eighty-four, who will be entitled to the benefits of this institution, according to its original design. It is conceived that no project can commend itself more favorably to the attention of Congress. To make it a model institution of its kind, should be the determined effort of the Government. This can be done, with the aid and experience of the present excellent superintendent, at a small cost, compared with our other public buildings and similar structures in many of the States.

The penitentiary of the District, although conducted with care and rigid economy, is considerably in debt.

In 1846, a special appropriation of $11,949 64 was made, in addition to the annual appropriation for its support, and to meet, as is supposed, the then existing indebtedness. It proved to be insufficient, however, for though the appropriation for the next ensuing year was about double the ordinary amount provided, an indebtedness is still reported to have existed, on the 31st December, 1847, of $1,055 15, which continued annually to augment until the present warden took charge of the Institution, on the 8th June, 1853, when it amounted to about $12,000. Collections and payments have been since made, which enabled him to reduce this indebtedness to about $7,000, which the institution has no means of paying, as no further collections can be confidently relied upon. Soon after the present warden was appointed, he was instructed to abandon the credit, and adopt the cash system; which has, thus far, had a salutary effect. He is now anxious that an appropriation should be made, to enable him to pay off the indebtedness for which he is in no wise responsible.

It is necessary to increase the number of guards and employees about the penitentiary, as the duties to be discharged are entirely too onerous for those now engaged. In 1849 there were forty convicts incarcerated in it, to guard whom there were nine persons, including the messenger. In 1853, there were one hundred convicts imprisoned, and only eight persons to guard them. That an additional number is requisite admits of no doubt.

In the increase of salaries to officers and clerks of the different Departments, by a late act of Congress, no notice was taken of the chief clerk of this Department, whose duties are as arduous, and of as important a character as those of the assistant secretaries of other Departments. These assistants receive each, $3,000 per annum; he only $2,200. No such invidious distinction should exist between them. Justly appreciating the value of his services, I have no hesitation in recommending the increase of his compensation, and that he be made, *ex officio*, assistant secretary, in the absence of the Secretary from the Department.

Temporary clerks, when necessary, are employed, under the act of 26th August, 1842, and paid for every day of actual service. The act of 22d April last, requires their compensation to conform to that of regular salaried clerks performing similar duties. A modification of these laws is suggested, so that the temporary clerks shall, hereafter, be paid by the folio or piece, as in the Patent Office. This would tend to prevent partiality, and encourage and reward the expert, industrious, and experienced.

Within the year, fourteen treaties have been entered into with Indian tribes.

The most important have been concluded with the Omahas, Ottoes and Missourias, Sacs and Foxes of Missouri, Iowas, Kickapoos, Delawares, Shawnees, Kaskaskias, and others, Miamies, and the Menomonees. Vigorous efforts have been made and are still being made to execute in good faith all the provisions and stipulations to be performed on the part of the Government; and the Indians seem desirous of strictly conforming to their respective engagements. The appropriations to carry these treaties into complete effect, were made at so late a period that it was found impracticable to accomplish all that was designed. In these treaties the Government adopted a liberal policy towards the Indians, and if it is pursued and prosecuted efficiently it must lead to most beneficial consequences. The principal thing to be feared, is that the poor, ignorant, unlettered and inexperienced Indians may be brought into too close contact with the whites, which generally degrades them, because they seem inclined to contract their evil habits instead of imitating their virtues.

The annuities are abundantly sufficient for all legitimate purposes. A large portion of them should be devoted to the improvement of their moral condition. Ample provision should be made for educational purposes. The missionary establishments among them, which have been very successful in converting many to Christianity and reforming and civilizing them, should be fostered and encouraged.

There is a provision in some of these treaties of grave importance, and requires prompt attention. One of the stipulations with the Delawares, as well as Iowas, and the confederate band of Kaskaskias and others, requires that the lands ceded by them (except the Delaware outlet) shall, after survey, be offered at public sale and sold to the highest bidder; and such portions as may not be sold at public sale, shall be subject to entry, at one dollar and twenty-five cents per acre, for the term of three years, after which Congress may reduce the price of the residue unsold.

The expense of surveying, managing and selling the lands, is to be deducted from the proceeds of the sales, and the balance paid to the Indians. The Government is bound to preserve these lands from all such trespass and intrusion as will interfere with a *bona fide* compliance with this treaty stipulation. If, as is now the case, intruders occupy these lands, and more especially with a view of making permanent settlements, and effectually preventing the governmental authorities from executing this stipulation, they should be promptly ejected. The duty of the Government is clear, and justice to the Indians requires that it should be faithfully discharged. Experience shows that much is gained by sacredly observing our plighted faith with these poor creatures, and every principle of justice and humanity prompts to a strict performance of our obligations.

The better to protect the interests and promote the welfare of the Indian tribes between whom and the United States treaties exist, instructions have been given requiring the agents and subagents to reside within the limits of their respective districts, and to make, through their superintendents, periodical reports, in detail, of their operations.

Many of the Indian tribes are doing well, and their condition is daily improving, whilst others are rapidly deteriorating, and constantly assuming a more dissolute and degraded character. The aggregate number is fast diminishing, and some of the tribes, whose numbers in former days were large, and whose prowess was great, are now nearly extinct. Notwithstanding the unremitting efforts of the Department, it seems impossible effectually to prevent the introduction of ardent spirits amongst them. The facility with which the use is acquired, and the misery and destitution which are its inevitable consequences, are matters of deep concern and regret. The abolition of the system of cash payments, which is being accomplished as rapidly as practicable, will lessen the quantity consumed, as it directly interferes with the interests of the venders. The traders, who have on this account a most potent and controlling influence over the Indians, are generally opposed to the change in the mode of payment, and have seriously embarrassed the efforts made to effect it.

The crops of many of the tribes who have been induced to till and cultivate the soil have, from the continued drought, partially failed. As the quantity of breadstuffs and provisions usually produced afford, at best, but a scanty subsistence, their wants and necessities will be materially increased. As they may be exposed to much suffering during the coming winter, instructions have been given to reserve a portion of their annuities, to avert as far as practicable that calamity. Every effort will be made to relieve them; and it is expected the agents will not be remiss in faithfully discharging the duties incumbent upon them, under such peculiar circumstances.

The hunter tribes have lately exhibited more than their usual boldness and desperation. The limits of their hunting grounds are being rapidly reduced, and the buffalo and other game are fast diminishing; so that they are driven, by stern necessity, to theft or starvation. In consequence of this the frontier settlements and the emigration to California and Oregon have been much exposed and harassed. The military force at the command of the War Department is small, and, although active and vigilant, has not been able to give that protection to our citizens which is so much required.

Perhaps the only course that can be pursued to reclaim these tribes, and prevent their depredations upon their innocent, and, in many cases, defenseless victims, is, to make liberal appropriations for their colonization and civilization. Colonization was, many years ago, partially tested in California, and the recent trial, it is hoped, will prove successful. There is every reason to believe the plan a good one, if those intrusted with its execution have the proper aptitude and qualifications. Few possess the qualities necessary to the useful discharge of the duties of an Indian agent, and fewer still the properties required to carry out skillfully and successfully such a system. If this last hope fails, then extinction appears to be inevitable. Such should not be the destiny of this unfortunate race, if it can be averted by the power of this Government. Some are impressed with the idea that the only successful way of treating them, and preserving the relations that should exist between them and the Government, is to chastise and punish them whenever they err, but, in my judgment, kind treatment, in most cases, will subserve a far better and more useful purpose, and eventually lead to more desirable results. The whites who mingle with, or live contiguous to them, are not always blameless. Often, to their mischievous conduct may be traced the most brutal and distressing depredations of these children of the forest. Kindness has operated wonderfully on some tribes, and why should it not succeed with others? Colonization might be attempted in the Territories of New Mexico, Utah, Oregon, Washington, and the country immediately east of the Rocky Mountains. The object should be two-fold: to domesticate and isolate them, as much as practicable, from the white settlements. The arts of civilized life should be introduced, and, if possible, a settled form of government established among them.

To effect this, large appropriations would be requisite, but how could money be expended more charitably or appropriately than in this great cause of humanity?

I have the honor to be, very respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

The PRESIDENT.

Report of the Secretary of War.

WAR DEPARTMENT, *December* 4, 1854.

SIR: I have the honor to submit the following report of the operations of the Army for the past year; and to lay before you the reports of the Commanding General and of the Heads of the several Bureaus of the War Department.

The authorized strength of the Army (as now posted) is 14,216 officers and men, but the accompanying tables, prepared at the Adjutant General's office, show that at the date of the last returns the actual strength was only 10,745. This dif-

ference, however, between the authorized and actual strength of the Army is fast disappearing under the operation of the law of the 4th of August last "to increase the pay of the rank and file of the Army, and to encourage enlistments."

The general distribution of the Army is nearly the same as shown in my last report. The most important changes will be briefly noticed. The 3d artillery has been reorganized since the wreck of the steamer San Francisco, and six companies sent to the Pacific, *via* the Isthmus of Panama. Two of the companies of that regiment and a detachment of recruits for companies of dragoons serving in the department of the Pacific have been sent by the overland route, for the purpose of exercising a salutary influence over the Indians inhabiting the country through which they will pass and holding to account the tribe implicated in the massacre of Captain Gunnison's party. They will winter in the Great Salt Lake Valley, and proceed to their destination in the spring. Six companies of the 2d infantry have been reorganized, and are now posted in the department of the West. The remaining companies of that regiment will be sent to the same department as soon as their organization is completed. The 6th infantry has been ordered to the department of the Pacific. Six companies of the regiment are concentrated at Jefferson barracks preparatory to sailing for the Pacific by way of the Isthmus, and two others, which were also under orders for Jefferson barracks, have been sent to Fort Laramie in consequence of the difficulties that recently occurred in that vicinity. The remaining companies now at Forts Kearny and Laramie will be sent to their destination next spring, by the overland routes, if a continuation of the Indian difficulties in that quarter should not interfere with this intention. The headquarters and two companies of the 1st dragoons have been transferred to the department of New Mexico, and replaced in the department of the West by four companies of the 2d dragoons from New Mexico. The troops on the Indian frontier of Florida have recently been reinforced by two companies of artillery drawn from the Atlantic coast. Some other changes of minor importance have also been made, with the view of effecting a greater concentration of the troops.

The removal from Florida of the remnant of the Seminole tribe, who, in violation of the treaty, have continued to occupy the southern part of that State, has received the constant attention of the Department; but, from peculiar circumstances, the efforts directed to this object have been attended with but little success. It is, however, believed that better results may be anticipated in the ensuing year. The troops have taken a line of observation which greatly contracts the limits of the territory occupied by the Indians; and it is proposed to make expeditions through the region where they have hitherto remained securely concealed. By opening roads and by the use of boats adapted to the navigation of the lakes, swamps, and bayous, which have heretofore enabled them to elude pursuit, (including a small steamer, as recommended by the quartermaster general,) the Department expects to acquire an accurate knowledge of the country, and to impress them with the conviction of their inability to escape from or resist the power of the United States. Measures have been taken to cut off their trade and to make them feel the great inconvenience which will attend an attitude of defiance on their part towards this Government. By these means it is hoped the Indians may be peaceably removed to the home provided for them west of the Mississippi, and the claim of Florida to be relieved from their presence to be speedily answered. Should this hope not be fulfilled, the measures above referred to are the proper and most efficient steps preliminary to active operations for their removal by force.

In the other military departments the Indians have repeatedly come into collision with our troops. Depredations upon our frontier inhabitants and upon emigrants passing through the Indian country have been, and are still, of frequent occurrence. In the department of the West, besides the depredations committed by smaller tribes, hostilities have occurred with the Sioux Indians, the most powerful and warlike tribe of the Northwest. In Texas they have been so frequent, and of so threatening a character, that it was considered necessary to authorize the commander of that department to call upon the Governor of the State, from time to time, as exigencies might arise, for such volunteer force as might be required to repel Indian incursions. In New Mexico serious hostilities were repressed by the prompt and energetic action of the troops employed there, but depredations upon the inhabitants are still of occasional occurrence; and in the department of the Pacific outrages of the most revolting character have recently been perpetrated on parties of emigrants on their way to California and Oregon. To repress such disorders, the troops have been actively and constantly employed; and in the arduous and harassing duties that have devolved on them, have exhibited a gallantry, zeal, and devotion that merit the favorable notice of the Government. The details of these operations will be found in the reports transmitted herewith.

During the past year, the Sioux Indians have committed many depredations upon the property of the emigrants passing Fort Laramie, on their route to Oregon and Utah. On the 19th of August, Lieutenant Grattan, of the sixth infantry, was sent, by the commander of that post, with thirty men, to arrest an offender. This entire detachment was massacred by the Indians, with the exception of one man, who escaped severely wounded, and subsequently died. The circumstances of this affair were at first involved in much obscurity, but authentic details have since proved that the massacre was the result of a deliberately formed plan, prompted by a knowledge of the weakness of the garrison at Fort Laramie, and by the temptation to plunder the large quantity of public and private stores accumulated at and near that post. The number of Indians engaged in this affair was between 1,500 and 2,[illegible]

I regret that it has not been in the power of the Department to concentrate the troops in sufficient force to prevent and, in all cases, to punish these disorders. The circumstances of the service have been such, and the want of troops in all sections of the country so great, that the concentration would have exposed portions of the frontier to Indian hostilities without any protection whatever. Every favorable opportunity will be taken to post the troops in commanding positions from which they can exercise a supervision of the Indian country and operate to the best advantage. The events of the past year have furnished many examples of the inefficiency of small posts. Our entire loss in the several actions with the Indians during the year has been four officers and sixty-three men killed, and four officers and forty-two men wounded.

While the occurrences on our frontier, and in the Indian territory present gratifying evidences of the zeal and devotion of the troops, they also furnish deplorable proofs of the insufficiency of our military force, and the absolute necessity of the increase, which it was my duty to urge in my last annual report. I again solicit attention to this subject, and in doing so must repeat, to some extent, what was then urged.

For military purposes, the territory of the United States is divided into five geographical commands.

1. *The Department of the East*, embracing all the country east of the Mississippi river. This department has 2,800 miles of sea-board, 1,800 miles of foreign, and about 200 miles of Indian frontier. Of the fifty permanent fortifications and barracks on the Lake, Atlantic, and Gulf coasts, now completed, or nearly so, and requiring garrisons to protect the posts, cities, and national establishments which they cover, only eleven are now garrisoned, leaving the remainder exposed to a sudden or unexpected attack from any naval power. The total force in this department, at the date of the last returns, was only 1,574 officers and men, and of this number 500 are employed on the Indian frontier of Florida.

2. *The Department of the West* includes the country between the Mississippi river and the Rocky Mountains, except the departments of Texas and New Mexico. It has a sea-board, foreign, and Indian frontier of 2,400 miles, 2,000 miles of routes through the Indian country constantly traversed by emigrants on their way to Utah, New Mexico, and our possessions on the Pacific, and an Indian population of 180,000, a large proportion of whom are, in feeling, hostile to us, and many of them at this time actively so. The total force in the department, at the date of the last returns, was 1,855 officers and men.

3. *The Department of Texas*, nearly the whole of that State, has a sea-board frontier not yet protected by fortifications, of 400 miles, a foreign and Indian frontier of nearly 2,000 miles, and communications through the Indian country of more than 1,200 miles. The Indian population is estimated at 30,000, nearly all of whom are nomadic and predatory; and the western and northern frontiers of the State are exposed to constant inroads from the Indians in Mexico and the plains. The force in that department, at the date of the last returns, was 2,886 officers and men.

4. *The Department of New Mexico.*—This department has an Indian and foreign frontier of 1,500 miles, communications through the Indian country of more than a thousand miles, and an Indian population of 50,000, a great portion of whom are bands who do not acknowledge the authority of the United States. The force in this department, at the date of the last returns, was 1,654 officers and men.

5. *The Department of the Pacific*, embracing the State of California, and the Territories of Oregon, Washington, and Utah, and a part of the Territory of New Mexico. This department has a sea-board frontier of 1,500 miles, entirely unprotected by fortifications, except the works in progress at San Francisco; an Indian and foreign frontier of 1,600 miles, and more than 2,000 miles of communications through the Indian country; an Indian population of 134,000, who are becoming formidable from concentration, from the acquisition of fire-arms, and a knowledge of their use. The force in this department is only 1,365 officers and men; but, as heretofore mentioned, they will be increased by an additional regiment ordered there.

To recapitulate: We have a sea-board and foreign frontier of more than 10,000 miles; an Indian frontier, and routes through the Indian country, requiring constant protection, of more than 8,000 miles, and an Indian population of more than 400,000, of whom probably one half, or 40,000 warriors, are inimical, and only wait the opportunity to become active enemies. If our Army should be expanded to its greatest limit, it would have a force of 14,731 officers and men; but, as a large allowance must always be made for absentees, invalids, &c., the effective force would probably never exceed 11,000.

That this force is entirely inadequate to the purposes for which we maintain any standing army, needs no demonstration; and I take occasion again to urge the necessity of such immediate increase as will at least give some degree of security to our Indian frontier. That, for this purpose, a regular force is not only the efficient and cheap, but the proper and constitutional means, seems to me demonstrable, if not obvious. The President is authorized to call out the militia to repel invasion, and suppress insurrection. These are the emergencies for which it was deemed proper to confer upon the Executive the power to call citizens from their homes and ordinary avocations, and these are the great occasions on which they may be justly expected to make all personal sacrifices which the safety of the country may require. It is in this view that we habitually and securely look to the militia as our reliance for national defense. It was not the design of the Constitution and laws to enable the President to raise and maintain a standing army, yet this would be the practicable effect of a power, at his discretion to call the militia into service, and employ them for the ordinary duty of preserving order in the Indian territory. The abuse to which such a power, if it were possessed, would be subject, sufficiently attests the wisdom of our forefathers in not conferring it, and must remove far from us any desire to possess it.

If this view of the subject be correct, it follows that the Executive must look to the Army regularly authorized by law to preserve police among the Indian tribes, and to give that protection to pioneer settlements, which interest, humanity, and duty alike demand. The organization of the two new Territories, and the impulse given there-

by to emigration towards the western frontier, and the increase in the overland trains to our Pacific possessions, have multiplied the opportunities as well as the causes of Indian depredations and hostilities. It is reasonable to expect that the ensuing year will be marked by more numerous and serious Indian outrages than the last or any preceding year.

Our border settlements extending from the Missouri westward, and from the Pacific ocean eastward, are steadily pressing the savage tribes into narrower limits and an unproductive region, from which result combinations of bands heretofore separated from each other, producing, at the same time, by their concentration, an increase of power and a diminution of their ability to live by the precarious products of the chase. Hence, a two-fold necessity for an increase of our military force.

The question of economy in the employment of the means for this purpose has been frequently and fully discussed. It may not, however, be without benefit to advert to some instructive facts in our past experience of Indian wars.

The expenses occasioned by the war with the Sac and Fox Indians, in 1832, amounted to more than three millions of dollars; the definite appropriations for the suppression of Indian hostilities from 1836 to 1841, inclusive, amounted to more than eighteen millions of dollars. Within the past six years large appropriations have been made for the same object in Texas, New Mexico, Utah, California, and Oregon. The aggregate of such expenditures in the last twenty-two years, independent of the regular appropriations for the support of the Army, is estimated at more than thirty millions of dollars, a sum sufficient to have maintained for the whole period, a much greater force than that recommended in my report of last year. This sum is independent of the expenditure for property destroyed, compensation to suffering inhabitants, and on account of pensions and bounty lands, and, of course, does not include the losses occasioned by the destruction of private property, nor those consequent upon the interruption of agriculture and of the progress of settlement. These cannot be measured by any specific sum, and although private in their character, are not limited in their effects to individuals, but by diminishing the resources of the country, become public losses, and, as such, are widely felt.

It has been stated by those conversant with all the facts, that if, in 1831, a small mounted force had been at the disposal of the War Department, the Black Hawk war might have been prevented; and that, in 1835, if a few additional companies had been sent to Florida, the Seminole war would not have occurred.

The state of the recruiting service is shown by the report of the Adjutant General, and the accompanying tables. Since the passage of the law of August 4, 1854, to encourage enlistments, that service has progressed very satisfactorily both as regards the number and the character of the men enlisted. In the months of September and October last, 1,005 enlistments were made, while in the corresponding months of 1853, the number was only 309. In consequence of the number of companies that have been placed on the maximum establishment under the law of June 17, 1850, the little success that attended the recruiting service prior to the passage of the law above cited, and the greater than usual number of casualties that have occurred during the past year, the number of recruits that will be required for the service of the ensuing year will probably not be less than 6,000.

The estimates for the support of the Army during the next fiscal year exceed those submitted at the last session, for the current year, by the sum of $681,668 39. The increase is to be found in the items for pay of the rank and file at the higher rates fixed at the last session of Congress, and for recruiting, clothing, and subsisting the better filled ranks of the Army. In other items there is a decrease, so that, leaving out of view the pay of the Army, which, being fixed by law, this Department can in no way decrease or diminish, the expense of keeping the Army in active service, with its ranks thus increased, during the next fiscal year, will not, according to the estimates, exceed that of the current year. The item of transportation, one of the heaviest expenses, is not increased, and is therefore relatively less than that for the current year; thus verifying the expectation stated in the last annual report, that an increase of the Army would not be attended with a proportionate increase of expense. In fact an undue expense in proportion to numbers always results from not keeping on foot a sufficient force. If the force is too small for the line it protects it must be kept moving. The result is that stated in the Quartermaster General's report. The cost of transportation comes upon the war scale, as for armies in the field.

The means of transportation have, in some instances, been improved, and it is hoped further developments and improvements will still diminish this large item of our Army expenditure. In this connection, waiving other considerations, I again invite attention to the advantages to be anticipated from the use of camels and dromedaries for military and other purposes; and, for the reasons set forth in my last annual report, recommend that an appropriation be made to introduce a small number of the several varieties of this animal, to test their adaptation to our country.

I think it but an act of justice to the officers of the Army again to call attention to the recommendation made in my last annual report, relative to an increase of their pay. The present rates of pay were established more than forty years ago, when money had a much higher value, as measured by the price of food; even as late as 1845, the cost of the soldiers' ration was twelve-and-a-half cents, whilst the estimates of the Commissary General, for the present year, are based on the price of twenty-five cents for a ration. The necessaries of life, generally, have had a like, if not always, an equal appreciation; and, under such circumstances, it would not be just that salaries should remain fixed, which were originally graduated to afford the means proper to the officers' support.

The justice of an advance in the salaries of public officers corresponding with the increased cost of the means of living, has been recognized by the Government in the recent laws for increasing the compensation of most of those employed in the civil departments of the public service. These considerations apply with greater force to the case of officers of the Army, many of whom are compelled, by the nature of their duties, to reside in parts of the country where even scanty supplies can be obtained only at exorbitant prices.

If it was deemed necessary to offer other considerations than those of justice and equality, many would present themselves, appealing alike to the pride, the liberality, and the gratitude of the American people to sustain a proposition which only seeks to relieve the military officers of a discrimination alike onerous and wounding.

It can require but little reflection to convince any one that a policy which confines so large a body of intelligent and instructed men to a rate of compensation below that given in the ordinary occupations of life must tend to drive from the military service its more active and efficient officers. If, as I doubt not, there will be many honorable exceptions to this general proposition, resulting from strong professional attachment to the Army, they are exactly such exceptions as would claim increased consideration from every one who can estimate the patriotism and elevation which should characterize the officer to whom the honor and flag of his country are intrusted.

In the law of the last session of Congress to increase the pay of the rank and file of the Army the terms used to designate the grades of enlisted men are construed to exclude those of the Ordnance Department. As this exclusion is supposed to be accidental and unintentional, it is suggested that an explanatory act should be passed to extend the increase of pay to all enlisted men of the Army. The pay of ordnance laborers and mechanics would still be much below the ordinary wages of such employments.

I would again call attention to the propriety of additional legislation which shall place the widows and orphans of the officers and soldiers of the Army on an equality with those of the officers and sailors of the Navy. The subject has been repeatedly recommended by the Commanding General of the Army, and it is again brought to notice in his report of this year.

In some important particulars, our military legislation, in regard to rank and command, as well as to organization, needs revision. In armies, it is essential that it should be known, under all possible circumstances, who is the officer entitled to command. Doubt as to the source from which orders are to emanate, is destructive of discipline and subordination, and might, on many occasions, compromise the safety of the troops. On this important point our military law is exceedingly vague and defective. Much of the mischief that otherwise would have resulted, has been prevented by the care of the Department in keeping asunder officers whose claims would come in conflict, and by the patriotic self-denial of the officers themselves who, in many instances, have waived claims to command which they believed to be well-founded, and served under those whom they considered as their juniors. Nevertheless, many unseemly controversies have arisen, engendering jealousy, rancor, and insubordination; and the decisions in such cases, so far from putting at rest the questions involved, present a mass of conflicting arguments, from which no general principle can be educed, and which serve only to furnish to every disputant the means of maintaining his own course. So numerous and contradictory have been the decisions of the highest authority on question of rank, that no executive regulation or judgment of a court-martial could now establish any certain rule, or fix the interpretation of the law; for either of these would be met by as high authority for a contrary doctrine, and would probably be, in turn, overruled. Congress only can apply the remedy, and whatever rule they may, in their wisdom, adopt, should be simple in its terms, and universal in its application.

One fruitful source of difficulty arises from double rank. In our service, as in the English, an officer may have one grade by brevet in the Army, or at large, and another in a particular regiment or corps. The law has attempted to define the cases in which one or the other of these commissions shall take effect, and it is to the defective and insufficient manner in which this is done that much of the confusion above alluded to is due. The statutory provision on the subject is copied from the English. Even in their service it has proved a source of much trouble, and, as in ours, there is a class of commissions not known to theirs—commissions in the Army at large, not by brevet. The interpretation of the law is further embarrassed by the necessity of applying it to a class of cases for which it was not intended. To remove this cause of difficulty, some have proposed to abolish brevet rank altogether, but there are many stronger reasons against this course. Brevet rank affords an honorable incentive and reward to distinguished conduct, and enables the Government to avail itself of the services and abilities of meritorious officers in higher commands than they would be entitled to exercise by their ordinary rank. It is true, indeed, that these arguments lose much of their force and application, if the system of brevet promotion is not discreetly and justly administered, and that the system itself produces a shifting of rank dangerous to discipline and military authority. The main benefit of the system is in affording selections for command, but the present law gives brevet rank effect in all detachments composed of different corps, and selection is as much restrained by this rule in favor of brevet rank as by the rule in favor of ordinary commissions. To avoid the evils without forfeiting the benefits of the system, it is proposed to give effect to brevet rank only when the President may see fit to authorize it. As these commissions are designed only to take occasional effect, there seems to be a propriety in requiring his sanction either direct or delegated, as constitutional commander-in-chief of the Army, to give them effect. A further limitation, however, should be put on them. As they are not intended, and ought not to be allowed to advance an officer in his own corps, over his proper seniors, the exercise of them ought to be forbidden, as it now is, in the regiment, troop, or company, where the officer belongs and is mustered.

A difficulty of still greater magnitude is found in the enactments intended to regulate rank and

command when different regiments and corps do duty together. The general provision is, that the command shall devolve upon the officer highest in rank "in the line of the Army," but these words were new in that connection, and of undefined signification, and it cannot be determined whether they were intended to include officers holding commissions by brevet, in the staff, or in certain special corps. The interpretation that has prevailed in our service is, that they do not embrace any officers of the general staff, except the major general and the two brigadier generals, but this is not acquiesced in by many, and the question is still productive of frequent controversy, attended with all the evils which have been above enumerated.

I find much difficulty in proposing any general rule to govern in this particular such a military organization as ours. It is clearly improper to exclude from command, according to their rank, the officers of the military staff, whose duties are as important to the service as any other class of military duties below the chief command, and require equal general capacity, professional skill and experience. This would, in effect, convert the military staff, so essential to an army, into a *quasi* civil corps. On the other hand, officers whose duties, being confined to a special corps, remove them from the ordinary service of troops, ought not to take, by seniority, the military command for which their special service has not qualified them. This remark does not, indeed, now apply to all officers of the staff corps, in the higher grades of which are found many officers who, having long served with troops, and won distinction in battle, were transferred to the places they now hold. But the principle of promotion has since been applied to these corps, and, under operation, their places must ultimately be filled by officers early separated from the general service, and thenceforth confined to a round of special duties. These difficulties can be obviated only by a change in the organization of the general staff itself; and I propose it with less reluctance, as I share the conviction entertained by officers of experience, that the organization is not well calculated for the duties of the staff itself. And I think that not only the efficiency of the staff, but the general good of the whole military service, would be promoted by some essential changes which I shall proceed to submit to your consideration.

Our military general staff, besides the major general and the two brigadier generals, who are habitually in command of troops, is composed of an adjutant general's department, inspector general's, a quartermaster general's department, and a commissariat of subsistence. The officers of these departments, all of whom have military rank, form so many corps distinct from the rest of the Army, with promotion confined to their own corps. The embarrassments in regard to rank and command, resulting from this arrangement, have been stated. But worse evils result from it in the ordinary staff service. In the first place, most of these staff duties require military knowledge, only to be derived from general service and experience. In the second place, from various causes and accidents, errors may be made in the first selection; either the officers selected may not be qualified, or they may become disqualified for their special functions, and yet be fit for the general service. These are evils which the Government should, at all times, be allowed the means of correcting. A good staff is so essential to army operations that it is important to secure its constant efficiency. There are, to my mind, conclusive reasons why the staff should not be organized into permanent corps; and experience in the administration of the War Department has furnished many practical proofs of them. If the duties of the staff were performed by officers holding temporary appointments for such service, all the benefits might be secured of a large field of selection, at all times open, of general experience in the service, and of special qualifications for staff duties. The principal officers found particularly qualified for their special duties, would naturally be retained. Those who might not be useful on the staff would be replaced in their regiments. Either class not having been confined always to a staff corps would be qualified for such military duty or command as the course of service, according to their rank, might devolve upon them.

It has been stated that our organization is peculiar. A brief reference to some of the European systems may aid in illustrating the views hereinafter submitted, of a well organized staff.

The French staff is divided into two branches, a military and a civil. The military has charge of all that relates to orders, movements, and military operations. The civil furnishes all the supplies of the Army. The officers who furnish the supplies have no rank. The military staff have rank, and succeed ordinarily to command by virtue of it. This military staff is composed of two classes of officers—the highest positions in it are filled by selection from the general officers of the Army, so as to secure the best capacity and experience in the service. For the subordinate and more routine duties they have a special corps. But the functions of this corps are of much importance; and to supply it with fit officers, they have provided a special military school and a complete system of instruction in all its duties.

The system is simple, with many obvious merits. It brings all the military staff into one line, and under one head. It secures the double benefit of experience in the general service, and in the special duties of the corps. But it is a system only practicable in a large army. The permanent corps must be such as to secure a sufficient field of promotion. A small establishment does not allow of both selections and permanent appointments. Nor is the separate school and corps for the staff needed in our Army, in which a large proportion of the officers are prepared for such duties by the complete course of studies at our Military Academy. This is an advantage which our service has over those services where the size of armies does not permit the education of officers by Government except for those corps in which it is indispensable, and has attracted the attention of foreign officers and writers.

Instead of one corps, to which all the military staff business is assigned, the English army has two principal military staff departments—the adjutant general's and the quartermaster general's. The chief officers of these are generals of the army, appointed temporarily on the staff; the inferior are appointed, in like manner, from the regiments. Neither class gain rank by these appointments.

The adjutant general's is the department of military orders and regulations, of the recruiting of the army, and of all correspondence connected with the discipline and equipment of the troops.

The duties of the quartermaster general's department relate to the marching, embarking, transportation, billeting, encamping, and cantoning of the troops, and the distribution of their quarters. It is the office of all correspondence relating to military science and topography, maps, and plans.

Besides these military departments of the staff, is the ordnance, which, though not strictly a staff department, and having many important functions not of the staff, yet provides many supplies for the army, and is charged with much of that part of its staff business.

Both these systems, it will be observed, avoid the mischiefs indicated as arising from corps organization like ours, limited to permanent officers. As to which is best where they differ—the English in dividing, the French in uniting, the military functions of the staff—there seems not much room for doubt, if the purely military business of the staff only were in question. The advantages gained by unity of responsibility and authority in military operations overbalance those of special experience and skill that arise from division of labor. But there are a mass of staff duties, not purely military, connected with Army supplies and equipments. All these cannot be accumulated upon one military staff; and an organization which provides only a single military staff, makes necessary the employment of other agents for supplies. But supplies are as essential as the movement of troops to the operations of an army. To separate the furnishing of Army supplies from the other staff duties is, at last, to destroy the unit of military administration in a point where it is always useful, and sometimes necessary, to preserve it. And to confide the supplies to civil agents is to lose the control, where it is so important to retain it, which commanders exercise over military officers. It was in his first great campaign to the frontiers of Russia that the Emperor Napoleon found the great utility of giving a military organization not only to his artillery trains, but also to the general equipage and transportation trains of his armies. The civil machinery of the French staff is now censured by some of their able military critics as too expensive, and too much removed from military control. In these respects it is contrasted with the Prussian system, where every branch of the Army administration is brought under military supervision and direction; to which are attributed that admirable efficiency and economy which enable Prussia to maintain so large an army in proportion to her revenue. In lieu of this control, the French system substitutes, as a machinery of paper checks, a mass of writings and an amount of bureau labor, which have been justly condemned as hardly possible in war, and as really affording no efficient security for the fidelity and economy of the expenditures. In a comparison of the relative expense of the two systems, the French is stated at more than $1,020,000 a year in salaries, and the Prussian at $19,000.

It is not recommended to bring our military staff into one corps, or to incur the increased hazards and expense of a separate corps for supplies. On the contrary, it is thought that, without attempting so entire a revolution of the system to which we have been accustomed, a staff organization may be devised which will avoid the evils of our present system, and will secure the benefits of the French and English systems, with others which neither of them affords. One principle, however, should govern in any system that may be adopted—that of throwing open the appointments on the staff to selection from the officers of the Army at large.

I now proceed to state, somewhat more in detail, the organization recommended.

We have now one Major General commanding the Army, and five other general officers commanding as such by brevet or other commissions, the five geographical departments, and one brigadier general at the head of the quartermaster's department.

It is proposed that the brigadier generals shall be nine in number. This will give one for each department, as now; one for quartermaster general, as now; one for adjutant general, and two for the inspectors general, being an addition of three to those who now, by brevet or otherwise, have rank and command as brigadier general.

The duties of the Adjutant General of the Army are those which in other services belong to the chief of the staff. It is obvious that he should have as high rank as any other member on the staff with him and as the department commanders. Congress marked their sense of the duties of this office by a special act, allowing to the late adjutant general the exercise of his rank of brigadier general.

Inspectors General must have different functions in war and peace. It is impossible for them, and so the regulations of the French service explain the employment of these officers to exercise their inspection functions with troops in actual campaign. There, the generals in command must take care of the condition of the troops. But, in peace, and with scattered garrisons, and in a service distributed like ours, the inspection service is highly important. By taking, in time of peace, inspectors from officers of the grade of generals, they will have a proper rank and authority for the inspection service when so employed. Their duties suggest the special reasons why the inspectors should not be commissioned permanently and solely for that service.

Besides the Adjutant General of the Army, there will be needed in this branch of the staff about seven officers, taken from the regiments and corps; one at the headquarters of the Army, one at the office of the Adjutant General; and one at each department or district headquarters. One of these would probably be available when any important detachment may be collected for actual service; or if others are needed with armies in the field, they may be authorized as occasion may require.

The ordinary service of the Quartermaster's Department in regiments, posts, and detachments,

should be performed by the detail of capable officers from the command. A limited number of experienced officers will be needed to perform the more important duties of the department with large commands, or at the principal stations, and to supervise and control, under the generals in command, the operations of the inferior officers in the parts of the country most remote from the seat of Government, and from the direct authority of the quartermaster general. Ten field officers would probably be sufficient at any time. It is doubted if so many would be always required. Selection and temporary appointments will regulate the number employed by the actual wants of the service.

At the head of the Subsistence Department there should be a Commissary General, taken from the field officers of the Army, with the pay and allowances of colonel, as at present.

A few officers would be required for the principal stations and duties; but the ordinary business of the department, being mainly the care and issue of the rations to the troops, to be performed at posts, and with troops on the march by proper officers detailed from the subalterns. The officers of this department should be charged with the supply of clothing for the Army.

It may be proper again to advert to one effect of this plan of details. That in selecting a sufficient number of junior officers to perform the ordinary service of the staff in the field and in garrison, most of them still serve immediately with the troops, and will not cease to be instructed in regimental and field duties.

It is not proposed to disturb the present system as regards the pay of the troops and the hospital service. Hospital supplies may undoubtedly be best procured by the medical officers who administer them; and in this business no other agency is needed for economy or efficiency. To maintain a separate corps for the mere payment of the troops, is an expense rather disproportioned to the strength of our Army. But our troops are distributed over so great an extent of country, that the pay officers on the establishment seem to have sufficient employment. When troops are assembled in campaign, the paymasters might have additional duties imposed on them; as the care of the military chest, and the payment (as to some extent in other services) of money upon orders and warrants for other branches of the military administration.

Topographical services being included in the functions of the corps of engineers, and of officers of the general staff, it is not deemed expedient to retain a separate organization for the topographical corps. Engineers should be instructed by proper practice and employment in all the various and important duties of the engineer service; and that organization is very objectionable which makes a permanent distribution of duties which should be equally shared and practiced by all, and appropriates a large portion of officers to one, and that, ordinarily, a less important portion of its services.

In this connection it may be in place to remark, that as the duties of engineers require a continued study and experience of a special kind, they require a permanent body of officers. But no injury can result from intrusting the command of troops, according to their military rank, to officers whose functions, in the language of our articles of war, appertain "to the most elevated branch of military service." It is therefore recommended to give effect to the rank of engineers, as of other officers charged with military duties, in accordance with the rule which governs all other service.

The remarks relative to the specialty of the duties and studies of engineers, in some measure apply to those of officers of the ordnance. But advantage will be found in giving on the one hand to the officers of ordnance the benefit of a previous service with troops, and on the other hand in giving to the officers of troops the opportunity of acquiring useful practical information relative to the construction and preservation of their arms and equipments. With this view it is recommended to retain in the ordnance corps only a small number of permanent officers for the more important arsenals, and duties, and to associate with them, as assistants, junior officers, taken, by detail, from the regiments and corps.

The Judge Advocate's department has now only one permanent officer. Officers to officiate as judges-advocate at courts-martial, are appointed by the officers who order the courts. This duty requires legal study and experience, but it also requires a familiarity with the military laws and the customs and regulations of the service. It is therefore proper that judges-advocate should be appointed from military officers, which is the system now practiced.

In the proposed organization, it is not intended to give increased rank, by virtue of their temporary appointments, to the officers employed on the military staff. Their rank would remain according to their commissions in the Army. It may be inexpedient to narrow the field of selection by defining the grade from which they shall be taken. They should receive the cavalry pay and allowances of the next higher grade. This organization removes all grounds of controversy and objection to the rank and exercise of command by staff officers. It leaves military rank to all the military staff. I cannot doubt that an organization upon these principles would materially increase the efficiency of the staff and promote the general good of the service. It would require, of course, a greater number of officers in the regiments than the law now provides, to furnish the necessary details and appointments on the staff, as well as for regimental duty. No injustice or undue hardships would probably result to individual officers of the present staff corps in assigning them to regiments. If the law for the retired list shall pass, there will be no difficulty on this head. But, in any event, the interest of individuals must yield to the public good.

The present organization of the regiments is also capable of material reforms. In the artillery line we have now a larger body in proportion to the strength of the Army than can be spared for the proper service of artillery. In fact, most of our artillery has always been armed, drilled, and employed as infantry. As, however, it is necessary that every regular army should have a proportion of artillery, armed, instructed, and ready for service, it is proposed to reduce our artillery to the size which our service requires and can maintain. The regimental organization is now given to it, but in the field our artillery serves by batteries, and it is proposed to organize it in one corps, of such size only as may suffice for instruction and for necessary service in the field and in the fortifications. The officers and men now in the artillery, not required for the reduced corps, to be converted into regular infantry. A sufficient artillery would be about half the strength of the present four regiments of artillery, and would leave enough to make two regiments of infantry.

The cavalry force of our Army being all required for active service of the same kind, there appears no propriety in making a permanent distinction in the designation and armament of the several regiments. It is therefore proposed to place all the regiments of cavalry on the same footing in these respects, and to leave it in the power of the Executive to arm and equip them in such manner as may be required by the nature of the service in which they may be employed.

The remarks just made in regard to dragoons and mounted riflemen, apply to the case of infantry and foot riflemen. In increasing the force of foot-troops, it is proposed to designate them all as infantry, leaving to the Executive the selection of the arms and mode of instruction applicable to their service in the field. A strong reason for this arrangement exists in the fact that, with the recent improvements in small-arms, it is probable that the distinction in the armament of heavy and light infantry, and riflemen, will nearly cease, especially in our service, where the whole force is liable to be employed as light troops. In the Prussian army, even before the adoption of the new arms, the service of skirmishers or light troops regulated the instruction of the whole body of infantry.

It has always been difficult to devise a rule of military promotion by which the interests of the State may be secured in advancing none but competent men, without affecting the just pride of the officer, or violating the consideration due to long and faithful service. Undoubtedly, if it were possible that the appointing power should always exercise a perfectly enlightened and impartial judgment, the rule of promotion by selection might be advantageously applied in filling up all the grades of the Army. But in no military service has it been thought safe to adopt this rule to such an extent, and in our Army the difficulty of its application is vastly increased by the usually scattered condition of the forces, as well as by other considerations.

The appointment of fit men for commissions in the lower grades of the Army may be, in a great measure, secured by requiring, in all cases, a preliminary examination, as is now required for the promotion of cadets and non-commissioned officers. But, with every precaution in the first appointment, some officers will be found unsuitable for discharging the duties of the higher grades, or they may become disqualified in consequence of the infirmities of age or other disability. The proposed organization of the general staff provides a remedy so far as relates to their important duties, by opening a wide field for the selection of general and staff officers, and for replacing these who may, on trial, be found to want the peculiar qualifications requisite for those duties. This principle may, perhaps, be advantageously extended to the selection of officers for some other important stations in the Army, just as it is now applicable by law to the appointment of a commander of the corps of engineers. It is necessary, therefore, in order to maintain an efficient body of officers, that some provision shall be made for the cases above alluded to, where officers may be disabled or disqualified for promotion. The only means for effecting this object without injustice to faithful public servants is, to create a retired list which may provide the means of retreat for disabled officers, like that which the institution of a military asylum has afforded to other disabled soldiers. This measure has already received the favorable consideration of one branch of Congress, and its final adoption is urgently recommended, as being absolutely essential to an efficient reform. Its adaptation to the service may be tested by restricting to a short period (one year) the exercise of the power to place officers on the retired list, and requiring the renewed authority of law for its continuance; and as to the expense, though that is not the primary consideration in a question which involves the efficiency of the Army, it need only be remarked that, by the present law, the disabled officer who renders no service draws full pay, while, on the retired list, he would receive a much smaller allowance. So far as relates to them, the expensive system is that which keeps them on full pay. Whatever military establishment a nation maintains, should be kept efficient; and it never can be so if the higher ranks are occupied by officers incapable of service. The only choice is to retire them on some reduced allowance, or to disband them. The last is a remedy too harsh to be applied to faithful officers, disabled and worn out in its military service.

For detailed information concerning the Military Academy, I refer to the report of the last board of visitors, and to that of the chief engineer, *ex officio*, inspector of the academy. The proposition submitted in my last annual report, to increase the academic time of cadets, by the addition of one year, has been matured and put into effect by dividing the class last admitted into two parts, the first to pursue the former course of four years, and the second, composed of the junior and less educated members, to pursue the newly arranged course of studies, which will occupy a term of five years. By this arrangement, we avoid an intermission in the supply of cadets to be attached as brevet second lieutenants to corps and companies; and all classes hereafter admitted will be instructed according to the plan of studies arranged for the five years' course. In general terms, it may be stated that the scientific course has not been increased, and that the additions made are those appertaining to practical military instruction and extension of the course of languages and national law. These additions were deemed necessary to qualify military officers for the high and delicate duties they are sometimes required to perform; and they could not be added without increasing the term or subtracting something from the thorough scientific education included in the course heretofore pursued.

From a recent inspection of the academy, I can bear testimony to its successful administration, and the many and decided improvements which have, from time to time, been made. Additional means of instruction have greatly facilitated the acquisition of knowledge, and better arrangements in the quarters and recitation rooms have materially contributed to the economy, comfort, and order of the corps.

I concur in the recommendation of the chief engineer for the establishment of a new professorship to replace that of "Ethics and English studies." This chair is now filled by the chaplain of the post, and if it was ever desirable that the pastor of cadets should also be a member of the academic staff, the wider range recently given to the study of philology, national law, and the contemplated addition of cognate branches, render it impracticable for one person properly to perform both duties.

I also concur in the estimates of that officer for an appropriation for the commencement of the construction of additional quarters for officers on duty at the Military Academy. The necessity for this is fully stated in the report of the board of visitors and the chief engineer. The total cost of the proposed buildings is estimated at $44,054 46, about one half of which is asked for the current year.

The condition of the sea-coast defenses is stated in the report of the chief engineer. The grant of appropriations for these works at the last two sessions of Congress, after their suspension for several years, during which the policy of continuing them was very fully discussed, is regarded as a final decision of the question, and I advert to the subject only to say that recent experience in Europe has placed beyond doubt the wisdom of that conclusion. No defenses can long avail a people who cannot meet their foes in the open field, and our fortifications are not intended to serve as the refuge of weakness or as the strongholds of unpopular power. On the sea-board, in advance of populous cities and important harbors, they are designed to arrest the progress of hostile fleets, and force the invader to abandon his attack, disembark his troops, and pursue his attack by land. The capacity of sea-coast defenses to effect this object against the most powerful armaments that have ever been placed afloat, is amply demonstrated by the results of the late military operations in the Black sea and the Baltic. Happily we may profit by the experience of others without suffering the evils that attend the practical solution of such problems.

Though our arms have heretofore been considered the best in use, recent inventions in Europe have produced changes in small-arms which are now being used in war, with such important results as have caused them to be noticed among the remarkable incidents of battles, and indicate that material modifications will be made in the future armament of troops. The superiority of the grooved or rifle barrel and elongated ball, in range and accuracy of fire, has been long known, yet the difficulty of loading this weapon has hitherto, for most military purposes, counterbalanced its advantages. To overcome this difficulty two methods have been proposed; the first, by loading the piece at the breech, has been for some time in use, but has defects which all the ingenuity expended on it has failed to entirely overcome. The second method which has produced the important results above indicated, is to use an oblong ball of such diameter as to be readily introduced into the piece, but which afterwards is expanded so as to fill the caliber. This was at first done by providing a rest or support at the junction of the chamber with bore, as in Captain Delvigne's method, or by means of a solid pillar in the axis of the barrel, upon which the ball rested and was expanded by blows from a heavy rammer. This was the plan of Colonel Thouvenin, of the French army, and is known as the system "a la tige" which has been extensively used in their service. The same object was subsequently attained by inserting into the rear part of the ball a conical iron cup which, being driven into the lead by the explosion of the charge, acted as a wedge to expand the ball. This is the plan known by the name of its inventor, Captain Minié, of the French army. Still more recently, in England, the ball has been improved so as to expand by the force of the powder alone, without the aid of the cup. This is known as the Pritchett ball, having been brought into use by Mr. Pritchett, a gun maker of London. This idea also had been suggested by Captain Delvigne.

My attention being drawn to the subject, I directed experiments to be made by the Ordnance Department, both as to the proper shape of the ball and the best mode of grooving the barrel. In the course of these trials some important conclusions were reached, agreeing, as was afterwards ascertained, with the results of the investigations then making in Europe. Although our experiments have been confined to our service rifle, and are yet incomplete, they confirm the great superiority claimed for this invention abroad. They show that the new weapon, while it can be loaded as readily as the ordinary musket, is at least equally effective at three times the distance. The foreign experiments indicate a still greater superiority of the new arms. These results render it almost certain that smooth-bored arms will be superseded as a military weapon; but great caution is requisite in introducing a general change in this important element of national defense, for the waste of public money is not the greatest of the evils resulting from the adoption of an erroneous system. The strong probability of a change, and the fact that we have already accumulated so large a supply, more than half a million of muskets and rifles in the arsenals of the United States, besides about three hundred thousand in possession of the States, at a cost of near ten millions of dollars, render it not expedient to continue, at this time, on a large scale, if at all, the manufacture of small-arms of our present patterns. But, until experience shall enable us to decide on the merits of the new improvements, I am of opinion that our expenditures for small-arms should merely be confined to the making of such as are required for fully testing these inventions. I have, however, asked for the usual appropriations for the national armories, in the hope that our experiments and trials in actual service, and the experience of the present war in Europe, will enable us soon to decide on the value of the recent modifications, and to continue the manufacture of arms upon improved models.

Congress, at its last session, made an appropriation for the purchase of a number of the best breech-loading rifles. To ascertain which among the many that have been invented are the best, public notice has been given through the newspapers of the appropriation and its object, inviting all inventors to furnish samples of their arms. When all who choose to compete shall have submitted their arms, a number of each kind deemed worthy of trial, will be subjected to such practical tests as may determine their relative merits as military weapons. Should the result, as it probably will, secure a substantial and simple breech loading arm, it will supersede our present patterns for the use of cavalry.

The efficacy of these new patterns of arms will be further increased by an improved mode of priming, which has been approved by the highest officers in our military and naval services. Operations are now in progress to perfect the details of fabricating this new primer and applying it to finished arms of the old pattern as well as to new ones now in process of manufacture.

In anticipation of an increased, if not exclusive use of rifle arms by the regular Army, and because of the belief that the rifle or light infantry system of instruction, is best adapted to the foot militia, I have caused inquiries to be instituted into the systems used by the light troops of other countries, that complete light infantry or rifle tactics might be introduced into the service with such improvements as the experience of other armies has shown to be valuable. A work on this subject is now in the course of preparation, and it is expected will be, in a short time, submitted to you for such action as it may be deemed worthy to receive.

Attention is again called to the necessity for legislation to provide a more certain and equitable mode for the distribution of arms among the militia, and to the propriety of supplying them with books of tactical instruction, as contemplated in the clause of the Constitution "for training the militia, according to the discipline prescribed by Congress."

I have to ask attention to the necessity for further legislation for the sale of useless military sites. According to the construction which has been given to the acts upon this subject, and which, though its correctness has been doubted, must be regarded as settled by the practice of the Department, the act of March 3, 1819, applies only to military sites then held, and that of April 28, 1828, only to lands "conveyed to" the United States for forts, &c. According to these views, there is no provision for the sale of lands which, since the 3d of March, 1819, have been reserved from the public domain for military purposes, and I therefore recommend that the provisions of the acts giving authority to sell useless military sites be extended to embrace these reservations.

Many reservations around military posts, originally established on the frontier, and now rendered useless by the advance of population, have acquired great value, not only from the rise in the price of lands in such localities, but from improvements put upon them by the labor of the troops, or at public expense. In disposing at public sale of some of these, which came within the act of 1819, it was found that the bids were far below the fair market value of the land—a result which has been attributed, no doubt correctly, to combinations among the bidders. I concur with the quartermaster general in the opinion that similar results can be prevented in future only by establishing a minimum price, below which the land shall not be sold, and I recommend that provision be made for this purpose in any act that may be passed on the subject.

The accounts of disbursing officers have been rendered with more than usual punctuality during the past year, but yet not with the promptitude which the Department desires to enforce. Many officers, not having staff appointments, besides the performance of their appropriate duties in the active and arduous service of the frontier, are charged with the disbursement of public money, and with the care of public property. This, besides the labor it involves, subjects them to some loss, which no care can avoid, and which is a tax upon their pay. To reimburse this loss, if not to remunerate their labor, I concur with the Quartermaster General in recommending that some additional pay be allowed.

I cannot too strongly urge the necessity of effectual measures being taken for the prompt settlement of accounts of disbursing officers at the Treasury. The delay to which they are now subjected exerts a most injurious effect, by destroying the salutary impression of a watchful superintendence of public expenditures, paralyzes the efforts of this Department to enforce promptness in accounting, by keeping it in ignorance of the true state of officers' accounts, and exposes them to loss by failing to give them notice of errors or defects of evidence until the accidents and mutations incident to army life have destroyed their ability to rectify the one or supply the other. One cause of the delay has been the distribution of military accounts between two auditors, both of whom, in some cases, have to settle different parts of the same account, and even sometimes different items of the same voucher. It is hoped this inconvenient and useless arrangement will be abolished, and all the military accounts committed to a single auditor. It is scarcely to be expected, however, that this measure alone will remove an evil which has resisted the earnest efforts of this Department for a long series of years. It is, however, the remedy suggested by our present knowledge of the case; and, if further investigation shall develop other causes of the delays complained of, it will also indicate the additional means necessary to complete the reform.

The arrangement made by the Treasury Department, by which disbursing officers are enabled to keep funds on deposit with the assistant treasurers of the United States, proves to be of great advantage to the service, and promises, when more perfectly understood and carried into full effect, to obviate most of the inconveniences heretofore experienced in transmitting funds and making disbursements in remote parts of the country. It preserves the control of the Department over the public moneys till the moment of their expenditure, and enables it, in the event of the death of an officer, to reclaim its funds without

waiting for the appointment of an administrator or the settlement of his accounts. It also removes, in a great measure, those temptations which the possession of large sums of money in times of active speculative excitement cannot fail to present.

I have again to invite attention to the necessity of some general provision for the prosecution of suits involving titles to lands and other public interests, committed to the charge of this Department, and for the settlement of accounts for counsel fees, costs, and other expenses incurred in maintaining the rights of the United States in such cases. In the absence of any provision of law on the subject, this Department has been subject to exorbitant charges, and has experienced much embarrassment in the conduct of suits.

In pursuance of the views stated in my last annual report in reference to river and harbor improvements, the Department has adhered, in the directions it has given, to the design of making them as complete as possible, without any operation being undertaken which would be dependent for its completion upon future appropriations. Some works have been completed in conformity with these views, but by reference to the reports of the colonels of the two corps of engineers, it will be seen that a large majority are unfinished, and that, in many cases, the balances of appropriations applicable thereto are not sufficient to effect results of much value. As no appropriations were made at the last session of Congress, I have deemed it unnecessary to present further estimates at this time.

To the general remarks upon this subject, in my last annual report, I have only to add that experience confirms the opinion that no benefit at all commensurate with the expense has been obtained, or is to be expected from appropriations granted and applied in the mode heretofore pursued. Much of the expenditure has been utterly lost for want of further appropriations to complete what has been commenced, and works completed have fallen into ruins for want of appropriations to preserve them from dilapidation by the violence of storms, the wear of currents, and the progress of natural decay. A rock or a snag removed from a navigable channel is a benefit gained forever; but artificial structures to protect harbors or change the course, or increase the velocity of currents, must undergo deterioration, which, however small, will be constant, and whatever policy may be hereafter adopted in regard to such works, it will be imperfect, unless it embrace not only their completion upon the plans selected, but their preservation from the operation of the natural agencies which tend to destroy them, as well as from injury or occupation by trespassers. No means will be adequate for these objects, unless accompanied by a cession of exclusive jurisdiction over the site, or at least ownership of the soil. Questions have already arisen, which seem to indicate the difficulties which must inevitably occur from the want of jurisdiction and title whenever the powers now necessarily exercised in the prosecution of these works shall come in conflict with the rights or interests of individuals.

The survey of the northern and northwestern lakes has made steady progress, and the documents accompanying the report of the Colonel of Topographical Engineers show an unusual progress in this work accomplished during the past season.

The roads in course of construction in the Territory of Minnesota have been prosecuted with the means at the disposal of the Department, and a document in the report from the Topographical Bureau will show the system pursued and the progress made in their construction. With regard to those in Oregon, Utah, and New Mexico, special instructions have been given from this Department, of which copies are appended, designed, in each case, to secure, in the first place, a practicable wagon road between the termini, with such improvements afterwards as the balance of the appropriation would allow. The roads in New Mexico, from Taos to Santa Fé, and from Santa Fé to Dona Ana, authorized by the act of July 17, 1854, have not yet been commenced. The location of these, or at least of the latter, will depend in a great measure upon the success which may attend the efforts to obtain water along the route by wells, for which the act makes provision. The cheapest method of obtaining it will, it is believed, be by boring, for which purpose implements could not be obtained in that country. Measures have been taken to procure the necessary tools and apparatus in connection with the examination and trials to be made for the supply of water by Artesian wells on the routes for the Pacific railroad. When these have been completed, the same apparatus can be economically used for the wells on the military roads.

Since the date of my report of February 6, 1854, communicating to Congress copies of all reports then received from the engineers and other persons employed in explorations and surveys to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean, the six parties engaged in those surveys have completed their field duties; reports from four of them have been received and printed under a resolution of the House of Representatives, passed at the last session. The two remaining reports, it is expected, will be ready for the printer in the course of next month. No provision was made, by the resolution above cited, for engraving the maps—without them the reports are comparatively useless. In making surveys of this character, the maps and reports being hastily prepared in the field and generally at night, after a day of fatiguing duty, required careful revision in the office, and are considered as merely preliminary to the more elaborate results which finally take their place. Hence it has been found necessary to return some of the reports for revision, and in some cases to replot the work and make new maps.

When all the reports and maps are received, they will be laid before Congress, with a general report, and a map exhibiting all the routes and such profiles and other drawings as will be necessary to illustrate the subject.

An appropriation having been made at the last session for continuing these surveys, a party has been organized to make further explorations between the plains of Los Angeles and the waters of the bay of San Francisco, to determine whether there be a practicable route for a railroad through the mountain passes of the Sierra Nevada and coast range which extend to the sea-coast at Point Conception. A second party is making preparations for testing the practicability of procuring water by means of Artesian wells, upon the arid plains which occur in the several routes. The results of the surveys already made will, when assembled and compared, probably indicate the direction in which further explorations shall be made by parties organized to take the field next spring, as early as the season will permit.

I refer to the report of Captain Meigs, of the corps of engineers, the officer in charge of the Capitol extension, for a very satisfactory account of the progress of that work. The exterior facing of the walls has been retarded by the difficulty of obtaining, under the contract, a sufficient supply of marble; but the brick-work is well advanced. The walls of the Senate Chamber and Representatives' Hall are finished, and these rooms will be placed under roof during the present winter. It is expected they will be completed by the meeting of the next Congress; but the delay in the supply of marble may so retard the completion of the outer walls and the corridors depending thereon, as to prevent their being occupied so early. The style of the work, both in finish and strength, has been of a higher standard than was contemplated when the estimates were made, but the administrative capacity and professional skill of the officer in charge have so kept down the expenditures that it is believed the cost will not exceed the estimates made for an inferior building. The modifications made in the interior plan of the structure are now so far completed as to be seen and easily understood, and I feel additional assurance as to the successful solution of the difficult problems of acoustics, optics, and ventilation, presented especially in the construction of the Hall of Representatives.

Operations on the work designed to supply this city with water have been suspended for want of funds. It is hoped that appropriations will no longer be withheld from this important work. I have seen no reason to change the opinion that it was judiciously planned and located. My confidence is strengthened that it will be completed at a cost within the estimate, and will secure the object in view with more certainty, and, taking into view the permanence of the work, its capacity to supply future wants, and the absence of machinery entailing annual expense, more economically than any other mode that has been suggested.

By the civil and diplomatic appropriation act, approved August 4, 1854, this Department was authorized to purchase for $200,000 the large fire-proof building at the corner of F and Seventeenth streets, which has long been occupied in common by Bureaus of the Treasury, Interior, Navy, and War Departments. The lease under which it was held expired on the 30th of June, and the owner, who had given the Department due notice, refused to renew it for a less rent than $30,000 per annum, which Congress had refused to appropriate. A thorough survey of the building was made by competent engineers and builders, who estimated its value, in its actual condition, at $197,042, $197,997, and $198,342, respectively, and after some negotiation, the owner agreed to accept the amount of the appropriation in payment for the building and in satisfaction of all claims for damages, as also for arrears of rent accrued since the termination of the lease—nearly three months, which could not be paid, as the act was regarded as making an appropriation either for purchase or rent, but not for both.

It is true the plan of the building was not considered as the best adapted for public offices, but Congress had refused to allow the rent demanded by the owner, and had thus left the Department no alternative but to purchase or vacate it. Between these conditions there was scarcely a choice. Accommodations elsewhere could not be procured, without much difficulty, and I should have felt great reluctance to place in insecure buildings the valuable records stored there, some of which, if destroyed by fire, could not be replaced at a cost less than the price of the building, while others could not be replaced at all; the purchase was therefore concluded upon the terms stated. I have submitted an estimate for repairs and improvements sufficient to put the building in proper condition. Much of the repairs now proposed would have been equally necessary had the Government vacated the building, instead of purchasing, as the lease provided that the building should be restored in a good state of repair. The cost of the additional improvements will hardly exceed the amount of the rent that was released in the contract of purchase.

It is hardly necessary to remark that the purchase of this building in no degree obviates the necessity heretofore frequently presented, of replacing the building assigned for the use of this Department with a fire-proof structure.

The accompanying reports of the Commanding General of the Army and the chiefs of the several branches of the military service, contain full and exact information in relation to the duties with which they are respectively charged. To these I refer for such details as could not be embraced in this report.

I have the honor to be, very respectfully, your obedient servant, JEFFERSON DAVIS,

Secretary of War.

To the PRESIDENT of the United States.

Report of the Secretary of the Navy.

NAVY DEPARTMENT, *December* 4, 1854.

SIR: In the annual report from the Navy Department, which I now have the honor to present, I have taken the liberty, in addition to the usual statement of the operations of the squadrons and the general condition of the service and the public property, to recommend a still further gradual increase of the Navy, and to express frankly my views of the great importance of its reorganization, and the enactment of new regulations for the discipline and improvement of seamen. If they are urged with seeming pertinacity, my only apology is a deep interest in the magnitude of the subject, and a conviction of the necessity of legislative interposition.

SQUADRONS.

The vessels composing the home squadron are, the frigate Columbia, the flag-ship, Commander S. B. Wilson; the sloops-of-war Albany, Commander J. T. Gerry; Falmouth, Commander T. D. Shaw; and the steamers Princeton, Commander Henry Eagle; and Fulton, Lieutenant Commanding J. K. Mitchell. Commodore J. T. Newton still commands this squadron. The cruising of the vessels of the squadron has been principally among the West India Islands, and along the coasts bordering on the Caribbean sea and the Gulf of Mexico.

The Columbia returned to Norfolk, in obedience to orders from the Navy Department, and on the 28th June sailed, under instructions to Commodore Newton, on special duty to St. Domingo. Having thoroughly surveyed the Bay of Samana, and ascertained its depth and character, and examined the localities in its vicinity with reference to fitness for a convenient depot for naval purposes, the Columbia returned to Pensacola, and is now under orders to proceed to San Juan de Nicaragua, conveying to that point Mr. Wheeler, United States Minister Resident to Nicaragua, and Mr. Marlin, United States Minister Resident to Guatemala. The Princeton, Commander Eagle, sailed from Norfolk on the 31st of October for Pensacola, and will proceed on her cruise as a part of the home squadron. The Albany, Commander Gerry, in pursuance of the orders of the commodore, has been actively cruising during the entire year, having visited, among other ports, those of Samana, Sisal, St. Thomas, Laguayra, Curaçoa, Carthagena, Aspinwall, San Juan, Port Royal, and St. Jago de Cuba. She has done good service, and Commander Gerry and his officers merit the approbation of the Department, as I have reason to know that the appearance of our flag at those ports, and the bearing of the officers, contributed much to the encouragement and protection of our citizens engaged in commercial transactions in those regions.

The last official intelligence received from the Albany was on the 28th of September from Aspinwall, informing the Department that on the ensuing day she would sail for New York. There is no doubt of her having put to sea at the time mentioned. Much time having elapsed, and no tidings of her having been received, it is but natural that painful anxiety should be felt, touching her fate. The prevalent opinion is, that she has sustained serious injuries from encountering storms recently prevalent in her course homeward, and that she has put into some port for repairs. With a view of obtaining information and affording relief, the steamer Princeton left Pensacola some days ago in search of the Albany. The Department still entertains the opinion that she is safe.

The Fulton, which until the 24th of April was under the command of Lieutenant James M. Watson, was in useful service, and, having visited many of the ports of the West Indies, returned to the United States. On the 17th May she left Norfolk under the command of Lieutenant Mitchell, conveying to the port of Vera Cruz the Hon. Mr. Gadsden, our Minister to Mexico, and bearer of the treaty recently concluded between the United States and Mexico, where she remained until the treaty was ratified, and with it returned to the port of Washington, where she has since been necessarily detained, and is now ready for service.

The practicability of interoceanic communication by the construction of a ship canal across the Isthmus of Darien, between Caledonia bay and the Caribbean sea, and the Gulf of San Miguel, on the Pacific, has long been a subject of much speculation and controversy among men of science and learning. The magnitude of the work, and wonderful influence which its successful accomplishment might exert upon the commerce of the world, and more especially upon the intercourse between our Atlantic and Pacific possessions, induced the Department, with your approbation, to accept the services of an accomplished and enterprising officer of the Navy, Lieutenant I. G. Strain, who volunteered to undertake the exploration. The Caribbean sea being embraced within the limits assigned as a cruising ground for the home squadron, the Department concluded that the Cyane, Commander Hollins, might, with great propriety, cruise in that region, take proper soundings at Caledonia bay, and at the same time, with but little additional expense, convey any party that might volunteer to engage in the arduous and interesting exploration. Passed Midshipman Truxtor, First Assistant Engineer J. M. Maury, Midshipman H. M. Garland, and a few civilians, and seamen from the crew of the Cyane, also volunteered to embark in the adventure. The permission of the New Granadian Government having been cheerfully given, the Cyane sailed from Philadelphia in December last, and arrived at Porto Escoces, on Caledonia bay, on the 17th of January. The party were landed, and proceeded to execute the special duty assigned. They succeeded in crossing the Isthmus, and returning, after encountering sufferings and hardships, and exhibiting powers of endurance, a spirit of enterprise, and a generous devotion to duty, eminently creditable to them as officers, and honorable to them as men. A few of the seamen and civilians were unable to bear up under their trying exposure, and expired. The Cyane returned with the party to New York. I refer you, however, for a more particular recital of the details of the expedition, to the interesting report of Lieutenant Strain which accompanies this communication, from which you will perceive that he is very decidedly of opinion that the work is totally impracticable, and this, I apprehend, settles the question forever.

It is proper that I should remark that the officers of her Britannic Majesty's ship Virago, on the Pacific, were prompt and generous in extending timely relief to the suffering party, and that a proper appreciation of it has been officially communicated to her Britannic Majesty's Government.

Intelligence having been received that the property of American citizens had been improperly detained by the people of San Juan de Nicaragua; that our Minister to Central America, Hon. Mr. Borland, had been treated with rudeness and disrespect, and that the interests of our countrymen required the immediate presence of a man of war in that neighborhood, the Cyane, being the most available vessel for that purpose, in obedience to instructions from the Department, put to sea again on the 19th of June. On her arrival at San Juan, Commander Hollins, learning from Mr. Fabens, the United States commercial agent at that place, that the demand made by him, by order of the State Department, for a proper reparation of wrongs committed by them, had been treated with derision and contempt, after due deliberation, thought it expedient, through Mr. Fabens, to make a final demand upon the inhabitants for a satisfactory adjustment. As the result was entirely unsatisfactory, Commander Hollins gave notice on the 12th of July, by a proclamation posted in the most public places, that if the proposed terms of settlement were not complied with, he should, at nine a. m., of the 13th, proceed to bombard the town of San Juan, to the end that "the rights of our country and citizens may be vindicated, and as a guarantee for future protection." He had hoped that the show of a determination on his part would, at this stage of the proceedings, have brought about a satisfactory adjustment: such, however, was not the case. His appeals for adjustment were disregarded. His proclamation was only read to be treated with contempt. His return to his country after all this, without inflicting some punishment upon these lawless and reckless people, he thought would be but a signal for a renewal of insults and outrages. Having tendered boats for the removal of property and persons to all who would avail themselves of them, he bombarded the place and destroyed most of their property, without loss of life. I could not reprove this commander for his conduct. Humanity often lends her sympathies to the sufferer, however just the punishment, but patriotism rarely condemns the brave officer who administers that punishment from a sense of justice to his countrymen whose property is destroyed and whose national flag is insulted. We may well regret the stern necessity which constrained him, but it should be remembered that Commander Hollins had been compelled but a year before to interfere and stop these same people in their progress of destruction of American property; that he had, besides, seen the report of our Minister speaking of them as "being persons, almost without exception, of notoriously bad character—some of them discharged penitentiary convicts and refugees from justice, habitually manifesting evil dispositions towards our citizens, and indulging those dispositions to the injury of persons and property whenever they are not restrained by force," and that he was "unable to regard them in any other light than as pirates and outlaws;" that he knew that this ungoverned populace had for a season restrained an American Minister's personal liberty, and rudely assailed him; that they had retained and refused to surrender the stolen property of some of our countrymen; that they contemptuously turned a deaf ear to his appeals for adjustment, and that his alternative was to inflict punishment or return to his country with a well-armed national vessel and report that he had demanded satisfaction, and upon being treated with contempt, had felt it his duty to come home.

Rash impetuosity on the part of those who hold in their hands, to some extent, the elements of war, cannot be too strongly discountenanced. No officer should dare trifle with them. But I think that an acquaintance with all the facts and calm reflection will relieve our own people (who are justly sensitive of national honor) from any fear that a wrong has been perpetrated, and a reference to history may well silence the criticism of others.

The Cyane requiring extensive repairs, and owing to the condition of the crew from the unhealthiness of that climate and their previous exposure in the bay of Caledonia, her return to the United States became necessary. After receiving on board the archives of the commercial agency and Mr. Fabens and his effects, Commander Hollins proceeded to Boston, and the vessel on the 1st of September was put out of commission for the purpose of repairs, which are now completed.

The Falmouth, Commander Shaw, has been very recently put in commission, and will proceed to sea in a few days.

The Brazil squadron, Commodore W. D. Salter, has attached to it the flag-ship Savannah, Commander Samuel Mercer; the sloop-of-war Germantown, Commander W. F. Lynch; the brig Bainbridge, Lieutenant Commanding C. G. Hunter; and the store-ship Relief, Lieutenant Commanding S. C. Rowan. The store-ship Relief returned to New York on the 29th of July for fresh supplies, and having taken in her cargo, sailed for Rio on the 24th of September.

The sloop-of-war Jamestown, which at my last report formed one of this squadron, having completed her cruise, returned to the United States, and arrived at Philadelphia on the 2d of May.

The steamer Water Witch, Lieutenant Commanding T. J. Page, is still actively engaged in the surveys of the rivers Uruguay and Parana.

This squadron is efficiently engaged in taking care of the interests of our country in that region, with which our commercial transactions are rapidly growing.

The African squadron, Commodore Isaac Mayo, consists of his flag-ship, the frigate Constitution, Commander J. Rudd; the sloops-of-war Marion, Commander H. Y. Purviance, and Dale, Commander William C. Whittle. The brig Perry, Lieutenant R. L. Page, after having been on the station two years, arrived at Norfolk on the 15th of July. The Constitution and the Marion will be relieved early in the ensuing year, at which time they will have been two years on that station.

The vessels of this squadron have been actively, and in many instances successfully, engaged in checking the slave trade, and some of them have been regularly cruising on the coasts most frequented by slavers. The officers in command have also had it in their power to render assistance to merchant vessels in distress, and to our growing commerce, exposed to many dangers on the African coast.

The Mediterranean squadron, Commodore S. H. Stringham, consists of his flag-ship, the frigate Cumberland, Commander A. A. Harwood; the steam-frigate Saranac, Captain J. C. Long; the sloops-of-war St. Louis, Commander D. N. Ingraham, and Levant, Commander C. C. Turner. The Cumberland will be relieved early in the

spring, and authority has been given for the return of the Levant and St. Louis early in the ensuing year.

This squadron, during the past year, has visited many of the ports of Italy, Sicily, the Archipelago, and Greece, and also the coasts of Spain and Barbary; and has kept a watchful eye over American interests in the Mediterranean.

The Saranac, under instructions from the Department, conveyed Mr. Chandler, the United States consul-general, to Tunis—from Marseilles to Tunis—where he was landed on the 13th of July, with the usual honors.

The East India squadron consists of the sloop-of-war Macedonian, Captain Joel Abbott, the senior officer on the station; the steam-frigate Powhatan, Captain W. J. McCluney; and the sloop-of-war Vandalia, Commander John Pope. The steam-frigates Mississippi and Susquehanna, the sloop-of-war Plymouth, and the store-ships Southampton, Supply, and Lexington, are now on their way home—the steamers returning by the way of San Francisco. Commodore M. C. Perry, recently commanding this squadron, is, by permission of the Department, returning to the United States by the way of England.

The vessels of the squadron, owing to the civil war existing in China, have had frequent calls made upon them for the protection of American citizens and property, and have been of great service to our countrymen in that remote region.

Commodore Perry, with the steam-frigate Powhatan as his flag-ship, Captain W. J. McCluney; the sloop-of-war Macedonian, Captain J. Abbot; the steam-frigates Susquehanna, Commander F. Buchanan, and Mississippi, Commander S. S. Lee; the sloop-of-war Vandalia, Commander John Pope; and the store-ships Southampton, Lieutenant Commanding J. J. Boyle, and Lexington, Lieutenant Commanding J. J. Glasson, arrived at Yedo Bay, Japan, on the 13th of February, for the purpose of fulfilling the plans of which he had notified them the year before, and of endeavoring to establish commercial relations between Japan and the United States. By indomitable perseverance and remarkable management, he succeeded finally in overcoming the obstinacy and prejudices of the Japanese Government, and induced it to enter into a treaty of amity and peace, by which two of its ports, Hakodade and Simoda, were opened to vessels, and ship-wrecked mariners of American vessels are guarantied to have ample protection and kind treatment on whatever part of the coasts they may be cast. The above-mentioned ports were fully surveyed by our vessels, and are represented to be very convenient and commodious. Presents were also exchanged between the Japanese Government and the United States.

The treaty having been concluded, it was intrusted to Commander H. A. Adams, who was directed to proceed in the Saratoga, Commander W. S. Walker, to San Francisco, and thence to Washington. On the arrival of the Saratoga at the Sandwich Islands, a more speedy conveyance offering, Commander Adams left her and reached Washington with the treaty on the 10th of July. Commodore Perry and those who accompanied him in his novel and perilous undertaking deserve well of their country. A new era seems, through their instrumentality, to be dawning upon the commerce of the world. It is difficult to calculate the wonderful results which present and future generations may experience from this promised gradual dropping off of the cruel fetters with which ignorance has so long embarrassed commerce, and this hopeful prospect of the spread of civilization and liberty and good government, so cheering to the Christian statesman.

The Saratoga proceeded on her way to the United States, and arrived at Boston, September 1, having been absent from the country for four years. I have expressed to Commander Walker and his officers, as also to the crew, my just appreciation of their good conduct, notwithstanding the expiration of their terms of enlistment.

I regret to state that, whilst the Plymouth was engaged in surveying the Bonin Islands, Lieutenant John Mathews, with thirteen of the crew, when in a boat, encountered a severe typhoon, and were all lost. Lieutenant Mathews had a high reputation in the Navy as an officer, and the men are represented to have been among the best of the crew.

The vessels of the expedition for the survey and reconnoissance of Bhering Straits, the North Pacific ocean and China seas, after leaving Simon's Bay, Cape of Good Hope, proceeded to Hong Kong, China; the sloop-of-war Vincennes, Commander C. Ringgold, and the brig Porpoise, Lieutenant Commanding A. B. Davis, by the way of Van Dieman's Land, through the Coral seas, passing the Caroline, and Ladrone, and Bashee Islands, arriving at Hong Kong on the 17th of March; the steamer John Hancock, Lieutenant Commanding John Rogers; the store-ship John P. Kennedy, Lieutenant Commanding N. Collins, and the tender Fennimore Cooper, Lieutenant Commanding H. K. Stevens, by the way of the Straits of Sunda and Gasper, the Carimata and Billeton passages, and the Sooloo sea. Their arrival at Hong Kong is reported by Commander Ringgold early in June.

During the absence of Commodore Perry, with the greater part of the East India squadron, at Japan, the civil war raging in China, and particularly in the vicinity of Canton, so alarmed American citizens holding immense property in that region, that Commander Ringgold considered it proper to suspend temporarily the special duties to which he was assigned, and render protection to his exposed countrymen; and has thus failed to accomplish a large portion of the surveys that had been planned for the present year. In addition to these embarrassments, Commodore Perry informs the Department, under date of August 9, that, on his arrival at Hong Kong, he found the expedition laboring under serious disadvantages, owing to the unfortunate affliction of Commander Ringgold, which has rendered it necessary, in the opinion of the medical officers, that he should return to the United States. Commodore Perry having placed in charge of the expedition an experienced officer, Lieutenant John Rogers, the next in rank, and the plan of operations marked out by him being considered judicious, the Department has directed him to proceed with all dispatch to its execution.

The Pacific squadron, Commodore B. Dulany, consists of the flag-ship St. Lawrence, Commander W. W. Hunter, the sloop-of-war Portsmouth, Commander T. A. Dornin, and St. Mary's, Commander T. Bailey. The frigate Independence, Captain J. Tattnall, bearing the broad pennant of Commodore W. Mervine, sailed from New York on the 9th of October for the Pacific. Upon her arrival out, Commodore Mervine will take command, and Commodore Dulany will return to the United States in the St. Lawrence. The sloop-of-war Decatur, Commander I. S. Sterett, and the steamer Massachusetts, Lieutenant Commanding R. W. Meade, sailed from Norfolk, respectively, the 16th of June and 5th of July, to join this squadron. By last advices, they had reached and left Rio, on their way out; but the Massachusetts, after a day's sail, encountered and suffered seriously from a violent storm, and returned to Rio for repairs.

In addition to the above enumerated vessels, there are on the Pacific coast the stationary store-ships Fredonia, Lieutenant J. D. Johnson, at Valparaiso, and Warren, Lieutenant D. McDougall, at the navy-yard at Mare Island, California.

The St. Lawence has been cruising most of the year between the ports of Payta and Callao, in Peru, and Valparaiso, in Chili. The Portsmouth returned from the Sandwich Islands to San Francisco on the 14th of January. The Government having received sufficient intelligence to impress it with the apprehension that an unlawful expedition had left or was about leaving San Francisco, for the purpose of taking possession of territory belonging to Mexico, instructions were sent Commander Dornin to render prompt and efficient aid in assisting to arrest and suppress any such unlawful expedition as might be set on foot within the jurisdiction of the United States, and to exercise all lawful means of preventing the violation of law and infraction of treaty stipulations. To assist him in this, he was, with your approbation, authorized, if necessary, to charter a steamer for a short time on reasonable terms. Commander Dornin considered it necessary, and for this purpose he chartered, at San Francisco, the steamer Columbus, belonging to the Pacific Mail Steamship Company. With this steamer and the Portsmouth he proceeded along the coast; and having evinced a determination to execute his orders, and unite with the civil authorities in promptly arresting and suppressing all unlawful expeditions, he unquestionably contributed largely to their early termination, and thus to the maintenance of friendly relations with a neighboring power. Some of the leaders were arrested, and many of the sick and wounded availed themselves of the offer of Commander Dornin to return them to their homes.

After he had terminated successfully his efforts in regard to the unlawful expedition against Mexico, he received intelligence that about twenty American citizens were imprisoned in close confinement at Mazatlan. Having investigated the matter, and concluding that their confinement was improper, he interfered, and demanded their release. They were soon discharged, by order of the Government of Mexico, and, at the instance of Commander Dornin, were conveyed, in the revenue cutter W. L. Marcy, to San Francisco, at their own request. The Portsmouth did good service at Acapulco, in reljeving American steamers from the embarrassment of a blockade of that port. When last heard from, she was at the Sandwich Islands, and is now probably on her way to the United States, under the order of the Department.

The St. Mary's, which left the United States on the 15th of October, 1853, joined the squadron at Valparaiso on the 20th of January. Complaints having been made of abusive conduct towards our shipmasters whose business carried them to the Chincha Islands, the St. Mary's was sent there in April. Commander Bailey found in port about one hundred and sixteen sail of vessels, two thirds of which were American. The presence of the St. Mary's had a very beneficial effect, and the masters of the large fleet of merchantmen, both English and American, expressed themselves highly gratified at the prompt and energetic action taken by Commander Bailey in regard to their complaints and grievances. Whilst there he had an opportunity to return the protection which was afforded last year by Admiral Moseby, of the English Navy, to many of our countrymen by affording assistance and protection to Captain McClenan, master of the English ship Kildaire, which assistance and protection had been refused by the Peruvian Governor of the islands. The St. Mary's, after cruising on the coast south of Panama, and showing our flag at Iqique, Arica, and various other ports, was, on the 29th of August, (the last advices from her,) at the Sandwich Islands, whither she had been sent by Commodore Dulany, under instructions from the Department.

The steamer Michigan, Commander J. S. Nicholas, is still in commission on our northern lakes, and, during the last season, engaged in her usual cruising.

The steam-frigate San Jacinto, Captain Stribling, having received on board the new machinery recently constructed for her, put to sea on the 9th of August, for a six months' cruise, with a view especially to testing the capacity of the machinery, in pursuance of the terms of the contract. When last heard from she was at Southampton, and, having undergone very slight repairs, was about proceeding on her cruise.

In addition to the employment of the vessels, officers, and men afloat, as thus recited, many of the officers and men of the Navy are assigned to duty on the coast survey.

INCREASE OF THE NAVY.

Although Congress, at its last session, promptly responded to the recommendation for the construction of six new steam-frigates, and for completing and launching the frigates Santee and Sabine, I am very far from entertaining the opinion that the enlargement of the Navy should stop here. The protection of our wide-spread commerce, the guarding of our extended coast, the preservation of our rank as a nation, demand that we should not be entirely stationary, and with inactive indifference behold the progress of other Powers in naval strength. And it is hardly unwise to glance at the various national Navy

Registers and compare the size of our Navy, *not merely with that of the mighty nations with whom we claim equal rank, but with that of other nations whom we esteem to be far, far behind us in the race of national greatness. Even with the addition of the unfinished six steam-frigates, our naval force will not exceed fifty vessels in condition for service.* Weakness invites aggression, and never inspires respect; while acknowledged strength and visible preparation command consideration, and are the true safeguards of peace. And, although our mission is peace, and no warlike messengers of propagandism are to be sent forth to force republican liberty upon reluctant victims of misgovernment, it may be well to remember that, in addition to the ordinary uncertainty which ever hangs around questions of peace and war in the distant future, we have to encounter illy-disguised jealousy of our peculiar institutions from those who cling with tenacity to the old system of government. Hear the language of one of your predecessors in a message to Congress more than a quarter of a century ago:

"Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might, with some, be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral Powers from injury from any party; that a defenseless position and a distinguished love of peace are the surest invitations to war; and that there is no way to avoid it other than by being always prepared and willing, for a just cause, to meet it. If there be a people on earth, whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burdens, and in submitting to sacrifices to make such preparations, it is, undoubtedly, the people of these States."

The well-armed and well-manned ships of our Navy may be truly regarded as so many ocean sentinels stationed along the main, to challenge at once any who might dare to seek an assault upon institutions sacred to us, but inconvenient to them. It is true, we are at peace with the world; and so, but a few months ago, were the nations of Europe, and, under the benign influence of Christianity and civilization, seemed hopeful of a quiet future, with no rivalry but in arts, science, and national development. The scene is suddenly changed. War, with all its bloody calamities, is convulsing those mighty nations, and no prophetic statesman can foretell its extent or its termination. But who are interested in the Navy? It is not merely the citizen whose lot is cast along the coast, the wealthy merchant in our cities, the speculator in floating merchandise, but merchants, mechanics, planters—our countrymen all along the coast, up our rivers, beyond the mountains. The agricultural interest is as much benefited and protected by the Navy as any other. Every planter, in every section is not more truly protected by the inclosure around his farm, than by our "wooden walls" which float around our coast. The States which border on the Mississippi transport on its bosom their cotton, and grain, and sugar, and vast varieties of products which are borne into the Gulf of Mexico. With no navy sufficient to protect it in that region, who can appreciate the inconvenience and embarrassment which our planting interest will experience in war? But the great cost is often suggested. That should always be vigilantly watched by the prudent statesman; who should, however, remember that every dollar is expended among our own people in the purchase of material and payment of laborers; and that it brings into exercise the mechanical skill of our country, promotes, and thereby perpetuates, a class in our midst essential to our national independence. He who visits our navy-yards, and lingers a moment in beholding the giant frames of the noble ships now being constructed by the genius, the labor, and with the material of our own country, will find that the money expended not merely results in presenting a floating battery to protect our property and our flag, but gladdens the hearts of hundreds of cheerful artisans, who pay it back into the Treasury with fourfold interest. It is not wasted capital; it is not like the millions annually sent abroad to foreign capitalists to pay the debts contracted for schemes of extravagance, leaving embarrassment in its trail. *I do not propose to increase the number of officers,* nor materially to enlarge the squadrons, and thereby increase largely our current expenses, nor to have a navy of the immense size and expense of some of the Powers of Europe. But I *do* propose so to increase the materiel of our navy as *at least to approximate to a state of readiness for emergencies* which wise statesmen strive to avoid, but wiser statesmen prepare to meet. It will be my pleasure to coöperate with the legislative department of Government in practically carrying out these views.

For a detailed statement of the actual condition of our naval force, I beg to refer you to the full report of the Chief of the Bureau of Construction, Equipment, and Repair.

In the exercise of the discretion imposed upon me by the act of Congress directing the construction of six steam-frigates, I decided, after mature consideration and inquiry, to have them built in the navy-yards, under the more immediate supervision of the Department. The Government had a fair supply of material, particularly of live oak, well seasoned; had erected ship-houses, in which the vessels while being built could be protected from exposure, and the mechanics employed could be sheltered comfortably, and able to prosecute the work in the most inclement weather.

On examination I discovered that there was neither material, building-slip, nor ship-house at Pensacola, and that the Franklin was being rebuilt, and the Santee altered and completed, at Kittery. I therefore ordered that immediate preparation be made for constructing the new frigates at the navy-yards in Boston, Brooklyn, Philadelphia, Washington, and Norfolk. There is no difficulty in securing the services of as many skillful mechanics and laborers as are desired. The public officers at the several yards have all manifested a deep interest in dispatching the work with success. Much progress has been made, and I have no doubt six first-class steamers, equal to the expectation of the country, will be completed as speedily as men and means can accomplish the work. Not having facilities for manufacturing the steam machinery necessary, except at the Washington navy-yard, I had no alternative but to make contracts with private establishments for five of the frigates. These contracts have been made with builders of established reputation, and the contractors are busily engaged in fulfilling them. The plan adopted was to invite proposals, so as to call forth the best skill of the country, and, before adopting them, submit them for my guidance to a board of engineers. Bonds with approved sureties have been taken for the faithful execution of the work, and two fifths of the contract price is to be retained until the machinery has worked successfully and satisfactory at sea for six months. Before adopting any of the plans proposed, I thought proper, in consideration of the greater experience of England and France in the application of steam machinery to men of war, to order the Engineer-in-Chief, Martin, to visit Europe with a view to availing himself of any improvements which may have been made. The observations made during his visit, and the interesting reports of Lieutenant Walker, who had been similarly engaged, will prove useful to the service. The Santee and Sabine frigates will be completed and ready for being launched in a few weeks. The Franklin is progressing rapidly, and it is confidently expected that the six steam-frigates will be launched certainly by the ensuing fall, if not earlier.

REORGANIZATION OF THE NAVY.

In my last annual report I ventured to express the opinion "that the present organization of the Navy is not only essentially defective and unwise, but is, in its practical operation, working palpable and serious mischief to the efficiency and character of that branch of the public service," and, "that *a retired list on reduced pay for the faithful who have become infirm; the discharge of the inefficient who have no claim on the bounty of their Government for services rendered; promotion regulated by capacity, merit, and not by mere seniority of commission; and pay to some extent controlled by sea service,* are reforms not only demanded by the condition of the service, by considerations of justice, but absolutely necessary to the preservation of efficiency and usefulness." Efforts were made, during the last session, to accomplish many of the desired reforms. No final action was taken. Subsequent reflection, and experience of nearly two years' connection with the Navy, an extended acquaintance with the officers, and an attentive observation of the practical working of the present system, have not only confirmed me in the correctness of those views, but constrains me, at the hazard of the charge of pertinacity, to renew, most earnestly, my previous recommendations, and to urge their consideration and adoption with deep solicitude. So far as I have the authority at present, these views shall guide my action. I cannot recommend for promotion to higher rank and larger pay officers who do not merit it, from incapacity, either moral or physical. I do not appreciate the justice or policy of promoting to a higher grade an officer who cannot perform its duties, unless in rare exceptional cases, as a complimentary reward for services rendered. It is neither more nor less than elevating the incompetent, and then ordering the unpromoted competent to do *their* work! Is there an alarm of fastening upon the Government an odious pension system? None can cherish a greater repugnance to that than myself; but none can be more fully convinced that it can be so well surrounded with safeguards, restrictions, and limitations, as to retain its virtues and reject its faults.

Is the particular plan of having the aid of a board of officers in ascertaining the incompetent and unworthy objected to? I am not wedded to that or any other scheme, provided the main object can be attained. I should be content to have the Secretary, from time to time, officially report to the President such names as he wishes should be retired or dropped; that the President should transmit, if he thinks proper, their names to the Senate, with a recommendation suited to each case. Thus the President and the Senate, the appointing power, will be the removing power, and the apprehension of star chamber persecution and being victimized by secret inquisition, now felt by some worthy officers, would be quieted. But I forbear to fatigue with details. The magic touch of reform is needed, and if skillfully applied will impart to the now drooping body of our Navy a robust health and a new life. I believe that sound policy, stern justice, *demand* it; that *true* economy is *not opposed* to it. I shall be happy to coöperate with Congress in effecting it.

I have no hesitation in saying that there are many officers now in the Navy whose names do not adorn the Register. There are those incapable of performing duty from age or affliction. There are also many good officers resigning from time to time, because the path of promotion is "blocked up" by the incompetent, and the future seems to them so unpromising. But it is my pleasure, as well as my duty, to say that the corps is still full of chivalrous and gallant officers, who are not only ready for the post of danger, but would sustain the proud reputation of our Navy, which has won so many laurels for our country, and by its brilliant victories cheered the heart of many a desponding patriot. I will not, however, enlarge this report by repeating the views, or reciting the various amendments and modifications of existing laws suggested in my last annual report, but content myself with renewing the recommendation.

DISCIPLINE OF SEAMEN, AND THE ENLISTMENT OF BOYS AS APPRENTICES.

While the just and liberal action of Congress, during the last session, authorizing an increase of pay of seamen corresponding to the compensation in the merchant service, has done much to encourage enlistments, and was received with grateful joy by many a veteran tar, much remains yet to be accomplished to give proper shape, vigor, character and success to the system of discipline in this important, indeed vital, part of the public service. Language cannot describe, the mind can scarcely grasp, how much of happiness and wretchedness hang around the fidelity, the discipline of the neglected sailor. Property, life, victory, defeat, national honor, and renown, have much to do with the character and cheerful obedience and home-love of seamen.

I am very far from recommending the restoration of punishment by flogging. In my opinion the *experience* of the Navy, at least, justifies its abrogation. The sloop-of-war Saratoga, Commander Walker, constituted a part of the squadron to Japan, left the United States in September, 1850, and returned in the same month of the present year, after cruising for four years beneath tropical suns and amid uncongenial people, thousands of miles from home. The term of the

crew's enlistment expired while they were far in the East. They were informed while abroad that punishment by flogging was abolished. I allude to this case especially, as I think the test was a severe one. Yet, on their arrival at Boston, the most flattering reports reach me of the good conduct and discipline of the crew. I deemed it proper also to address an inquiry on the subject to Commander Walker. He responds thus:

"In regard to the first question, whether it is desirable to restore corporal punishment, I reply that, from experience as well as conviction, I do not believe it would be desirable or for the interest of the service."

And yet he and every officer concur in the necessity of prescribing and legalizing some substitute, accompanied, however, with a plan of *reward* as well as *punishment;* punishment prompt, *sure*, in order to restrain the offender and deter the inconsiderate; *reward* equally sure and generous, to encourage fidelity and promote respectability. It is not the *severity*, but the *certainty* and *promptness* of punishment which promotes discipline. The sailor who now commits an offense aboard ship remote from home and the flag-ship, knows that he cannot be *tried*, possibly for six months, until the vessel arrives in port or falls in with the commodore of the squadron.

I consider it all-important that the commander of any vessel should be authorized by law to order a summary court-martial for the trial of the petty officers and those below them; that they should have the power to punish by dishonorable discharge in *any* port; by confinement on reduced rations and without pay, with extra labor and denial of shore privilege. When the seamen knows that these punishments can be promptly inflicted by the officers in command of the ship, he has much to deter him from disobedience.

But, in order successfully to invite diligent and enterprising men, they must know that their integrity will be commended, and their faithfulness remembered. An honorable discharge, leave-of-absence, pay, shore privilege, and the confidence of the officers, will animate and encourage them. I hope I may be excused for repeating that "I deem it indispensable that some plan be adopted by which our seamen shall become more *distinctly and permanently a part of the Navy, and attached to the service.* Whenever a ship of war now returns from her three years' cruise, the officers are detached, and granted a leave of absence for three months, with leave-of-absence pay, but the seamen are peremptorily *discharged—disconnected from the service.* If they have been meritorious, I propose that on their return they be granted an 'honorable discharge,' (to be considered a leave of absence on pay,) if within a certain time they choose to reënlist in the service. This would possess a two-fold virtue—of fair and generous treatment at parting, an invitation to continue a member of a family caring for them during a temporary absence."

I wish to raise the standard of character among seamen. It is my design, also, immediately to adopt, in a modified form, the "apprentice system," encourage the enlistment of American boys from fourteen until they are twenty-one years of age. The object in view will be to train them up at first on our large receiving ships, and transfer a certain number to each vessel starting on a cruise, to make them practical seamen, to teach them in their youth to become familiar with all the duties of a sailor, the requirements of the service, the sacredness of obedience to orders; to watch over their proper moral and mental training, and thus incorporate into the service gradually, but surely, a body of seamen to be proud of in times of peace, to be relied upon in times of danger. I am also very clearly of opinion that the number of men in the service should be increased at least twenty-five hundred.

MARINE CORPS.

The Marine Corps constitutes a most interesting, important, and useful portion of the naval force. Their service is equally effective on land and on sea. They are an armed and disciplined police on shipboard. Well trained and drilled before being detailed for duty at sea, aware of the fact that they are set apart to sustain the officers in command in the preservation of order and the suppression of mutiny, the first symptom of insubordination finds them ready, with strong hand and burnished arms, at the drum-tap, to put down disorder or disobedience.

Recent occurrences at sea, painfully fresh in the recollection of all, impress the mind most vividly of the practical value of such a body of men on shipboard in moments of peril and alarm, when mere panic and disorder are so often unnecessarily fruitful of desolation and death. But on land also their services have ever been found efficient, either in the navy-yards or on shore far from their country. This corps accompany our men-of-war in all their cruises in times of peace and war, and have signalized their valor in many a field. Their number now is entirely too small, and I earnestly recommend an increase, by which more time would be allowed for their proper discipline and drilling before they are ordered to sea, and their efficiency rendered still more reliable. I am satisfied also that the corps would be improved and elevated in character by adopting some system of appointing officers of military education and training.

YARDS AND DOCKS.

We have now eight navy-yards, inclusive of the one now in rapid progress of construction at Mare Island, California. To keep these yards in proper condition for useful service, and to erect on them the necessary buildings and fixtures, occasion the expenditure, annually, of large sums of money, notwithstanding the diligence and vigilance of the chief of that bureau. Large appropriations will be from time to time required for the yard in California, which, it is presumed, will be a complete establishment, as it is the only one on the Pacific. The prices of labor and material and the necessaries of life in California are still far higher than on the Atlantic coast.

My immediate predecessor, (Hon. John P. Kennedy,) in his last annual report, recommended the construction of a basin and railway, in connection with the floating sectional dock, in California thus:

"No appropriation was made for the basin and railway, without which the dock cannot be safely or usefully employed. I submit it to the decision of Congress whether these structures should not be made without delay."

Congress subsequently, in the naval appropriation bill, approved March 3, 1853, adopted the following section:

"And the Secretary of the Navy is hereby directed to complete and carry into execution the verbal contract for a basin and railway in California, in connection with the floating dock, as made by the late Secretary, in pursuance of authority for that purpose, given by the act of September the twenty eighth, one thousand eight hundred and fifty, entitled 'An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-one,' and as stated in the letter of the said late Secretary addressed to the Hon. Howell Cobb, Speaker of the House of Representatives, and dated the twenty first day of January, one thousand eight hundred and fifty-one, towards the execution of which one hundred and fifty thousand dollars is hereby appropriated: *Provided*, That, in the judgment of the Secretary, such basin and railway are necessary, and will be useful to the public service."

In my last annual report, I informed you that I had given the subject much investigation; that my predilections were decidedly in favor of stone docks; that Congress, however, had decided that a sectional floating dock is preferable in California; that I entertained the opinion, that a basin is necessary to render it safe when a large ship is docked for repairs, which may expose it to months of dangerous weather, and that I should proceed to execute the contract unless Congress should otherwise direct.

The difficulties about the title to Mare Island were not removed until July last. Previous to making the contract, the opinion of the Attorney General was asked as to the proper construction of the law, and he advised that it was mandatory in its terms as to the amount to be paid, and the execution of the contract, if the basin and railway were decided to be necessary and useful to the public service. He uses the following language:

"Thus far the terms of the act are, in my opinion, positively mandatory, and it only remains to discuss the proviso to the clause, which is: '*Provided*, That, in the judgment of the Secretary, such basin and railway are necessary, and will be useful to the public service.'" * *

"In all machines, great or small, parts are found which are *necessary* to the action, or to the safety, or to the permanent value, of the machine. That is a *mechanical* question, to be settled by the Secretary, by the aid of experts and of engineers."

I deemed it my duty to procure the opinion and advice of experts, engineers, and practical men, some of whose opinions, heretofore verbally given, I have caused to be reduced to writing. I refer to Mr. Lenthall, naval constructor and Chief of the Bureau of Construction, Equipment, and Repair, and the civil engineer, Mr. Sanger, attached to the Bureau of Yards and Docks. I am not acquainted with any two gentlemen more distinguished in their respective professions, and more entitled to the confidence and respect of the Department. It is proper that I should state, also, that these two gentlemen have always been adverse to the construction of these floating docks; but on the question of the necessity and usefulness to the public service of the *basin* and *railway* in *connection* with the sectional dock, they have expressed themselves with clearness and force, and presented arguments and facts which, in my judgment, were convincing.

Mr. Lenthall, in answer to my inquiry, expresses himself thus:

"In compliance with your request that I should communicate my opinion in writing, which on several occasions has been verbally given, as to whether the basin and railway are desirable or necessary, in connection with the sectional or floating dock, I would respectfully state that, without such an appendage, I would consider this floating dock, in a great measure, unsuitable for naval purposes. As a ship-builder, I could not recommend the execution of very extensive repairs, which are often necessary to ships of war, upon the uncertain foundation such a dock would present, and therefore I consider the basin necessary for its full efficiency. The danger to which such a floating structure would be exposed with a heavy ship upon it, probably for months, in my opinion renders this basin very desirable."

The following extracts are taken from the opinion of Mr. Sanger:

"In answer to the first inquiry I have to say that, in my opinion, the only feature in these works which commends them to favorable consideration as suitable structures for naval purposes in making extensive repairs upon heavy vessels of war, is the connection of the dock, basin, and railway, so that, when a vessel is put upon the dock for extensive repairs, and to remain a length of time, the whole structure can be floated into the basin and firmly grounded; the ship may then be taken on shore by the railway, or remain on the dock; and would, in either case, rest as safely as if on a building-slip, and would be shored and secured in the same manner. I am, therefore, of opinion that, Congress having ordered the construction of a sectional floating dock in California, the addition of a basin and railway to operate in connection with that dock at Mare Island becomes both necessary and useful." * * * *

"These floating docks often answer a good purpose for making slight repairs, such as repairing copper, cleaning bottoms, or renewing copper, where the work to be performed requires but little time, and the ship is not weakened, but always in such condition that she could be let into the water at any moment without damages should necessity require it. But for extensive repairs, where the planking is removed, and the upper works are to be cut to pieces, as is frequently the case, I should consider their use as very hazardous and unsafe, and I do not think they are ever used, or should be used, for such extensive repairs, unless in connection with a basin." * * *

"I do not think that piers could be constructed in such manner as to render a heavy ship of war upon the dock safe, when reduced to the condition she must necessarily be placed in to receive extensive and thorough repairs occupying months; nor do I believe that any prudent naval constructor would risk a national ship in such condition for a length of time upon any floating structure."

I deemed it also my duty to visit the navy-yard at Philadelphia, and witness, personally, the operation of that dock, similar to the one in California. Notwithstanding the inconvenience and expense of dredging necessary at Philadelphia, national vessels entering that port have been regularly repaired on the dock and in the basin, with entire success, since its completion. During my administration of this Department this dock and basin have been successfully used for repairing the steamers San Jacinto and Fulton, and the sloops-of-war St. Mary's, Cyane, and Jamestown. The San Jacinto was also hauled ashore on the railway, where she underwent several months' repairing, leaving the dock in the meantime ready for any ship that might arrive. I am not to be understood as advocating or recommending Government to adopt this system in preference to stone docks. But while I am decidedly of opinion that this plan of dock is *inferior* to the *stone dock*, in point of durability, safety, and because of the expense of repairing, and its requirement of a depth of water involving often the cost of dredging, I am also clearly of opinion that for naval purposes the *basin* and *railway* impart to it its chief value, and that without the former it would be unsafe.

Congress having *previously* chosen to construct the sectional dock on the coast of California, the only one on the Pacific coast; able and scientific officers having expressed the opinion and assigned reasons in favor of the necessity and usefulness of the basin and railway in connection with this dock, and being aware that the growth of our commerce, and the enlargement of our squadron in the Pacific, demanded the service of the dock, I deemed it my duty "to complete and carry into execution the contract" as described in the law, for the construction of the basin and railway, to render it secure and useful for the "public service." For slight repairs these docks are used without the basin; and by authority of Congress the contractors have built temporary piers, and are using this dock in California for such purposes. But I could not consent, (except from necessity,) to hazarding a national vessel on a floating structure like this for extensive repairs, with her planks off in a weakened condition, to be exposed months to uncertain weather. The loss of one ship would equal the cost of the basin and railway, great as it is, and blame then might well attach to the Secretary who refused to protect it with a basin and railway, although Congress authorized him, and experts advised him of the hazard.

I am thus particular on this subject because of the amount involved. The dock is completed, and will soon be thoroughly tested. The contractors are actively engaged in building the basin and railway.

I informed you in my last report of the difficulties which had occurred in regard to the dock, basin, and railway at Pensacola. This is a balance, not a sectional dock. When I came into the Department I found that the contractors had already been paid up for these works the entire amount agreed upon, as well as the reserved ten per cent., and that a bond in the sum of two hundred thousand dollars had been taken from them for the protection of the Government. The records indicate that this was done upon the certificates filed of the completion of the work, and the opinion of the Attorney General of the obligation of the Government, and *not* the contractors, to procure by proper dredging the depth of water necessary for the operation of the dock. A board had also been appointed, and the frigate Columbia selected to test the works, in order that the Department might decide whether or not the stipulations entered into had been fulfilled. The report of the board was unfavorable, and I declined accepting the works. The contractors insisted that injustice had been done them in the mode of making the test, declined attempting to float the Columbia into the basin with her armament on board, protested in writing against having the works rejected upon this test, and asked that another might be applied after they should make certain proposed improvements and repairs. It has not been convenient for the Department to spare any national vessel for a second test, and I entertained the opinion that after the Government had been to the expense and inconvenience of furnishing one vessel, it became incumbent upon the contractors to demonstrate by a fair and reasonable test, at their own expense, that the works were in truth worthy of acceptance, and that they had executed what they had undertaken.

Mr. Hartt, junior, naval constructor, who, until recently, was stationed at Pensacola, and was one of the committee reporting adversely, informed me in an official communication, dated March 7, 1854, "that from the external appearance of these repairs, &c., I [he] am of the opinion that the dock and basin is in a safe and better condition to perform the test than it was in May last; the basin required nothing to be done to it, everything being in good order;" and after enumerating the alterations and repairs, says: "I consider the repairs and alterations enumerated above, of great advantage, as regards the safety and efficiency of the dock." Still I declined receiving the works. The contractors proposed several different vessels with which to make the test, but I declined, because I did not consider either of them of sufficient weight and displacement to enable me to judge of the capacity of the dock. Having then informed them that I should deem it my duty to turn the case over to the courts of law, they finally proposed another test, which I referred to the consideration of a board consisting of Commodores Morris and McCauley, Constructor Lenthall, and Civil Engineer Sanger. That board gave the whole case a thorough investigation, and after consideration advised the Department that it was proposed to take ballast in the large merchant ship, the Monarch of the Seas, until her weight or displacement was two thousand five hundred tons, and then place ballast on the dock until a weight of three thousand three hundred tons was made up, that being the estimated weight of the Niagara, (the largest of the new frigates,) with only her steam machinery and its appurtenances on board, thus making a weight of three hundred and fifteen tons more than was used in the former test. The vessel is to be placed on the dock, floated into the basin, and hauled ashore on the railway, and returned again.

The board considering the details of the proposed test and arrangements, recommend it as one that may be sufficient to enable the Department to determine whether the works are worthy of acceptance or not. The vessel is now on her way to Pensacola, and the second test will be made immediately, when the Department will be the better able to judge of the character of these structures. The interests of the Government shall be protected as fully as they can be, and every effort shall be made to ascertain the true facts as to the character and capability of the dock, basin, and railway.

In the third section of the naval appropriation act, passed at the last session of Congress, it was provided:

"That all the grounds and appurtenances thereunto belonging, known as the Memphis navy-yard, in Shelby county, Tennessee, be, and the same is hereby, ceded to the mayor and aldermen of the city of Memphis, for the use and benefit of said city, and that the Secretary of the Navy order the commandant of said navy-yard at Memphis to surrender to the mayor of Memphis said property."

In pursuance of that provision of law, I addressed a communication to the mayor of the city of Memphis, to ascertain the views of the mayor and aldermen as to the acceptance of the donation. On receiving from them a certified copy of their proceedings, expressing their readiness to receive the property, an order was issued to the commander of the navy-yard at Memphis to surrender the grounds and appurtenances to the mayor. The order was obeyed, and in due form the surrender was made, and the property is now in the possession and under the control of the corporate authorities of Memphis. It is, perhaps, proper that I should state that there were sundry articles of property belonging to the Government, used in connection with that yard, the sale of which the Department has, for the present, suspended, at the request of the mayor and aldermen, on their communicating to the Department that they had resolved to appeal to Congress to reëstablish the navy-yard.

The ground and appurtenances, however, have, in pursuance of the law, been unconditionally surrendered, and the yard abandoned by the Government.

MISCELLANEOUS.

The Naval Academy has, during the past year, continued to present to the country practical evidence of the wisdom and foresight of its projector. Under the vigilant superintendence of Commander Goldsborough and his worthy assistants, the strictest discipline has been enforced, to the marked benefit of this institution.

The plan of education is now thorough, and the training of the youth admirable. The cruise in the practice ship is of immeasurable advantage in imparting at an early age practical knowledge of seamanship. During the last summer, the Preble, with thirty-one young midshipmen, visited Portsmouth and Plymouth, in England, and Brest and Cherbourg, in France, thereby affording them an opportunity of examining the naval establishments at those points. The contract has been made for the erection of a machine-shop at Annapolis, under the act of Congress authorizing it, and I shall avail myself of the first opportunity when the service will permit, to substitute a steamer for the sloop now used as a practice ship. The number of students now at the academy is one hundred and sixty. Attention is called to the report of the Chief of the Bureau of Ordnance and Hydrography, and the annual report of the Board of Examiners, as also that of the commander of the practice ship.

The Naval Observatory is still entitled to generous support, and eminently demonstrates the utility of its original establishment.

The achievements on sea quietly and gradually effected by Lieutenant Maury, although not attracting the admiration of the multitude, nor dazzling the beholder with sudden flashes of triumph, have reflected honor upon himself and his country; have brought remote nations in comparative proximity to each other; have promoted commerce, by pointing out to the mariner new paths on the great deep, where favorable winds and currents lend friendly aid. His "Wind and Current Charts," and "Sailing Directions," are saving millions of money, by shortening the voyages of merchant vessels freighted with treasures.

I am officially informed, "that it was stated in a paper read before the British Association last year, that it was estimated in India that a set of wind and current charts for the Indian ocean, like those that have been constructed at this office for the Atlantic ocean, would produce an annual saving to British commerce in those seas alone of not less than $1,000,000, (£250,000,) and for British commerce in all seas of $10,000,000 a year. This estimate was based on the condition of shortening the voyage only one tenth, (whereas the average length of the passage to all places beyond the Equator has been shortened much more;) and the estimate was again repeated at the last meeting of the association in Liverpool." It has also been estimated that the value of these charts to the commerce and navigation of the United States is equivalent in the saving of time to several millions a year.

I trust that these considerations may prevent all objection to the comparatively small expense annually called for to sustain this establishment.

The Department is advised that Mr. Robert L. Stevens, of New York, is now rapidly progressing in the construction of the iron war steamer, to be shot and shell proof, for harbor defense, in accordance with his contract, under the acts of Congress of 1842 and 1852. In his communication of the 28th of October, he informs me that "the boilers will be ready to put on board in about three weeks, and the shafts, beams, cranks, and links, are nearly finished and turned," and that he has nearly five hundred men engaged on the work. It is very desirable that this vessel should be completed, large sums having already been expended by Congress upon it. If the undertaking is successful, and the contractor accomplishes what he promises, the benefits derivable from it for harbor defense are incalculable.

Great difficulty having been experienced in procuring American water-rotted hemp, special agents have been appointed in the districts of country in which it was most likely to be attained. The instructions for its inspection and receipt offer every inducement to encourage its preparation. The supply of hemp has been principally drawn from Russia, and the present state of affairs in Europe demonstrates the importance of our not being dependent upon other countries for our supplies of this necessary article.

The estimates for support of the Navy and marine corps for the year ending June 30, 1856, and for all objects coming under the control of this Department, are, in the aggregate..	$16,241,931 53
From which deduct special objects, including transportation of the mail in steamships.....	7,324,634 22
Leaves for the support of the Navy and Marine Corps.....	$8,917,297 31
The estimate for the present fiscal year for the support of the Navy and Marine Corps was	$8,351,171 19
The total amount drawn from the Treasury during the fiscal year ending June 30, 1854, as exhibited by the statement of appropriations for the naval service, prepared by the Second Comptroller of the Treasury, was...	$11,750,236 32
From which deduct repayments..	948,391 04

Gives as the total expenditure for

all objects under the control of the Navy Department.....	10,801,845 28
But of this amount there was expended, for special objects, the sum of.....	3,910,012 29
Leaving, as the legitimate expenditures for the support of the Navy and Marine Corps for the fiscal year ending June 50, 1854,	$6,891,832 99

There are, however, outstanding claims to be paid out of the appropriation for the fiscal year 1853-'54.

Your attention is invited to the reports and estimates of the chiefs of the several Bureaus connected with this Department. I perform but an act of justice in testifying to the fidelity and attention to business of all these officers, and in suggesting that the compensation to the heads of the Bureau of Construction, Equipment, and Repair, and Medicine and Surgery, should be the same as that now allowed to the others.

You will perceive, from reference to the report of the Chief of the Bureau of Ordnance and Hydrography, the importance of the action of Congress, in making necessary appropriations for ordnance, which will be much larger than usual, in order to enable the Department to supply the six new steam-frigates with armament, which it is designed shall be of different and heavier caliber than heretofore used.

In pursuance of the suggestions of the Chief of the Bureau of Medicine and Surgery, the naval laboratory in connection with the hospital at Brooklyn was reorganized in the fall of 1853, and placed on a basis to secure its success, and enlarge its benefits to the service. Since January last the entire supply of medicines for the Navy has been prepared at that laboratory, thereby giving assurance that a reliable article is supplied, and that the service will not suffer from the imposition of spurious and deleterious drugs. As a matter of economy, also, the advantages will not be inconsiderable.

The letters of Commander Charles H. Davis, touching the Nautical Almanac, and of Professor Alexander, in regard to the character of alimentary substances, accompany this report, and will explain the progress made in their departments.

I have the honor to be, with great respect, your obedient servant, J. C. DOBBIN.

To the PRESIDENT of the United States.

Report of the Postmaster General.

POST OFFICE DEPARTMENT, *December* 4, 1854.

The whole number of post offices in the United States, on the 30th of June, 1854, was 23,548. Of this number 257 are offices the annual commissions from which amount to one thousand dollars or upwards, and the appointments at these offices are therefore made by the President, by and with the advice and consent of the Senate, agreeably to the provisions of the act of 1836. The number of offices established during the last fiscal year was 1,842, and the number discontinued 614, showing a net increase in one year of 1,228. The number of which the sites and names have been changed in the course of the year was 499. The number of postmasters appointed during the year was 8,618. Of these, 4,185 were appointed to fill vacancies occasioned by resignations; 1,977 by removals; 320 by deaths; 294 by change of name and sites; and 1,842 on establishment of new offices.

The total number of offices on the 1st of December, 1854, was 23,925.

On the 30th June last there were in operation 6,697 mail routes. The number of contractors was 5,167.

The length of these routes is estimated at 219,935 miles.

The total annual transportation of mails was 63,387,005 miles, costing $4,630,676, and divided as follows, viz:

Twenty-one million two hundred and sixty-seven thousand six hundred and three miles by modes not specified, at $1,092,833, about 5 cents per mile;

Twenty million eight hundred and ninety thousand five hundred and thirty miles by coach, at $1,290,095, about 6 cents per mile.

Fifteen million four hundred and thirty-three thousand three hundred and eighty-nine miles by railroad, at $1,758,610 about 11 cents 4 mills per mile.

Five million seven hundred and ninety-five thousand four hundred and eighty-three miles by steamboat, at $489,138, about 8 cents 4 mills per mile.

Compared with the services of the 30th June, 1853, there is an increase of 1,494,463 miles of transportation, or about 2½ per cent., and of $134,708 cost, being about 3 per cent.

The increase of railroad service is 2,446,684 miles, and the expense $157,281, being 19 per cent. in transportation, and not quite 1 per cent. in cost.

The increased transportation by modes not specified is 377,157 miles, or about one per cent., at a cost of $37,520, or 3 35-100 per cent.

The transportation by coaches is less by 439,796 miles, or about 2 per cent., though at an increased cost of $83,137, or 6 88-100 per cent.

The unprecedented extension of railroads superseded much coach service. The increased cost for a diminished amount of such service may be accounted for from the fact that the new contracts in New England and New York, commencing 1st July, 1853, were made at largely enhanced rates, increasing the aggregate expense, while the amount of service was largely reduced.

The steamboat transportation during the past year was reduced 889,582 miles, or 15⅞ per cent., at a reduced cost of $143,230 or 29 7-10 per cent.

This is accounted for by the discontinuance of service between Wilmington, North Carolina, and Charleston, South Carolina, Savannah, Georgia, and Charleston, and Detroit, and Buffalo, and the suspension of service on the Arkansas and White rivers, owing to the failures of the contractors.

Several steamboat routes were also dispensed with at the lettings of new contracts for New England and New York.

The portions of service in the foregoing estimates chargeable to California, are 591 630 miles of annual transportation, costing $142,933, and varying but slightly from last year's report.

For steamboat transportation, 159,120 miles, $21,000.

For coach transportation, 174,026 miles, $35,185.

Modes not specified, transportation 258,484 miles, at $86,748.

In Oregon the service is as follows:

Steamboat, 38,038 miles, at $17,000.

Modes not specified, 98,988 miles, at $28,151.

Total transportation, 137,026 miles.

Total cost, $45,151.

The annual transportation by steamboat was increased 10,760 miles during the year, without additional pay.

The following table exhibits the extension of railroad service during the year, separately, in five groups of States:

	Length.	*Miles trans.*	*Add. cost.*
New England and New York,	629	971,341	$29,488
New Jersey, Pennsylvania, Delaware, Maryland, and Ohio.....	342	453,660	15,518
Virginia, North Carolina, South Carolina, Georgia, and Florida.....	328	235,227	56,863
Michigan, Indiana, Illinois, and Wisconsin.....	605	710,952	44,214
Kentucky, Tennessee, Alabama, Mississippi, and Louisiana.....	121	75,504	11,234

The lettings for the year embraced the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, Missouri, Kentucky, Tennessee, Iowa, Wisconsin, Michigan, Indiana, Illinois, California, and the Territories of Oregon, New Mexico, Utah, Washington, and Minnesota. In some of the States and Territories I found the mail facilities greatly deficient, and not at all such as the wants and requirements of the people absolutely demanded. After a careful survey of each State and Territory, I gave to it such additional facilities as its increasing trade and population seemed to require.

A comparison of the service under the new contracts commencing 1st July last, as in operation on the 30th September, with that under the expired contracts in the northwestern and southwestern sections of the Union, shows that the annual transportation of mails has been increased 2,990,860 miles, at an increased cost of $395,373 per annum, divided among the several States and Territories, as follows:

	Incr'd Miles An. Trans.	*Incr'd An. Cost.*
Michigan	146,342	$2,189
Indiana	240,255	60,425
Illinois	256,618	67,936
Wisconsin	75,537	22,320
Iowa	180,156	39,625
Missouri	23,690	11,635
Minnesota	62,960	2,002
Kentucky	269,258	-
Tennessee	-	16,285
Alabama	-	19,704
Mississippi	577,318	49,214
Arkansas	477,156	46,688
Louisiana	358,904	41,138
Texas	469,148	67,154
California	68,302	-
Utah	25,960	12,203

In Alabama the transportation has been slightly decreased, though the total cost of service is increased $19,764.

In New Mexico the same amount of transportation continues as under the former contracts, but at a reduced cost of $10,700.

In California, 68,302 miles of additional transportation is obtained at a reduced annual cost of $41,804, according to the accepted bids; but, owing to the failure of the bidders on two important routes, it is expected that the actual cost of the service will be largely increased.

The service in Oregon has been reduced by not renewing the contracts on the routes from Columbia to Cascades, Cascades to Wascapum, and Wascapum to Salt Lake.

In Kentucky, 269,258 miles of additional service were obtained at less pay than under the former contracts.

Of the 2,990,860 miles of transportation above stated, 1,292,650 miles are performed by railroad.

Of the additional cost of $395,373, $106,951 is for railroad service.

The total annual transportation under the new contracts, as adjusted for the quarter ending 30th September, is 29,047,050 miles, and the total annual cost $2,375,789, divided as follows, viz:

Three million five hundred and seventy-six thousand nine hundred and sixty-six miles by railroad, at $343,118, or 9 cents and 6 mills per mile.

Four million one hundred and fifty-nine thousand eight hundred and sixty-four miles by steamboat, at $436,768, or 10½ cents per mile.

Six million six hundred and seventy-four thousand and seventy-two miles by coach, at $646,068, or 9 cents and 6 mills per mile.

Fourteen million six hundred and thirty-six thousand one hundred and forty-eight miles by modes not specified, at $949,835, or 6½ cents per mile.

Contracts have been made to convey mails by steamboat between New Orleans, St. Francisville, and Vicksburg, at $75,000 per annum, and between Mobile and Montgomery, Alabama, at $35,000 per annum, which are not included in the foregoing statements. The amount of pay for service, as in operation on 30th September, between New Orleans and St. Francisville, by transient boats, is $33,680. It is proper, therefore, to add for the new regular service $41,320, which, with the $35,000 on the Alabama river route, will increase the cost of the service for the current year, $76,320—making the whole additional cost of the new contracts $471,693. To these must also be added the cost of additional route agents, local agents, and mail messengers, appointed since 1st July, amounting to $7,988.

There were in service on 30th June last 236 route agents, at a compensation of $181,600 per annum; 21 local agents, at $15,490 per annum; and 968 mail messengers, at $92,131 80 per annum; making a total cost of $289,221 80 per annum to be added to the other cost of transportation, stated above at $4,630,676.

Pursuant to the act of Congress of 5th August, 1854, I invited proposals on the 31st August for conveying mails from Cairo, Illinois, to New Orleans, and back, daily, in steamboats. Only one bid was received within the prescribed time, (6th November;) and that being for $300,000, I did not feel myself at liberty to accept it. A second bid, at a much more reasonable rate, was received after the regular time had expired. [illegible] There are now [illegible]

with which to connect the proposed one at Cairo. The time is, however, not distant when the necessary connections will be effected by the completion of the Illinois Central railroad to Cairo, and of the Ohio and Mississippi road to its point of intersection from the East with the Illinois Central. I am informed that by the 1st of January the Illinois Central will be completed, and that by the 1st of July the Ohio and Mississippi road will make its eastern connection with that road. The chain of railroads between the Atlantic at various points and the Mississippi river, thus completed, will attract large and important mails which are now conveyed on other routes, and most materially enhance the importance of a steamboat route between Cairo and New Orleans. Moreover, if is reasonable to anticipate such an increase of trade and travel in the same direction as will go very far towards sustaining a line of boats, thus reducing the cost of mail service.

At present the principal, if not the only support of the line, would be from this Department; and I have, therefore, deemed it my duty not to enter into a contract now, but await developments so soon to be expected, enabling me to negotiate terms much more advantageous both to the public and this Department.

In the mean time mails are regularly conveyed as heretofore, by the trip between Louisville and New Orleans, and St. Louis and New Orleans.

I have also contracted for separate service between New Orleans and Vicksburg, Vicksburg and Napoleon, and Memphis.

There were in operation on the 30th September last, 239 railroad routes; their aggregate length was 16,621½ miles, and the cost of mail transportation thereon was $1,923,747 89. Add to this the sums paid mail messengers, route and local agents, and the whole cost of this service will be $2,196,249 89.

In adjusting the rate per mile to be paid these railroads, great difficulties continue to exist. The principle which should regulate their pay seems to be agreed upon. The companies allege that the Government should not ask or expect them to perform for it any service at a less rate than that paid by individuals for similar services. This principle has never been denied or disputed by the Post Office Department; but, on the contrary, it has always mantained—and this has been ever the great cause of difficulty between the Department and the companies—that the Government has been charged and paying much greater prices than those paid by individuals. Whether this be so or not, is a matter that could be easily settled by computation. And when the Post Office Committee of the House of Representatives at its last session proposed a bill fixing certain rates per mile for mail transportation on the roads, if it could have been shown to them that the rates thus fixed were too low, considering the weight of the mail, its importance, and the facilities and space given for its transportation, I am satisfied they would have at once increased the rates. What is required is to fix fair and just prices, companies performing similar services to receive the same pay, which is not now the case, and all of them to be paid according to the bulk of the mails, the speed with which they are conveyed, and the accommodations required. The sums paid by express companies would be a very unfair criterion by which to regulate the charges to be paid for the conveyance of the mails. Controlled by no competition excepting such as it is in the power of the railroad companies themselves to prevent, they can pay any prices which may be demanded of them, and assess it upon their customers. It would be unjust, too, to found a calculation upon the assumption that the mail car was twenty-five feet in length, fifteen for a mail room, and ten for a post office, and then to estimate and charge both for weight of car and mails at fourteen tons. Accommodations, such as these, are required both for the security of the mails and to enable route agents properly to discharge their duties; and to this fact, I early drew the attention of the companies; but these accommodations have not been given. Many of the railroads, desirous of properly serving the public, devote a car exclusively for mail purposes; but in the great majority of cases a car is divided between the Government and the express companies, or a space is apportioned off for the route agent, the mail being placed with the baggage in one, and the balance of the car appropriated for a smoking-room. The calculations which I have made and those which some of the companies make, differ most widely, and show that they are receiving for the mail much more than for first-class freight; but the question whether the calculations of the Department or the companies be correct, could be readily settled by a committee of Congress; and if the companies wish Government to pay them only such prices as they receive from individuals, the whole matter is one of easy solution. In the opinion that this Government is paying much more for railroad mail service than it is worth, I have been confirmed by the prices paid for similar services in England, France, Germany, and Canada. With the Great Western Railroad Company in the latter country, the Department, in March last, entered into a contract to carry the United States mail from Suspension Bridge, New York, to Detroit, Michigan, for the sum of thirty dollars a mile. The same cars carry the local Canada mail, and if the Canadian Government allow this company thirty dollars a mile in addition to the sum received from this Department, this important trunk road will be receiving sixty dollars a mile.

It is of very great importance that kind relations should always exist between the Post Office Department and the different railroad companies, because when such is the case the public interests are always better served. It has been and ever will be, my effort to preserve these relations. Exorbitant demands for services, however, will always be refused; and when a schedule is arranged, not by the Department alone, because it has no such power, but by the joint concurrence of the Department and the company, who always have regard to the local business of the road, the public officer would be derelict in his duty, who would not exact a conformity thereto. Unless such were the case, there would be no order or regularity in the mail system, and business in its thousand ramifications would be seriously disturbed. When a fine is laid, if afterwards good cause be shown, it is always remitted; but it is not asserting too much to say that every delay of the mail causes embarrassment, if not injury, to hundreds, and therefore every excuse should be carefully examined. The merchant, manufacturer, and farmer, rely upon the mail principally for their remittances. All classes of our citizens anxiously await the arrival of their letters and newspapers; and if, through the inattention or neglect of the railroad companies or their agents, delays take place, what good reason can be assigned why they should not be treated as other contractors?

By the act of 2d July, 1836, it is provided that contracts shall in all cases be awarded to the lowest bidder. In order to guard the Department against fraud and imposition, the form of a bid is prescribed by the regulations. A guarantee is likewise provided from the act, by which two responsible persons undertake that, if the party bidding be accepted, he shall enter into the contract for the service proposed, with good and sufficient securities. A certificate is then required to be signed by a postmaster, judge, or clerk of record, who certifies to the sufficiency of the guarantors. Notwithstanding these precautions, irresponsible men frequently become bidders, having no design of performing the service, but with the sole object of selling out their bid. Failing to find a purchaser, they refuse to enter into the contract, and when inquiry is made into the sufficiency of the guarantors, in order to institute an action against them, it is discovered that they are pecuniarily worthless. On failures of this description, the contract is awarded to the next lowest bidder; but, as he is not bound by his bid, after the acceptance of the lowest bidder, it very frequently happens that he declines its acceptance, and the Department is thus obliged to pay much more for the service than it could have been had for, or than it is really worth. Such instances occurred frequently at the last lettings, which have increased very much the cost of the service. Some discretion should be lodged in the Postmaster General to prevent such frauds; but, in its absence, I have determined, at the next lettings, to designate certain postmasters in each State in which a letting is to be had, who alone will be authorized to give the required certificate.

The proper distribution of mail matter in a country so vast as ours, with so many mail routes and so many post offices, is a subject attended with great difficulty, and to which the attention of my predecessors has frequently been directed. Letters, instead of having one or, at most, two distributions, have been distributed four or five times before their arrival at the destined point. The consequence has been that the distribution and delivery commissions have almost consumed the postage; but the worst evil arising from this practice has been that great delays have been occasioned, which have always been the subject of just complaint. To distribute mail matter properly requires a minute knowledge of mail arrangements, and this the Department alone can have. If the postmasters at the various distributing post offices were permitted to make their own distribution schemes, with their necessarily imperfect knowledge, great mistakes must occur, and, instead of a letter being mailed direct to the distribution office to which it belongs, it would be mailed from point to point along the route until it reached its destined point. To prevent these delays, and at the same time to possess myself of the local knowledge of the postmasters at the distributing post offices, I caused to be forwarded to me the different schemes of distribution. Some of them I found quite perfect, but the great majority of them were very defective, and my only surprise has been that greater delays in the delivery of letters have not taken place.

I am now having prepared distribution schemes for every distributing office in the country, allotting to each its proper distribution. When they are completed the postmaster at the mailing point can, by turning to his scheme and looking to the counties and towns in each State allotted to the various distributing offices, be enabled to mail direct. The Department will likewise have the important matter of distribution under its exclusive control, and when new mail arrangements are made, by railroad or otherwise, which would change the course of distribution, the different offices can be instructed accordingly. Much, however, remains to be done. Every distribution causes delay, and this must necessarily take place under our present system once or twice, which is one great cause of complaint that letters do not reach their point of destination as soon as passengers. When the letter is from one distributing office to another the mailing is direct, and if sent on its proper course there is no good reason for any delay. The mailing, indeed, should be direct from every post office in the United States to another, but this, under our present system, I view as impracticable. With our existing regulations, which prescribe that every postmaster shall mail direct to the place addressed all letters for his own State or Territory, and all letters for the post offices in other States and Territories which should not pass through a distributing office on their proper route to the office of delivery, rigorously enforced, and the new schemes of distribution in operation at the various distributing post offices, I trust to be able to give to our mails greater speed and regularity.

The Auditor reports the expenditures of the Department for the last fiscal year at $8,577,424 12, for the following objects, viz:

Compensation to postmasters	$1,707,708 29
Extra compensation to postmasters by the act of March 3, 1851	34,799 97
Ship, steamboat, and way letters	19,549 67
Transportation of the mails, including the mails to Bremen, Havre, and Havana, and the mails across the Isthmus of Panama	5,401,382 50
Wrapping paper	40,463 66
Office furniture for post offices	5,929 36
Advertising	103,863 57
Mail bags	48,861 57
Blanks	78,176 81
Mail locks, keys, and stamps	10,070 77
Mail depredations and special agents	48,769 51
Clerks for offices, (of postmasters)	631,138 26
Official letters received by postmasters	447 32
Postage stamps	13,664 57
Stamped envelopes	47,418 77
Postage stamps of old issue redeemed	51 65
Payments to letter carriers	135,968 52
Compilation of post routes	1,000 00
Miscellaneous payments	153,617 96
Payments for British mails	94,541 39
	$8,577,424 12

The gross revenue of the last fiscal year, including foreign postages and the annual appropriations from the Treasury granted by the acts of 3d March, 1847, and 3d March, 1851, in compensation of mail services rendered to the Government, amounted to $6,955,586 22, viz:

Letter postage	$3,277,110 50
Postage stamps sold	2,146,476 02
Newspapers and pamphlets	606,148 18
Fines, other than from contractors	17 50
Emolument accounts of postmasters	81,952 46
Letter carriers	135,968 52
Recovered from failing contractors	400 00
Dead letter money unclaimed	4,346 11
Miscellaneous receipts	3,166 93
	$6,955,586 22
Annual appropriations above stated	700,000 00
	$6,955,586 22

The revenue, as above stated, includes the balance against the Department of $138,565 61, resulting from our postal account with Great Britain, Prussia, and Bremen, for the last fiscal year.

The expenditures of the Department for the past year, including payments for foreign postages, were, as already stated		$8,577,424 12
The revenue of the year, including foreign postages and the appropriation for free matter, amounted to		6,955,586 22
Deficiency		$1,621,837 90
To the deficiency above stated should be added the balances due and unpaid to the London and Bremen offices up to the 1st of July last, less the balances due by the Prussian office up to the same period, viz:		
Balances due the London office from April 1, 1853, to June 30, 1854	$230,359 07	
Balances due and unpaid to the Bremen office to the same period	13,465 40	
	$243,724 47	
Less balances due from the Prussian office 1st January, 1853, to June 30, 1854	110,241 14	
		133,483 33
Total deficiency for 1854		$1,755,321 23
The deficiency for the year ending June 30, 1853, as stated in my report of last year, was		2,117,078 20
In the year 1854 the deficiency, as stated above, was		1,755,321 23
Difference in favor of 1854		$361,756 97

One of the results of the great activity and expansion which have prevailed in the general business operations of the country during the past year is manifest in an extraordinary increase of the Post Office revenue; and that it may be seen in which branch this increase has mainly arisen, the revenue of the past and preceding year is here presented in a comparative statement from which the foreign postages are excluded:

	Revenue of 1853.	*Revenue of 1854.*
Letter postage	$2,843,965 42	$3,277,110 50
Stamps sold	1,629,262 12	2,146,476 02
Newspapers and pamphlets	611,333 42	606,148 18
Emolument account of postmasters	38,386 01	81,952 46
Received from letter carriers	113,017 73	135,968 52
Miscellaneous receipts	4,760 00	7,930 54
Annual appropriations for free matter	700,000 00	700,000 00
	5,940,794 70	6,955,586 22
Deduct the balance in each year resulting from our postal accounts with England, Prussia, and Bremen	94,466 27	138,928 31
	5,846,258 43	6,816,657 91
		5,846,258 43
Total increase of 1854		$970,399 48
Or 18 85-100 per centum.		

If from the letter postage and stamps sold in each year the foreign balances be deducted, there will appear an increase over 1853 of 20 67-100 per cent.; while the revenue from newspapers and pamphlets in 1854 seems to have fallen off nearly one per cent.

But the general account of "stamps sold" is necessarily so kept as to embrace not only the letter postage stamps and stamped envelopes, but also the one cent blue stamps, which are generally used to prepay transient newspapers, printed circulars, and dropped letters, and occasionally upon domestic and foreign correspondence.

Therefore, to arrive at a proper estimate of the revenue from printed matter, it is necessary to accord to it its due proportion of the stamps sold. If we admit 75 per cent. of the average amount of the blue stamps sold in the last three years to belong to the revenue from printed matter, then the condition of the revenue derived from that branch in the last four years will be shown by the following statement:

	Revenue as stated by the Auditor.	*Three-fourths of blue stamps sold.*
Year ending June 30, 1851	$1,035,130 89	None issued.
Year ending June 30, 1852	789,246 36	38,081 64
Year ending June 30, 1853	611,333 42	32,858 17
Year ending June 30, 1854	606,148 18	53,950 61
Total for 1851		$1,035,130 89
Total for 1852		827,328 00
Total for 1853		644,291 59
Total for 1854		660,096 79

As the act of the 30th August, 1852, fixing the present rates of postage on printed matter, took effect on the 1st October following, a fair comparison can only be instituted between the revenue of the two last fiscal years, through the whole of which the existing rates of postage prevailed. This shows that after giving to each year the liberal allowance of three fourths of the one cent stamps sold, the year ending June 30, 1854, exceeds the previous year only 2 45-100 per cent.

In this act there is a clause which provides that "when the postage upon any newspaper or periodical is paid quarterly or yearly in advance," one half only of the regular rates shall be charged. In view of the trivial increase of the postage on printed matter, and of the extremely low rates, particularly for newspapers and periodicals, I would recommend that the law be so far changed as to omit the clause referred to, leaving the Department to fall back upon the act of 1825, under which quarterly payments in advance on newspapers and periodicals have heretofore always been required. The propriety of this recommendation will be apparent not only for the reasons above suggested, but also from the following comparative statement of facts: Under the act in operation prior and up to July 1, 1851, the postage, for instance, on a weekly newspaper, when sent not over one hundred miles, or any distance in the State where published, was thirteen cents, and when sent over one hundred miles, or out of the State where published, nineteen and a half cents a quarter. By the act of March 3, 1851, six different rates, according to distance, were established. Thus, on a weekly newspaper, for any distance not exceeding fifty miles, five cents a quarter; over fifty, and not exceeding three hundred miles, ten cents; over three hundred and not exceeding one thousand miles, fifteen cents; over one, and not exceeding two thousand miles, twenty cents; over two, and not exceeding four thousand miles, twenty-five cents; over four thousand miles, thirty cents a quarter; and weekly newspapers to subscribers in the county where published were made free. By this act the postage, it will be perceived, for any distance not over one thousand miles, was greatly reduced; but owing to the diversity of rates—the too great reduction for the shorter and too great increase for the longer distances—its modification was at once called for, and this resulted in the present law, by which the quarterly rate on any weekly newspaper or periodical not exceeding three ounces in weight sent any distance in the United States, is only six and a half cents. On newspapers not exceeding one and a half ounce in weight, when circulated in the State where published, the quarterly rate is still one half less, being only three and a quarter cents; and weekly newspapers to subscribers in the county where published go free. I cannot avoid the conviction, that had it been clearly understood that the act of 1825 required payment quarterly in advance on regular newspapers to subscribers, and that the effect of the clause in question would be to reduce the postage on the great bulk of printed matter to rates so exceedingly low, Congress never would have given its sanction to the measure. If my recommendation be adopted, the quarterly postage, for instance, on a weekly newspaper or periodical not exceeding one and a half ounce, circulated in the State where published, (and in the same proportion for more frequent publications,) will be six and a half cents; and when not over three ounces in weight, sent to any part of the United States, thirteen cents a quarter. The newspapers to subscribers living in the county where published will continue to go free.

The expenditures of the current year ending June 30, 1855, owing to causes not within the control of the Department, will greatly exceed those of the past year.

In my report of the 1st December last, I had the honor to state that the commissions allowed to postmasters by the 6th section of the act to establish certain post roads, &c., approved 3d March, 1853, had proved insufficient at several of the distributing offices to defray the expenses necessary to their efficient administration; and to remedy a state of things so injurious to the service, I then recommended the restoration to the Postmaster General of the discretion given him by the 6th section of the "Act to reduce and modify the rates of postage," approved March 3, 1851, so that he might have it in his power to allow to the postmasters at such distributing offices the means necessary to defray expenses. At the same time I took occasion to say that, while this power should be given to meet the exigencies of a particular class of cases, not exceeding twenty in number, there were abundant reasons why a larger share of the postages should not be diverted from the general purposes of the Department. Upon representations subsequently made, it was deemed expedient to ask an enlargement of the power above mentioned so far only as to embrace a few separating offices situated at points exacting great labor, and affording but a nominal compensation to the incumbents. Careful estimates were made by the Auditor of the increase of expense necessary to relieve the few distributing and separating offices which might, upon investigation, appear to be justly entitled to aid from the Department, and the conclusion was that the whole amount could not exceed $45,000 per annum.

This sum would certainly have been sufficient to cover all proper demands for additional aid. But the views of the Department did not prevail, and Congress passed the act of June 22, 1854, fixing an increased scale of commissions and raising the aggregate compensation of all the postmasters in the United States not less than $300,000 per annum, thereby increasing the expenditures of the Department to that amount, instead of $45,000, as had been recommended. The expenditures of the current year for "compensation to postmasters," "clerks for offices," &c., will be further increased by the operation of the fourth and fifth sections of the act of 27th July, 1854, making provision for the postal service in the State of California, and the Territories of Oregon and Washington. By the fifth section of the act the Postmaster General is authorized and directed to allow in the statement of the accounts of postmasters in California and Oregon originating previous to the 30th June, 1853, "all just and reasonable expenses incurred by them in and about the business of their respective offices and the discharge of their official duties: provided, that no allowance shall be made whereby the United States shall be charged with any indebtedness whatsoever." The balances due from late and present postmasters in California and the Territories of Oregon and Washington, subject to the operation of the fourth and fifth sections of the act just mentioned, amounted on the 30th June, 1854, to $164,144 41, of which sum it is estimated that not less than $50,000 must be canceled under the provisions of the fifth section, and carried into the general accounts of the Department as expenditures of the current year.

In addition to the burdens thrown upon the revenue of the Department by the general increase of the compensation of postmasters, and the special legislation for those in California, Oregon, and Washington Territories, the cost of transporting the mails will be greatly increased in the present year by putting new post routes in operation, by the enhanced prices demanded in the very large section let to contract from the 1st July last, and by important improvements in the grades of service generally.

Whilst I shall take care that the expenditures of the Department are not unnecessarily increased, and that it shall draw from the General Treasury only as much as its absolute wants require, which, I fear, it must necessarily do for some years under

the present rates of postage, it would be neither wise nor expedient to deprive or keep from our people the mail facilities which they require. The principle adopted in the infancy of our Republic, that the Post Office Department should sustain itself from its own revenues, was, in my opinion, most wise and salutary. A postage was then laid sufficient to meet the wants of the service, and under this system each citizen paid the expenses of the transportation of his own letters, and others were not taxed for his benefit, as they must be when sums have to be drawn from the General Treasury, to meet deficiencies in the Post Office revenues.

Having thus briefly adverted to some of the causes of increase in the expenditures in the current year, I proceed to show what those expenditures will probably be, and what means the Department will have to meet them.

It is estimated that the expenditures for the year 1855, exclusive of payments for foreign postages accruing within the year, will be about $9,841,921 33, viz:

The rate of cost of transportation, including foreign mails, on the 30th June, 1854, was	$5,517,312 00
To the cost of transportation in 1854, add the increase in the current year, which will be occasioned by the enhanced prices of the new contracts commenced 1st July last, in the northwestern, western, and southwestern States and Territories, including California and Oregon, by the extension and improvement of the service therein, and by improvements in other sections, about	650,000 00
Total for transportation in 1855	6,167,312 00
For compensation to postmasters, clerks for offices, ship, steamboat, and way-letters, wrapping-paper, advertising, office furniture, mail bags, blanks, mail locks, keys, and stamps, mail depredations and special agents, postage stamps, and stamped envelopes, letter-carriers, and miscellaneous payments	3,541,126 00
For balances due to foreign countries up to June 30, 1854, which will be paid in 1855, amounting to	133,483 33
	$9,841,931 33

The means for the year 1855 will probably amount to $9,989,944 90.

The balance stated by the Auditor as at the credit of the revenue account on the 30th June last was		$740,078 63
From the above balance the following deductions should be made, viz:		
Doubtful and unavailable balances due by late postmasters, originating prior to June 30, 1854	$149,438 34	
California accounts estimated at	50,000 00	
Balances due from foreign postage accounts prior to June 30, 1854	133,483 33	
		332,921 67
Available for 1855		417,156 96
The gross revenue of the year, exclusive of balances resulting from the foreign postage accounts, is estimated at		6,798,324 00
The appropriations for free matter, less $200,000 drawn in 1854		500,000 00
The appropriation to supply deficiencies in the year 1855, made by the act of August 5, 1854		2,344,464 00
		9,989,944 96
Estimated expenditures of 1855		9,841,921 33
Estimated surplus June 30, 1855		$148,023 63

During the three years which commenced on the 1st July, 1851, and ended on the 30th June, 1854, the Department issued 166,126,417 postage stamps, and 25,076,656 stamped envelopes, amounting in the aggregate to $5 507,022 03, of which $5,092,301 73 were sold, being about 92½ per cent. of the whole amount issued.

Having ascertained that the mode of examining and checking the quarterly returns of postmasters was radically defective, I took occasion to invite attention to the subject in my report of last year, and I again advert to it because subsequent investigation and experience have convinced me that a thorough check of the accounts under the present system is wholly impracticable. Such a check is indispensable to the safety of the revenue, and can in no way be effected so certainly, at so little cost, and with so much advantage to the service, as by adopting prepayment of postage in all cases not coming within our postal arrangements with foreign countries.

This plan, connected with a well-digested system for the registration of letters, to which I shall presently allude, would quicken correspondence, while it would facilitate and expedite the operations of the post offices in mailing and delivering letters, and inspire confidence in the Department as a safe means of transmitting letters containing remittances.

Very soon after I entered upon my duties in this Department, its large and increasing correspondence in regard to the loss of valuable letters intrusted to the mails attracted my attention. I found, on examination of the subject, that although Congress, in establishing our postal system, appears to have had principally in contemplation the providing of suitable and convenient means of correspondence, and the diffusion of intelligence, yet, from that time until now, the mails have been used to a large and constantly increasing extent for the transmission of bank-notes, and other valuable inclosures, and are now the principal means through which the remittances of the country are made; while neither the laws nor any regulations of this Department have provided any additional guards for their security against loss or depredation beyond those originally established. In view of the enormous sums which are constantly passing through the mails, the losses by depredation are inconsiderable. Still, such losses are numerous, their aggregate amount is large, and they are increasing with the growth of our country, and the extension of its mail service. Under these circumstances, I have thought it proper to recommend such legislation on this subject as may enable this Department to give greater security to valuable letters in the mails, without assuming any liability for their ultimate loss.

By our present system, all letters mailed at a given date at one post office for delivery or distribution at another, are entered *in gross*, according to their several rates of postage, upon one post-bill. If a letter of great value be embraced in the bill, neither its address nor any other description of it is entered on the post-bill, by which it can be distinguished from other letters of the same grade or rate of postage. Nor is the address or description of any such letter entered on the postmaster's account of mails sent, nor indeed upon any other record kept in the office from which it is sent. The only account kept by the postmaster is a *money account*, made up each day, of the several aggregates of postages of the different rates, either collected or charged as unpaid. It will be seen that, under such a system of accounts, a missing letter can never be traced with certainty, for the account neither furnishes evidence that a particular letter ever reached the place of its destination, nor even that it left the office of mailing. Believing that this imperfection in our system can only be remedied by the adoption of a general and uniform plan of registration for all valuable letters, I have, after consulting the experience of other countries on the subject, devised a plan of registration which I think suited to our circumstances, and likely to add greatly to the security of the mails against depredation.

It provides that receipts shall be given for valuable letters when posted, and that duplicates of these receipts shall be kept for reference at the office of mailing; that the full address of such letter shall be entered on a separate post-bill, which shall be copied at large upon an account to be kept of registered letters sent. This post-bill is to be forwarded in a sealed envelope, separate from the package of letters to which it relates, and its receipt at the office of its destination is to be acknowledged by a duplicate thereof returned to the office of mailing—marked *correct*, or otherwise, as it may be found on comparison. It provides that at the large offices valuable letters shall be received at one window only, and that the receiving clerk shall check them to the register clerk, and he to the mailing clerk. It is, in short, designed to fix responsibility and to furnish means which do not now exist for tracing a missing letter from the point of its reception to that of its disappearance. To carry this plan into effect, it will be required that new and expensive blanks be prepared and distributed, and that an increased clerical force be employed in the principal post offices. I have not, therefore, felt at liberty to adopt it without the sanction of Congress, and authority to establish such additional rate of postage on this class of letters as may be deemed adequate to the expense of registration.

In Great Britain the "registration fee" on inland and most foreign letters is sixpence sterling (about twelve cents) in addition to the ordinary rates of postage, and it is expressly provided that "such registration shall not render the Postmaster General or the post office revenue in any manner liable for the loss of any such post letters or the contents thereof." It is believed that authority to establish an additional rate of five cents on each letter registered, and to require the postage on all registered letters to be prepaid, would enable the Department to carry into effect the plan here submitted without prejudice to its revenues.

It is not proposed to make the registering of valuable letters compulsory, nor that the Government shall become liable for such letters when lost, but only to enable each person mailing a valuable letter to do so in the ordinary manner, or to add something to its security by the payment of a small registration fee.

I have no doubt that the registration of valuable letters, as proposed, would be highly appreciated as a means of security by the large commercial classes of the community, whose collections and exchanges are made principally through the mails, and who have from time to time urged in vain upon this Department the adoption of some such plan for their protection. I believe, too, that such a system of registration would relieve this Department from the imputation of numerous losses not properly chargeable upon it—cases in which valuable letters alleged to have been lost through the mails either never reached any post office, or have been stolen after arriving at the places of their destination.

The cost of the service for the last fiscal year, on the several United States mail steamship lines and across the Isthmus of Panama, is as follows:

New York to Liverpool, Collins line, twenty-six round trips	$858,000 00
New York, via Southampton, to Bremen, eleven round trips	183,333 96
New York, via Cowes, to Havre, eleven round trips	137,500 00
New York and New Orleans to Aspinwall, twenty-four round trips, including same number of trips between New York and New Orleans, via Havana	289,000 00
Astoria, via San Francisco, to Panama, twenty four round trips	348,250 00
Charleston, via Savannah and Key West, to Havana, twenty four round trips	50,000 00
New Orleans to Vera Cruz, twenty-four round trips, omitting Tampico	37,200 00
Aspinwall to Panama	119,727 03
	$2,023,010 29

By the act of Congress approved the 3d of March, 1847, the President was authorized to contract for the construction and equipment of four first-class sea-going steamships, to be attached to the Navy of the United States. It was by the second section made the duty of the Secretary of the Navy to accept on the part of the Government of the United States the proposals of E. K. Collins and his associates for the transportation of the United States mail between New York and Liverpool. The steamships to be employed were to be so constructed as to render them convertible at the least possible cost into war steamships of the first class. By the fourth section of the same act it was likewise made the duty of the Secretary of the Navy to contract with A. G. Sloo for the transportation of the mail from New York to New Orleans twice a month and back, touching at Charleston, if practicable, Savannah, and Havana, and from Havana to Chagres, and back twice a month. The fifth section authorized him to enter into a contract to carry the mail from Panama to Oregon once a month. The sixth section made it the duty of the Secretary of the Navy to provide in the contracts authorized by the act that the Navy Department shall at all times exercise control over said steamships, and at any time have the right to take them for the exclusive use and service of the United States, due provision being made in the contracts for the mode of ascertaining the proper compensation to the contractors therefor.

On the 1st of March, 1847, the Secretary of the Navy entered into a contract with E. K. Collins and his associates. The contract contains all the stipulations required by the act of Congress; the service to be performed was twice each month for eight months of the year, and once each month during the

other four months. The sum to be paid was three hundred and eighty-five thousand dollars, or nineteen thousand two hundred and fifty dollars a trip, and the contract was to continue in force for ten years from the date of the commencement of the service. A. G. Sloo was contracted with by the Secretary of the Navy on the 20th of April, 1847, to perform the service mentioned in the fourth section. The service was to be twice a month; the sum to be paid two hundred and ninety thousand dollars, and the contract to continue in force for ten years from the commencement of the service. This contract likewise contains all the stipulations required by the act of Congress, and was assigned by A. G. Sloo to George Law, Marshal O. Roberts, and B. R. McIlvain, on the 3d of September, 1847. The contract to transport the mail from Panama to Oregon was entered into with Arnold Harris on the 16th of November, 1847. The service was to be once a month; the price to be paid was one hundred and ninety-nine thousand dollars, and the contract was to continue for ten years from the 1st of October, 1848. All the stipulations required by the act of Congress are contained in this contract also, which was assigned on the 19th of November, 1847, to William H. Aspinwall. On the 13th of March, 1851, the Secretary of the Navy and Postmaster General, in pursuance of a law passed on the 3d of March, 1851, entered into an additional contract with the Pacific Mail Steamship Company, acting by William H. Aspinwall, by which the service from Panama to California and Oregon was increased to twice a month, at an increased price of one hundred and forty-nine thousand two hundred and fifty dollars, making the whole cost of the service three hundred and forty-eight thousand two hundred and fifty dollars.

The object of Congress in the passage of this act seems to have been to build up a naval steam marine, which might temporarily be employed for commercial purposes. In order to enable private individuals to build and equip those steamships in the mode pointed out by Congress, sums of money were advanced to them, and, to sustain them until wanted for Government purposes, large sums of money were paid them for conveying the mails. If in the progress of time it is discovered that these steamships are not suited for naval purposes, or that the large sums paid their owners for mail transportation have created a monopoly, checking the energy and enterprise of others of our citizens, Congress, in my opinion, is called upon to terminate their contracts, if it can do so consistently with plighted faith. By the terms of the act, and of the contracts entered into between the Navy Department and these companies in pursuance of the act, it will be seen that Congress reserved to itself the right to purchase the steamships, and thus terminate the connection between the companies and the Government. When they have been paid for their vessels the sums fixed by the appraisers mutually chosen, everything has been done which the faith of the nation requires.

It is, of course, of great importance to the commercial and other interests of the country that the mails should continue to be carried, but if these contracts are to be considered with reference to the transportation of the mails, the prices paid are too high, and if continued, all competition on the part of private individuals unconnected with the Government must cease. High, however, as are the present prices, if the competition on the New York and California line be driven off by the aid of funds derived from the General Government, no one can foretell the prices that will have to be paid after the expiration of the present contract. If the present contractors do not wish the Government to purchase their steamships, and thus to end the contracts, it will be for them to agree to a reduction of the present prices. Government will then pay a fair remuneration for all the service which it receives, and the carrying and passenger trade between our Atlantic and Pacific coasts will not have become a monopoly. In the bids received under an advertisement issued to obtain information, required by the third section of the act of 3d March, 1853, the Nicaragua Company proposed to carry a semi-monthly mail between New York and California for a sum not exceeding $300,000, or $600,000 for a weekly service, which is now required; and this, in my opinion, is the highest rate of pay which ought to be demanded. The present semi-monthly service, including the sum of $119,727 03 paid for the Isthmus transportation, will cost this year the sum of $757,977 03. By the act of July 21, 1852, the number of trips on the Collins line was increased to twenty-six, and the price raised from $19,250 to $33,000 a trip, making the yearly cost of this service $858,000. The section thus increasing the compensation contains a proviso reserving the power to Congress to terminate this additional allowance at any time after the 31st December, 1854, upon giving six months' notice.

While I shall always take great pleasure in testifying to the faithfulness with which those contractors have performed the service, and in saying that the ships built under the contract reflect great credit upon American skill and enterprise, I cannot resist coming to the conclusion that the sums now paid are too high, and that the notice should be given. Considering the size and cost of these steamships, and the speed with which the mail is carried, the sums fixed in the contract may have been too low; but however that may be, the present rates are much too high, and such as ought not to be paid. For the mail service between Liverpool and the United States, the English Government pay the Cunard line the sum of one hundred and seventy-three thousand three hundred and forty pounds, which, computing the pound sterling at five dollars, will make the sum of eight hundred and sixty-six thousand seven hundred dollars. For this sum they have weekly service, the seven steamships which constitute the line running alternately between Liverpool and New York and Liverpool and Boston, and receiving sixteen thousand six hundred and eighty-six dollars a trip. It is true there is a difference in the tonnage of the Collins and Cunard lines, and that the American steamers make their voyages in a shorter time; but the difference in the tonnage and speed of the two lines does not, in my judgment, afford any valid reason why there should be so marked a disparity in the prices paid by the two Governments.

The steamships Humboldt and Franklin, of the New York and Havre line, have both been wrecked during the year. The former was lost in the month of December, 1853, and the latter in July, 1854, in consequence of which the service on that line has been irregular. Temporary arrangements have been made to supply the places of the lost steamers until suitable steamships can be built to replace them on the line, and such vessels are now in course of construction. Both on this and on the Bremen line one of the monthly trips have been omitted. These irregularities materially detract from the efficiency of our mail service across the Atlantic.

In September last, the United States Mail Steamship Company having withdrawn their direct steamers between New Orleans and Aspinwall, the mails between New Orleans and the Pacific have since been conveyed, according to the original contract, by the way of Havana. On the Pacific line the company are permitted to omit Monterey and San Diego by their ocean steamers, and thus expedite the through mails, on condition of their supplying those offices, together with Santa Cruz, Santa Barbara, San Luis Obispo, (if practicable,) and San Pedro, semi-monthly by a coastwise steamer from San Francisco, in due connection with the through route, without change of pay.

No progress has been made since my last annual report in the pending negotiations with Great Britain relative to the admission of France into the arrangement as contemplated by the provision in the twelfth article of our postal convention. This article provides that "the rate of postage to be taken by the British post office upon letters arriving in the United Kingdom from the United States, either by British or United States packets, and to be forwarded through the United Kingdom to colonies or possessions of the United Kingdom, or of the United States, or to foreign countries—and *vice versa*—shall be the same as the rate which is now or which may hereafter be taken by the British post office upon letters to or from such colonies or possessions, or foreign countries, respectively, when posted at the port of arrival or delivered at the port of departure of the packets conveying the mails between the United Kingdom and the United States."

By this article a similar privilege is secured to Great Britain in respect to letters to and from the United Kingdom to be forwarded through the United States. But letters and newspapers passing through the United Kingdom "to and from France" are expressly excepted from the stipulations of said article. The two contracting parties, however, agreed "to invite France to enter into communication with them, without loss of time, in order to effect such arrangement for the conveyance of letters and newspapers, and closed mails through the territories of the United Kingdom, of the United States, and of France, respectively, as may be most conducive to the interests of the three countries." The clause above referred to, excluding the correspondence between the United States and France from the advantages of the convention, was strongly objected to by Mr. Bancroft, who negotiated the treaty on our part, and he was induced finally to consent to it only on being assured by the British Government that "the treaty stipulations between England and France rendered its insertion necessary, as without it the latter Power would have just cause of complaint against the former." This representation, however, appears to have been incorrect, as Mr. Lawrence, the successor of Mr. Bancroft, was subsequently assured that "France was then ready to negotiate at once, waiving the privileges of the convention which England set up in her behalf." This Government, deeming the treaty unequal in its bearing upon the interests of the two countries, particularly on account of the exceptional clause referred to, and being desirous of consummating, without loss of time, the triple arrangement contemplated by the twelfth article, commenced negotiations for that purpose immediately after the treaty was executed; which negotiations have been continued to the present time—nearly six years—without any beneficial result. The British Government has steadily declined to unite in effecting such arrangements as would "be most conducive to the interests of the three countries;" which arrangements might have rendered the treaty more equal in its operation; and the original terms of the convention still remain unchanged. The more important parts of the correspondence which has passed between the two Governments on this subject is contained in Executive Document No. 32, published by order of the Senate at the second session of the Thirty-Second Congress. On the part of this Government, it is claimed that the British transit charge for the United States and French correspondence, if sent in closed mails through the United Kingdom, shall not exceed twelve and a half cents an ounce, that being the price paid by Great Britain for the transit of British closed mails through the United States to and from the British North American provinces. The lowest offer of the British Government is that contained in Lord Palmerston's note of the 9th May, 1851, in reply to Mr. Lawrence's communication of 18th October preceding, of one shilling, (twenty-four cents) an ounce—a sum nearly or quite double that received by the United States for similar service. Under a partial arrangement concluded between Great Britain and France in May 1851, the mails from France for the United States have been forwarded through England as *closed* mails, France agreeing to pay to Great Britain the price demanded, viz: a transit postage of one shilling, (twenty-four cents,) and for the Atlantic sea conveyance one shilling eight pence, (forty cents,) an ounce. Prior to that date, the British office was charging and receiving the sea postage on all correspondence between the United States and France, via England, conveyed across the Atlantic by United States steamers, the same as when conveyed by their own packets; the result of which was that double sea postage having to be paid on all correspondence forwarded by United States packets, the great bulk of the United States and French mails, via England, was sent by the Cunard line. Since the partial arrangement above referred to went into operation, no charge has been made by Great Britain for the sea postage of letters conveyed by American packets; yet, under its operation, the single rate of postage between the United States and France, by United States packets, is six cents higher on each letter of the

weight of one quarter ounce and under than by British packets; and, consequently, much the larger part of the correspondence is still diverted to the British lines. For instance, taking the weight of the French mails received at New York by the Cunard packets to be the same with that received by these packets at Boston, and reckoning four letters to the ounce, the number of French letters brought by the Cunard line during the year was 237,576, while the number received by the Collins steamers, performing just half as many trips, was only 41,608—less than one fifth. The present treaty in other respects gives an undue advantage to Great Britain, and operates to the serious injury of the United States. Under its provisions, as will be seen by a statement in appendix A, an excess of at least $75,000 British postages has, during the last year, been collected by the United States for the British office over and above the whole amount of United States postages collected by Great Britain. This large balance of British postages has been collected at an actual expense of about $61,000 in the shape of commissions to our postmasters; and this Department suffers also the additional loss by exchange, &c., necessary to place the money in possession of the British office in London, of not less than $3,500. When it is considered that all this outlay is made on our part without receiving any equivalent in return, one of the most striking inequalities of the existing arrangement is pointedly exhibited.

No satisfactory progress has been made since my last report toward effecting a postal convention with France, nor has the contemplated arrangement with Belgium been yet consummated.

Some steps have been taken with reference to a postal convention with Mexico. A mutual exchange of dead letters has already been agreed upon and carried into effect; and I now await a project, which Mexico is to propose, for a more perfect arrangement, by which it is expected the rates of postage between the two countries will be materially reduced.

Under our postal convention with Great Britain, the Philadelphia post office, with the concurrence of that Government, has been constituted an office of exchange for United States and British mails. The articles of agreement on this subject are hereto annexed. I regret to state that my proposition for the reduction of pamphlet and magazine postage between the two countries to one cent an ounce on either side has been positively declined by the British Post Department. The combined rate is at present altogether too high, being eight cents an ounce for all works of this kind above the weight of two ounces.

In the month of March last an arrangement was made with the proprietors of the Australia pioneer line of monthly packets to convey mails regularly between New York and Port Philip, Australia, at two cents a letter, one half cent per newspaper, and one quarter cent an ounce for pamphlets and magazines; and, with the view of affording to our citizens the cheapest practicable means of communication with that country, I have fixed the rates on all out-going matter by that line at five cents a letter, two cents each for newspapers, and one cent an ounce or fraction of an ounce for pamphlets and magazines, prepayment required. These rates embrace both the United States inland and sea postage. As the United States postage cannot be prepaid on incoming letters by this line, they are treated as ordinary ship letters. Similar arrangements have been made during the year with the proprietors of the steamers Black Warrior and Cahawba to convey mails semi-monthly between New York and Havana, and New Orleans and Havana, at two cents a letter, and also with the proprietor of the steamship Jewess to convey mails once in every twenty days between New York and Nassau, New Providence, returning by way of Havana, at the same rate of compensation.

By these agreements an important point has been gained in sustaining the Department in the efforts which should be made in all future arrangements to keep the cost of the ocean service, if possible, within its receipts.

To the appendix (marked A) I invite your particular attention and that of Congress.

It exhibits full statistical information on the subject of the foreign mails; embracing the amount of postages, inland, sea, and foreign, on mailable matter received and sent by the different mail steamship lines during the year; the amounts of letter postages on British, Prussian, Bremen, and Havre mails; the portion thereof collected by the United States, Great Britain, Prussia, and Bremen, respectively; and the amounts of unpaid and paid matter received and sent by each of the lines of mail steamers. The gross and net revenues received by the Department from each of the trans-Atlantic mail lines are shown, and also the revenue derived from the correspondence with Great Britain, Prussia, and Bremen, respectively, under the existing postal arrangements with those countries, both including and excluding the United States inland postage. It also shows the number of letters and newspapers exchanged during the year between the United States and Great Britain in British mails, between the United States and Bremen in *Bremen* mails, and between the United States and the Kingdom of Prussia in closed mails; the number of letters (*in ounces*) received and sent in closed mails under each of our closed mail arrangements, and the number of letters and newspapers conveyed by the several home lines of ocean steamers. Other valuable statistics connected with the foreign mail service are also fully stated.

The usual report of fines and deductions will be duly furnished for the information of Congress. These fines and deductions for the year ending the 30th June, 1854, amount to $110,486 59. The amount for the previous year was $37,920 31. The increased amount has been mainly caused by a more rigorous exaction than heretofore of forfeitures incurred for defective service. The aggregate amount of fines and deductions for the last year has thus been greatly increased.

I am pleased to say that the introduction into the post offices of a better system of responsibility for mail bags has resulted in checking the waste of this species of property. The consequence has been a decrease of twenty per centum in the numbers of letter mail bags procured during the year ending 30th of June last, as compared with the preceding year; though the ordinary increase in the transportation of letters has required the use of a greater number of bags than were actually used before.

My assistants and chief and other clerks have faithfully attended to all their duties during the past year.

JAMES CAMPBELL.

To the PRESIDENT.

APPENDIX A.

The report of the Auditor of this Department, shows that the aggregate amount of postages, inland, sea, and foreign, on letters and other mailable matter received and sent by the following lines during the fiscal year, was:

By Collins line, New York and Liverpool—	
On letters	$288,973 55
On newspapers	9,643 58
	$307,917 13
By New York and Bremen line—	
On letters	$135,687 07
On newspapers	2,349 62
	$138,036 69
By New York and Havre line—	
On letters	$92,494 56
On newspapers	2,353 52
	$94,778 08
By Charleston and Havana line, on letters and newspapers	10,156 53
By New York and California lines, on letters and newspapers, including receipts from British and California closed mails pertaining to the lines	324,006 19
By New Orleans and Vera Cruz line, on letters and newspapers	4,675 99
Total	$679,570 61

The total amount of letter postage on British mails collected in the United States and Great Britain was $979,648 30.

Collected in the United States.

By Collins line	$182,100 23
By Cunard line	372,119 42
By Havre line	42,101 67
By Bremen line	43,464 29
Total	$639,785 61

Collected in the United Kingdom.

By Collins line	$83,307 52
By Cunard line	217,041 92
By Havre line	21,208 16
By Bremen line	18,305 78
	$339,862 69
Excess collected in the United States	299,923 92

Of the amount collected in the United States there was:

Of unpaid received	$363,326 52
Of paid sent	276,459 60

Of the amount collected in the United Kingdom there was—

Of unpaid received	$193,268 16
Of paid sent	146,594 53
The *unpaid received* in the United States exceeds the *unpaid received* in the United Kingdom	170,058 36
And the *paid sent* from the United States also exceeds the *paid sent* from the United Kingdom	129,864 56
The amount of *unpaid received* by Cunard line was	229,110 88
Deduct *paid received* by same line	101,477 06
Excess of unpaid received	127,633 82
The amount of *unpaid received* by Collins line was	91,378 46
Deduct *paid received* by same line	31,271 45
Excess of unpaid received	60,107 01
The amount of *unpaid received* by Havre line was	21,286 23
Deduct *paid received* by same line	7,161 44
Excess of unpaid received	14,124 79
The amount of *unpaid received* by Bremen line was	21,550 95
Deduct *paid received* by same line	6,684 58
Excess of unpaid received	14,866 37
Total excess of *unpaid* over *paid* received by all the lines	216,734 99
The amount of *paid* sent by Cunard line was	143,008 54
Deduct amount of unpaid sent by same line	115,564 17
Excess of *paid* sent	27,444 37
The amount of *paid* sent by Collins line was	90,721 77
Deduct amount of *unpaid* sent by same line	52,036 07
Excess of *paid* sent	38,685 70
The amount of *paid* sent by Havre line was	20,815 44
Deduct amount of *unpaid* sent by same line	14,046 72
Excess of *paid* sent	6,768 72
The amount of *paid* sent by Bremen line was	21,913 34
Deduct amount of *unpaid* sent by same line	11,621 20
Excess of *paid* sent	10,292 14
Total excess of *paid* over *unpaid* sent by all the lines	83,190 93

The total amount of letter postages on *Prussian* mails during the year was $217,663 18.

Amount collected in Prussia	120,491 73
Amount collected in United States	97,171 45
Excess collected in Prussia	23,320 28

Of the amount collected in Prussia there was of unpaid received $104,494 74; of the amount collected in Prussia there was of paid sent $15,996 99; of the amount collected in the United States there was of unpaid received $41,903 64; of the amount collected in the United States there was of paid sent $55,267 81.

The total amount of paid and unpaid sent from Prussia was $57,900 63, conveyed, as follows: By the Cunard line, $28,186 29; by the Collins line, $16,772 42; by the Havre line, $6,882 21; by the Bremen line, $6,059 71.

The total amount of paid and unpaid sent from the United States was $159,762 55, conveyed, as follows: By Cunard line, $84,062 30; by Collins line, $51,603 06; by Havre line, $17,110 35; by Bremen line, $6,986 84.

The total amount of letter postages on *Havre mails* during the year was $18,732 43; all of which was collected in the United States; amount received by Havre line, $10,540 70; by Collins line, $102 90; amount sent by Havre line, $8,088 83.

The total amount of letter postages on *Bremen mails* during the year was $82,979 86; amount collected in the United States, $69,367 69; amount collected in Bremen $13,612 17; excess collected in United States, $55,755 52.

Of the amount collected in the United States there was of unpaid received $50,138 41; of the amount collected in the United States there was of paid sent $19,229 28; of the amount collected in Bremen there was of unpaid received $9,657 63;

of the amount collected in Bremen there was of paid sent $3,954 54.

The total amount sent from Bremen was $54,092 95, conveyed, as follows: by United States steamers $45,914 58; by Bremen steamers $8,178 37.

The total amount sent from the United States was $23,886 91 conveyed as follows: by United States steamers, $22,168 62; by Bremen steamers, $5,090 12; by Collins line $1,628 17.

British Postages collected by the United States.

Amount by Cunard line		$372,119 42
Deduct United States inland, 5-24		77,524 88
Balance		$294,594 54
Amount by the United States steamers	$267,666 19	
Deduct United States inland and sea, 21-24	234,207 91	
Balance		33,458 28
Total		$328,052 82

United States Postages collected by Great Britain.

Amount by the Cunard line	$217,041 23	
Deduct British inland and sea, 19-24	171,824 30	
	$45,216 93	
Amount by the United States steamers	$129,821 46	
Deduct British inland, 3-24	15,352 68	
	$107,468 78	
Total		$152,685 71
Excess of British collected by the United States		$175,367 11

This calculation is based on the assumption that all the letters originated in the United Kingdom or the United States, which is not the fact. It, however, gives the result in the most favorable light possible with respect to Great Britain, inasmuch as a very considerable portion of the unpaid matter received from Great Britain is from Australia, China, and other countries, in transit through the United Kingdom, on which the British proportion of the whole postage is proportionably much larger than it is on matter posted in Great Britain. On the other hand, the amount of unpaid matter received in Great Britain from countries in transit through the United States, on which the United States proportion of the postage is increased, is comparatively trifling.

Statements are annexed, from the Auditor's office, showing the revenues derived to the United States, and also to the United States Post Office, from each of the trans-Atlantic mail steamship lines, as follows:

The gross revenue to the United States, without deducting commissions or the United States inland postages—

From the Cunard line was	$139,830 50
From the Collins line was	274,741 16
From the Bremen line was	123,507 11
From the Havre line was	86,864 35
Total gross revenue	$624,943 12

The net revenue to the United States post offices, deducting commissions, but including the United States inland postages: From the Cunard line was $1,483 91; from the Collins line, $208,670 89; from the Bremen line, $84,817 01; from the Havre line, $63,928 97—total, $358,900 78. The net revenue to the United States post offices, deducting commissions, and also the United States inland postages: From the Collins line was $153,377 61; from the Bremen line, $37,906 66; from the Havre line, $46,303 82—total net revenue by the three United States lines is $237,588 09. Statements are also annexed showing the revenue derived during the last fiscal year by the United States and by the United States post offices on the correspondence exchanged with Great Britain, Bremen, and Prussia, respectively, under the existing postal conventions with each of those countries, as follows: The amount of postages collected by the United States on British mails, was $660,219 03; the net revenue to the United States Post Office, with United States inland included, but deducting the amount paid Great Britain, *difference on British mails*, and also commissions to United States postmasters, was $253,431 78; the net revenue to the United States Post Office for the ocean postage, deducting the United States inland, was $39,988 09; the amount of postages accruing to the United States on *Bremen mails* was $69,621 42; the net revenue to the United States Post Office, with the United States inland included, was $39,988 09; deducting the United States inland there was a deficit to United States Post Office of $1,501 84; the amount of postages accruing to the United States in Prussian closed mails was $172,737 39; the disbursements by the United States for the conveyance of those mails, including $91,962 58 paid to Great Britain and commissions paid United States postmasters, was $178,132 95; showing a deficit to the United States Post Office Department of $5,395 56.

The number of letters exchanged between the United States and the United Kingdom in *British mails*, during the year, by the Cunard line was, 2,740,866; by the Collins line, 1,086,495; by the Bremen line, 253,540; by the Havre line, 255,803. Total, 4,336,704.

The number of newspapers by the Cunard line was, 1,571,299; by the Collins line, 630,685; by the Bremen line, 122,787; by the Havre line, 148,005. Total, 2,472,776.

The number of letters received by the Cunard line was, 1,491,458; by the three United States lines, 707,635. Total received, 2,199,093.

The number of letters sent by the Cunard line was, 1,249,408; by the three United States lines, 888,203. Total sent, 2,137,611.

The number of newspapers received by the Cunard line was, 716,864; by the three United States lines, 243,241. Total received, 960,105.

The number of newspapers sent by the Cunard line was, 854,435; by the three United States lines, 658,236. Total sent, 1,512,671.

The number of letters exchanged between the United States and Bremen, in *Bremen mails*, during the year, by the Bremen line was, 377,530; by Bremen steamers, 65,797; by the Collins line, 8,631. Total, 451,958.

The number of newspapers, by the Bremen line was, 10,453; by the Bremen steamers, 2,228; by the Collins line, 1,035. Total, 13,716.

Of this number there were received, by the Bremen line, 238,032 letters, 5,773 newspapers; by the Bremen steamers, 35,304 letters, 393 newspapers. Total received, 273,336 letters, 6,166 newspapers.

There were sent, by the Bremen line, 139,498 letters, 4,680 newspapers; Bremen steamers, 30,493 letters, 1,835 newspapers; Collins line, 8,631 letters, 1,035 newspapers. Total, 178,622 letters, 7,550 newspapers.

The number of letters exchanged between the United States and the Kingdom of Prussia in *closed mails* during the year, by the Cunard line was, 366,642; by the Collins, Havre, and Bremen lines combined, 345,652. Total, 712,294.

The number of newspapers by the Cunard line was, 25,025; by the Collins, Havre, and Bremen lines combined, 25,031. Total, 50,056.

The number of letters *received* by the Cunard line was 91,633; by the three United States lines, 96,655. Total received, 188,288.

The number of letters *sent* by the Cunard line was, 275,009; by the three United States lines, 248,997. Total sent, 524,006.

The number of newspapers *received* by the Cunard line was, 3,356; by the three United States lines 4,584. Total received, 7,940.

The number of newspapers *sent* by the Cunard line was, 21,669; by the three United States lines, 20,447. Total sent, 42,116.

The number (in *ounces*) of letters received and sent in closed mails during the year was, as follows:

Prussian closed mails received by the Cunard line, 30,059 ounces; by the three United States lines, 31,717. Total received, 61,776.

Prussian closed mails sent by the Cunard line, 85,350 ounces; by the three United States lines, 77,657. Total sent, 163,007.

Canada closed mails received by the Cunard line, 97,980½ ounces; by the three United States lines, 2,847½. Total received, 100,827½.

Sent by the Cunard line, 102,551½ ounces; by the three United States lines, 2,844½. Total sent, 105,396½.

California closed mails received by the Cunard line, 6,398½ ounces; by the three United States lines, 2,145; by the West India British packets, 6,276. Total received, 14,819½.

Sent by the Cunard line, 4,338½ ounces; by the three United States lines, 1,963. Total sent, 6,301½.

Bremen closed mails sent by Collins line, 2,773 ounces.

Havana closed mails received, by Cunard line, 2,916 ounces; by the three United States lines, 985½. Total received, 3,901½.

The number of letters and newspapers conveyed during the year was, by the New York, New Orleans, Aspinwall, and Pacific mail steamship lines, 2,958,681 letters and 3,482,410 papers; Charleston and Havana line, 80,012 letters and 35,820 papers; New Orleans and Vera Cruz line, 21,528 letters and 22,486 papers. Total number of letters, 3,060,221. Total number of papers, 3,540,666.

The amount received from Great Britain on loose letters collected during the year on board the Atlantic mail steamers was $981 74; amount paid Great Britain on same, 87cents; the amount of postages collected by the United States, and accounted for to Great Britain on letters to and from foreign countries in transit through the United Kingdom was, on unpaid letters received, $21,282 51; on paid letters sent, $11,550,43; on unpaid newspapers received, $1,155 97; on paid newspapers sent, $692 06. Total, $34,689 97.

The amount collected by Great Britain, and accounted for to the United States on similar matter in transit through the United States, was, on unpaid letters received, $1,854 40; on paid letters sent, $13 96—$1,868 36. Excess collected in United States on this class of correspondence, $32,812 61; amount received from Great Britain on dead letters to the London office, $1,587 73; amount paid Great Britain on dead letters returned to Washington, $2,086 02; amount received on dead letters returned to Prussia, $44 588; amount paid on dead letters received from Prussia, $945 58; amount received on dead letters returned to Bremen, $1,705 30; balance due the United States on the adjustment of the accounts with Prussia at the close of the last fiscal year, $70,412 13; balance due Bremen on the adjustment of the accounts at the close of the fiscal year, $13,823 46; balance due Great Britain on adjustment of the accounts at the close of the fiscal year, $195,522 68.

The amount of postages for the year on mails received and sent between the United States and the British provinces, under the postal arrangements with Canada and New Brunswick, by which each party retains what it collects, was $156,768 41. Of this amount the British provinces have collected from letters—received unpaid, $48,302 43; sent paid, $30,928 77. Total collected in British provinces, $79,231 20.

The United States have collected from letters, received unpaid, $38,161 79; sent paid, $39,375 42. Total collected in United States, $77,537 21. Balance in favor of the provinces, $1,793 99.

The balance in favor of provinces during the previous year, as per last annual report, was $1,543 22.

EXECUTIVE POLICY.

The original Policy avowed in the President's Inaugural Address; in his first Annual Message; in his Message on the "Black Warrior;" his Change of Position in his second Annual Message; his Secret Efforts; the "Higher Law" which should guide Statesmen.

SPEECH OF HON. J. R. GIDDINGS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

December 11, 1854.

The House being in the Committee of the Whole on the state of the Union on the President's Message—

Mr. GIDDINGS said:

Mr. CHAIRMAN: In the earlier days of the Republic the President's annual message was regarded as the most important State paper of the session. It was supposed to express the whole policy of Government; and was usually discussed, examined, and scrutinized until the holidays were passed, when we usually enter seriously upon the work of legislation. From this forum gentlemen spoke to the people of the nation, calling public

attention to whatever they deemed important in the message. That practice, I think, was salutary, it was a great saving of time, and I am unwilling to see it abandoned. This is a Government of the people, and we cannot communicate with them too freely in regard to our national affairs; and I may be permitted to add, that if the speeches made on our appropriation bills, respecting the policy of the Government, were pronounced in committee on the President's message, they would be far more appropriate, and we should become better practical statesmen.

If no other gentleman is prepared, at this time, to speak upon this message, I will occupy the attention of the committee for a few minutes, although I am not prepared. But it will be my purpose to speak of what the message avoids, rather than of what it expresses; of its *silence* rather than of its declarations. It is true that what is said in regard to the destruction of Greytown is open to animadversion. Our national honor has been compromitted: the act was disreputable to our Navy. But so far as the President's elaborate argument goes to exculpate his administration, or the nation from a transaction so unworthy of the American people, I wish him all success. His attempt, however, to cast odium upon the people of Greytown by characterizing them as "a heterogeneous assemblage of *blacks, and persons of mixed blood*," was unworthy of an American Magistrate. Had he spoken of their intelligence, their virtue, or their patriotism, his remarks would have been understood; but the attempt to impute demerit to the people of Greytown to justify the destruction of their dwellings and property on account of their *complexion*, shows a distrust of his own position—a want of fact and of argument to justify himself. The disreputable proceeding at Greytown arose from one of the basest murders ever perpetrated. It was committed upon a man of mixed blood, in the presence of our Minister, who, by a display of mob violence, protected the murderer and made himself accessory to the crime. He is a slaveholder, accustomed to witness all manner of outrages upon colored people, and no doubt supposed that a white man had the right to commit murder on a colored person; but this attempt of our President to carry out this slaveholding principle, this absurd doctrine, was not expected. It must fail of its object.

But, Mr. Chairman, I repeat that I intend calling the attention of the House and country more to matters which the message *avoids*, than to those which it discusses. Firstly, I ask attention to the fact that this important State paper does not contain the word *slavery*, nor does it make any direct reference to that institution. The importance of this omission will be appreciated when I state that for twenty-five years no annual message of our Presidents has omitted direct reference to human servitude, and I think in every instance the Executive has assured the slaveholders of his intention to protect their "peculiar interest" against all *improper* influences. This fact shows an important change, a revolution in the Executive mind. Of this omission, however, I do not *complain*. In truth, no President ever ought to have expressed any such assurance in favor of slavery; nor had the Executive or legislative branch of Government any right to extend any influence or aid in maintaining oppression. The duty of both those branches of Government ever has been, and now is, to sustain freedom, protect the liberties of all men under our *exclusive* jurisdiction, and to leave slavery with the States in which it exists. And if the President was now exerting no secret, no clandestine influence in favor of slavery, had his acts on this subject corresponded with his silence, I should not have now troubled the House with any remarks. But I ask why this ominous silence? Why has the President abandoned the practice of his predecessors for the last quarter of a century? Why has he abandoned the practice adopted by him in his inaugural address? repeated in his first annual message? enlarged upon in his message upon the Black Warrior, and carried out, so far as able, by the efforts of his most distinguished political and personal friends?

On the 4th of March, 1853, standing in the eastern portico of the Capitol, as he was about to take the oath of office, while avowing the most important measures which were to characterize his administration, the President announced to the country his convictions that the *domestic servitude* of our southern States was based upon the same principles as other *recognized rights*. His convictions that slavery and freedom stood upon the same moral level, based upon the same law of our Creator, were thus publicly avowed. He solemnly placed on record the declaration that a holy and righteous God ordained and sanctified the institution of human servitude, with its attendant crimes, as plainly as he did the right to life, liberty, and happiness. This lamentable perversion of his moral faculties might have been passed over without attracting attention, except for the inference which he drew from this extraordinary predicate. Having laid down this principle, he proceeded to announce to the country that our slave States were entitled to *congressional legislation in order to sustain their slavery*.

This doctrine was novel, important, and startling to those who examined the address with critical attention. No former President had presumed to declare the people of the free States thus implicated in the crimes and disgrace of slavery. Of all the slaveholders who have filled the Executive chair, none had thus boldly and unequivocally attempted to nationalize an institution which the people of the free States abhor and repudiate. The declaration was clear and distinct to every man accustomed to the diplomatic language of the President. There was apparently no disguise on his part. For many years we had seen our influence as a nation occasionally prostituted, in a silent manner, to the support of slavery, while the advocates of freedom opposed the practice, and called on slaveholders and their "northern allies" to throw off their disguise, to stand forth before the nation, and openly maintain or deny the right of the Federal Government thus to pervert its power. Mr. Pierce met this demand in a manner becoming a President of determined purpose. He promptly accepted the issue which his predecessors and his party had so long evaded. And when the slaveholding press of the country called on him and on Congress to take measures for obtaining Cuba, in order to prevent the example which emancipation in that island would have upon the slaves of our southern States, Mr. Pierce responded, in his message on the Black Warrior, that if Cuba persisted in a policy thus endangering the *honor* and *safety* of our slave States, she could not expect that peaceful relations would long subsist between this Government and Spain; and he proceeded to intimate the propriety of Congress making provisions for carrying this warlike policy into effect.

In urging this measure the people of the South relied on the doctrine avowed by the President. If the nation be bound to sustain the slavery of the South, then, sir, we must prevent emancipation in Cuba, whatever may be the expense of blood and treasure. If the policy and doctrine of the President's inaugural be correct, then are the southern people correct in urging this Government into a war with Spain, unless we can prevent emancipation in Cuba by other means. Accordingly, in his annual message of last year he endeavored to prepare the public mind for obtaining that island. A long paragraph of that message was devoted to this subject; and it was well understood by all intelligent men that a Minister to the Court of Madrid was selected for the very purpose of obtaining Cuba by purchase, or of involving our nation in a war, to open the way for its conquest.

Sir, the people, particularly those of the South, will read this message with astonishment, when they find that it contains no allusion whatever to Cuba. Why this silence upon a matter so important? Has the President given up the policy avowed in his inaugural address? If so, he ought to let it be known. All must understand, that if he carries out the doctrine avowed at his entrance upon office, he must obtain Cuba; and the inquiry of every man is, what are the prospects? The people have a right to know. Yet, here is a total silence in the message in regard to that measure. Civilization is advancing in Cuba. The authorities there are more active than ever in arresting the slave trade; in setting the emancipadoes free. The cause of freedom is going forward there, and the work of immediate and total emancipation will commence at no distant day; indeed, it has already begun. This influence must tell upon the slaves of our own States, and why is the President silent at this important juncture? The reason of this silence—this obvious timidity—is understood by every member. The condemnation of his policy by the people, at our recent elections, is seen and read of all men. It is written upon the tablet of the moral Universe. It came to the President like the voice of the Almighty to the rich man. He trembles, falters, retires before the storm of popular indignation which now overspreads the northern heavens. That is right—it is proper. So far, I approve his course on this subject. It is his duty to yield his sentiments and views to the instructions of those who wield the sovereign power of the nation.

But it cannot be disguised that while the President is thus silent in his message, he continues his efforts in a secret, a clandestine manner, to obtain Cuba. Through the Ministers of other Governments, resident at Madrid, we are informed that our representative at that court is making all possible exertions to attain that object. It is a humiliating consideration that we are indebted to the representatives of other Governments, and the press of other nations, for information which should be communicated by the President in his annual message. These attempts to evade popular scrutiny cannot avail the President. They are unworthy of the station he occupies. If his policy be just, the people will sustain him; if unjust, he should abandon it; but no circumstances can excuse these secret efforts. His organ, too, the Union, of this city, is silent on this subject. So are his friends.

Now, Mr. Chairman, we all like to see men bold and manly in their conduct, and I hope the advocates of the President's avowed policy will stand up to their work like men, or *surrender* at discretion. If that policy be carried out, we must have Cuba to give strength to slavery; if they abandon Cuba, they must abandon the President's policy. What do the President's friends intend doing? Let them speak out, show their colors, and prove themselves men. Why, the battle has scarcely commenced; yet as the supporters of slavery see their black flag trailing in the dust, they cease firing and spike their own guns. Does the President and his friends understand that if a treaty for the purchase of Cuba be obtained, another Congress, composed of other men, will pass upon the bill to make the necessary appropriation to pay the purchase money? Or, if war be waged, that another Congress, composed of men who repudiate the President's doctrine, must either carry on such a war, or constrain the President to make peace and do justice to the Spanish Government. In short, the decree has already been entered, the fiat has gone forth from the American people, that if Cuba comes into this Union, it must come *free*. Her *slaves* can never breathe the air of *this* Republic.

Again, in pursuance of the general policy avowed by the President, he strongly urged us, in his last annual message to make an appropriation from our national treasury to compensate the Cuban pirates who claimed to own the people on board the slave ship Amistad. He evidently deemed this incidental to his avowed policy of sustaining the institution. It was well calculated to soothe the Spanish authorities, to assure them that we had no moral objections to the business of dealing in human flesh, and thereby show them that all the interests involved in Cuban oppression would be sustained and upheld by us if that island were annexed to our Government. I took occasion to expose the depravity of that proposition at the first moment in my power.

The honorable chairman of the Committee on Foreign Affairs, assured the House that his committee would report a bill in conformity with the President's recommendation. He declared my speech to be full of errors of law, errors of fact, and errors of logic which he would, at an early day, expose. One year has passed, and we have not heard from him on this subject. I would respectfully inquire whether he will expose my errors in this world, or will he postpone it to the next? If he delay it to the future, it must go

before a *Plutonic* Congress, where alone slavery will be respected, and of that Congress I hope not to be a member.

Mr. BAYLY, of Virginia. At the last session of Congress I distinctly explained to the gentleman from Ohio why I did not report the Amistad case. In my statement at that time, I said that our affairs with Spain were so unsettled that I was not disposed to move in that matter until we had disposed of the Black Warrior case, and several other cases before our committee. My anxiety to expose the errors of fact and argument in the gentleman's speech was not so great as to cause me to obtrude myself upon the attention of this House merely for the sake of that exposure, when it might inflict injury upon our public interest and pending affairs with Spain.

Mr. GIDDINGS. I thank the gentleman for the explanation. This statement was made subsequently to his promise to which I alluded; but I do not see very clearly how the exposure of my errors would have very dangerously affected our relations with Spain. I frankly let the gentleman off at this time, hoping he will not postpone his promised exposure until after my death.

But my object in calling attention to this subject, is to notice the silence of the President, of his organ, of his friends, in regard to it; while one year since he so strongly urged its consideration upon us. Why this backing out? Have the recent elections paralyzed these Goliahs of the slave dealing interest? Are they struck dumb at the recent manifestations of the people's displeasure? Is the chill of political death already upon them? Are they beginning to look into their political graves?

We have been informed, though not by the President, that negotiations have been entered into by which this Government has obtained from the Dominican authorities territory upon the bay of Samana, for the purposes of a naval depot. The object of this is obvious. For many years the Executive has been exerting its influence to encourage and sustain the mulattoes of San Domingo in their resistance to the legitimate authority of Hayti, for the evident purpose of eventually subverting that colored Republic. The example of a colored people sustaining the position of an independent nation among the Powers of the earth, is at war with the pretense of slaveholders and their apologists, that colored people are ignorant, stupid, and incapable of protecting themselves. It is at war with slavery. Our Government has therefore exerted its influence to blot out this example of the Republic of Hayti. The mission of Mr. Green, and other agents sent there, was to bring about that result. It is necessary to carrying out this policy of supporting slavery by our Federal power. Although it is said that a treaty has been effected by which we have obtained this cession of territory, the President says nothing in regard to it. So far as the President has power, we and the people are kept ignorant of all that has been done, and all that is doing, in this matter. Fortunately, however, the negotiation was confided to the judgment and discretion of a *lady minister*, who donned the cocked hat and small clothes of her office, and bidding her husband to *follow* as one of the *attachés* of her legation, proceeded to the discharge of her important mission. I hope no lady will think me opposed to "women's rights," [laughter;] for really, I am an ardent advocate of that doctrine, and regard this as one of the *best diplomatic* appointments the President has yet made; and if Mrs. Partington, or some other experienced lady, could take the place of a certain European Minister, I doubt not it would be a great improvement. It is an old adage, that "*ladies never keep secrets.*" I do not believe in political secrets, nor in governmental secrets. Indeed, this is a Government of the people, and they have an indisputable right to know what their servants are doing. This principle seems to have been appreciated by the lady referred to, and from her we derive our information. My object, at this time, is to call attention to the President's silence on this subject. He breathes not a word in relation to it; with him, all is silent, all is secret, all unknown to the people, except as the woman has disclosed facts. I repeat, this studied silence in regard to everything touching slavery, or connected with the important doctrine proclaimed by the President at his advent to office, is unmanly and undignified. I ask, will the President's friends in this body follow his example? Will they sit here during the present session with their lips hermetically sealed on this policy? *We shall see what we shall see.*

In direct and obvious accordance with this doctrine of the President, we saw a distinguished personal and political friend of the Executive, in the other end of the Capitol, at the last session of Congress, move to restore the African slave trade, with all its attendant crimes, its unutterable guilt—to bring back the horrors of the "middle passage" in board our slave ships, and to sustain them with the influence and power of the nation. The proposition is most reasonable, if the President's doctrine be correct. If we sustain slavery, it follows that we must sustain the traffic in slaves. If slavery be *right*, the slave trade cannot be *wrong*, and if we protect one we must protect the other. It is idle to pronounce him who sells slaves a *pirate*, and hang him, and then turn round and uphold and encourage him who *buys* and flogs them. We cannot sustain the President's policy without restoring the African slave trade. And the movement in the other end of the Capitol for that purpose was an effort to carry out the President's doctrine. It was an important movement; one that has excited wonder and astonishment throughout the Christian world. Captain Smith, now awaiting, in the prison of New York, the time at which he is to expiate upon the gallows the crime of slave dealing, has done no more than the President and his friends now propose authorizing every American citizen to do with impunity. If the President's doctrine be correct and just, this man ought not to suffer. If the President's ideas be correct, the law pronouncing the slave trade *piracy* is unjust and cruel. If the President be morally innocent, Captain Smith cannot be morally guilty. Nor do I blame the President so much as some do for this attempt to restore the African commerce. It is no worse, indeed it is not so aggravated in some respect as the commerce in slaves, now carried on upon our southern coast, and in this District, for the sole purpose of encouraging and sustaining slavery. Here, in this District, as well as on the coast, we authorize the sale and transportation of civilized and christianized men and women. We authorize the sale and transfer of Methodists and Baptists, Episcopalians and Catholics, and even preachers of the gospel are made merchandise. We authorize the sale and purchase of the Savior of mankind in the person of his followers. This traffic in Christians is sustained by the President and his friends; he insists that we are bound to uphold it. Indeed we have, under former Presidents, silently lent our national influence to encourage it, to obtain indemnity from Great Britain for slave dealers who were far more deserving the halter than Captain Smith. We legislate to encourage one and to hang the other.

But my object in referring to these attempts to restore the foreign slave trade, was to exhibit the President's silence in regard to it. He makes no allusion whatever to the subject; and I shall await with interest the movement of his friends in the other House, and in this body. Will they, too, recede? I am curious to see whether they will follow the President's silent example. In short, I am anxious to learn the precise effect which the late elections have on the advocates of slavery in the two Houses of Congress.

Sir, one other Administration attempted to prostitute the influence and powers of the nation to protect the coast-wise slave trade. It was the *Whig* Administration of John Tyler. I speak not of past parties to injure the feelings of any one, and it would be no more than justice to say that Mr. Tyler was abandoned and repudiated by the Whig party. Yet I, as a Whig, voted for him, (God forgive me.) When the victims on board the slave ship Creole, in 1841, asserting that God had endowed them, too, with the inalienable right to liberty, took possession of the ship, landed on a British island, and, by the magic influence of British laws, were transformed into *free* men and *free* women, the slave dealers, who richly deserved the halter, returned and called on President Tyler to assist them in obtaining compensation for their loss. Mr. Tyler (honest soul that he was) really thought, as Mr. Pierce does, and as many members of this body do, that slavery and freedom were based on the same moral and political principles; and he, too, like Mr. Pierce, attempted to carry the doctrine into practice; but the people denounced such infidelity to God, to our Constitution, and to mankind; and the press spoke out in thunder tones; and Mr. Tyler, a slaveholder, had the grace to recede, and leave the claims of the slave merchants without pressing them farther, and to abandon the doctrine since proclaimed by Mr. Pierce at his inauguration.

It has been said with great propriety, that the principal distinction attained by the present Administration, consisted in the fact that it had, by way of contrast, added *dignity to that of Mr. Tyler*. It is certainly true that the present Executive has assumed doctrines which Mr Tyler discarded. I shall wait to see whether Mr. Pierce will have the grace to repudiate them as his illustrious predecessor did, or will he, in the midst of this political storm, imitate the sailor who, when the ship was going to pieces, under directions of the captain for every one to seize upon something on which to *float ashore*, laid hold of the *anchor* and went down with it.

Again, we are all aware that the Administration is called on to obtain a treaty with Great Britain for the return of the fugitive slaves now resident in her Canadian Provinces. This, too, is but an incident in carrying out the President's avowed policy. If that policy be correct, it follows that the nation is under obligations to obtain those fugitives. Why does the President falter or hesitate? He must depart from his pledged devotion to that institution, or he must put forth whatever influence he can command to obtain these fugitives. Yet he is silent on the subject. He appears unwilling to say anything respecting the matter. Why, sir, all these subjects to which I have called attention are matters to which the Executive stands solemnly pledged before the country. He must violate that pledge, or maintain to the extent of his influence and political power, these and many other measures which, if carried out, will operate beneficially for oppression.

It is true, that when the inaugural address was delivered, the Whig and Democratic parties had, in national conventions, resolved to resist all agitation of the slave question. While they stood thus bound to observe silence, the President seized upon the opportunity to go farther in favor of agitating for the benefit of that institution than any other President or statesman ever went; and one of his followers in the Senate subsequently, in imitation of his example, declared that he would yet call the roll of his slaves under the shadow of the monument on Bunker's Hill. Neither Whig nor Democratic presses at the time appeared willing to discuss the subject of slavery, notwithstanding the important avowal of the President; nor did they appear generally to appreciate the importance of the doctrine to which he pledged his Administration; but the people now see its application, and appreciate its bearing.

But another subject, incidental to this policy of the President, has proven of paramount interest. I refer to the repeal of the Missouri prohibition of slavery from our western Territories. This, too, was but carrying into practice the President's doctrine of sustaining slavery by Federal legislation. His silence on this exciting topic is more astonishing than it is on any other. While this question was pending at our late session, the Executive organ, the Union of this city, assured us repeatedly that the President was anxious for the repeal of that prohibition. It exhorted all friends of the Executive to stand up manfully and fight the battle which then raged, assuring them that he would not suffer any to be driven to private life for adhering to his policy. He sent his agents into this Hall, openly proclaiming these terms, to buy up support for his favorite measure; converting this forum into a political slave-market, in which to buy up the representatives of the people; placing his patronage in competition with the will of our constituents. His friends, too, in this body, apparently speaking by authority, boldly proclaimed the President's views, threatening with expulsion from the party those who should prove recreant to his avowed policy. Now he is silent, and his organ is inexorably dumb.

From day to day we were told that the passage

of that measure would bring peace to the country—would quiet all agitation among the people and in this Hall, and effectually seal the lips of those who were advocating the doctrine of man's "inalienable right to liberty." I need not say how far this prophecy was from truth. The result has shown it to have created a hundred-fold greater agitation on this subject than ever existed in the nation before. Indeed, if I were to hazard an opinion, I should say that this great, this unpardonable error showed the Executive and those who united in this assurance, wholly incompetent to guide any political party, much less qualified to control the Executive power of Government. And we have good evidence, that the people of *the free States concur in this opinion.*

The bill passed. The prohibition excluding slavery from those Territories was repealed, slavery was admitted there, and the newspapers now give us the "price current of human flesh upon the territory which our fathers, thirty-four years since, solemnly consecrated to freedom. We are now told, through the public press, that men are worth from $1,000 to $1,500 per head, and women from $800 to $1,100. And this information was given us at the very moment that northern serviles were endeavoring to make the people believe that slavery would never go there. Why, sir, these men had voted for the very object of sending slavery into that fertile region. It had long been excluded, and they voted to remove the exclusion for the purpose of permitting it to be established on that soil. And let me say that this was most obviously a fair and legitimate carrying out of the President's avowed doctrine. It was solely with a view to aid and encourage slavery. If his doctrine were correct, the admission of slavery into those Territories was correct. I have never regarded this measure in any other light than a fair and honest carrying out of the President's doctrine. It comes as legitimately within his avowed principles as does the acquisition of Cuba, the restoration of the African slave trade, the treaty with Great Britain, or the obtaining territory in St. Domingo.

The President and the country have witnessed some of the effects of extending slavery into Kansas and Nebraska. The recent elections have demonstrated the light in which the people of the free States view that measure. He and his friends have listened to the emphatic condemnation pronounced against them by the popular voice. He sees his policy repudiated, his influence prostrated, his political friends stricken down, his administration doomed to an unenviable notoriety, yet he makes no reference to these things in his message. He has witnessed some of the consequences of this first carrying into practice the great policy which was to distinguish his administration, and he remains silent. Why does he not inform us whether he adheres to his original plan, or whether he intends to abandon it? This silence is extraordinary. We cannot account for it. He sees his friends stricken down on his right hand and on his left by scores, by hundreds, ay, almost by thousands. To those who voted for the Nebraska bill he is bound to extend his protection against the people's indignation. How will he do it? He has not offices enough at his disposal to meet these engagements. Will he follow the example of many commercial men at this day, and declare his administration to have *failed*? The people have already done that; but will he, or some friend of his, inform us why he is so silent on this important matter? It is true that his friends were, at the time, cautioned against the surrender of their judgments, and the consciences which God had bestowed upon them. They were told that the extension of slavery into those Territories would awaken popular indignation. I myself kindly assured them that it would consign them to early political graves; that before we should again meet in this Hall, a political cholera would sweep over the free States, carrying those who voted for the extension of slavery to that political "bourn from which no traveler returns." This prophecy has proven literally correct. Why, sir, in Ohio there is not a soul left to tell the sad tale of their overthrow. Judgment has been speedily executed against them and their works. I would speak with feelings of kindness towards those who are about to take their final departure from us. I regret that they should have thus sinned against light and knowledge; but having transgressed the law of justice, they must receive the appropriate penalty.

Mr. INGERSOLL. Will the gentleman from Ohio inform me whether those gentlemen so recently candidates in Massachusetts for reëlection, and now defeated for Congress, were the peculiar friends of the President?

Mr. GIDDINGS. I believe that they did not vote for the bill. I am speaking of those who voted for it, at the President's invitation. I had particular allusion to the gentleman from Connecticut, who has just taken his seat. [Laughter.] As he is about to take his departure to the shades of private life, I will say that I rejoice not in the death of any sinner. [Laughter.] I would rather that he would have repented and lived, and received the approbation of the people.

Mr. INGERSOLL. The gentleman, perhaps, is not aware that no nominations for Congress have been made in Connecticut, and, therefore, that I have not been put in nomination.

Mr. GIDDINGS. And never will be. [Laughter.]

Mr. INGERSOLL. The gentleman may have more information in the matter than I or my friends here. I can, however, inform the gentleman from Ohio of this: with the question of popular sovereignty involved in the Nebraska bill, I feel that I can, with safety, go before my constituents, and look for their approval of my course in sustaining that great principle in this House.

Mr. GIDDINGS. The gentleman says that I may know more on the subject than he does. I cannot say how that may be. But he speaks of popular sovereignty—a term iterated and reiterated by every servile press of the North. *Popular sovereignty*, indeed! Do you, my dear sir, mean, when you speak of popular sovereignty, that all the people of Kansas and Nebraska shall participate in the government?

Mr. INGERSOLL. I mean by popular sovereignty that the people in Kansas and Nebraska have the right, under the Constitution, to determine for themselves any questions affecting their domestic relations, the same as they have in Connecticut and Ohio. Is the gentleman answered?

Mr. GIDDINGS. Does the gentleman mean by people, all who bear the image of God?

Mr. INGERSOLL. I mean citizens of the United States.

Mr. GIDDINGS. My friend need not equivocate, nor quibble. We understand him. Does he mean by the term *people*, all who are impressed with the likeness of the Almighty?

Mr. INGERSOLL. If I have read correctly the report of a decision recently made, I believe in the gentleman's own State it has been decided that a negro is not a citizen of the United States.

Mr. GIDDINGS. That is the most direct answer I ever did get from a Yankee. [Laughter.] I ask you, my friend, and I do it with all respect and kindness, do you hold with Jefferson, Hancock, and the Adamses, and their associates, that *all men are endowed by their Creator with an inalienable right to life, liberty, and the pursuit of happiness?* Answer, if you please.

Mr. INGERSOLL. I believe in all the cardinal principles of Jefferson—that included.

Mr. GIDDINGS. I am glad that I have made one convert. [Laughter.] Certainly his vote for the repeal of the law which secured to all the people of Kansas and Nebraska this "inalienable right to liberty," looked as though he did not believe in that "self-evident" truth; and when he now says that the people of Kansas and Nebraska possess the right to enslave and brutalize a portion of our race, he denies the doctrine asserted by the patriots to whom I referred. They declared "that Governments are constituted among men to *secure* these rights" of life, liberty, and the pursuit of happiness to *all* men. Most emphatically did every man who voted to permit slavery in those Territories deny this fundamental, this *self-evident* truth.

The gentleman refers to "*popular sovereignty*" as though it were contained in this bill, while he asserts that the people or citizens of the United States, resident in those Territories, have the right to hold slaves, if they please. I most unequivocally deny the *right* of any people to enslave, to brutalize the humblest individual of our race. They neither have, nor can have, such right. We may as well talk of the *right* to commit piracy. *Popular sovereignty* consists in the combined influence—the united power of *all* the people of a State. It is an abuse of language, a perversion of the term, to say that "popular sovereignty" allows one portion of the people to tyrannize over another portion—to flog, to buy, and sell them as they do brutes.

Sir, one of the best illustrations of this term "popular sovereignty," as used by the supporters of the Nebraska fraud, was given during the late canvass up in the Wolverine State. A speaker was addressing a crowd there upon the sublime truth that *all men* are endowed by their Creator with the inalienable right to liberty. A man with a "rich brogue" interrupted him with the inquiry, whether he denied the doctrine of "*popular sovereignty.*" The speaker replied, "No, sir; it is the very foundation of my political faith. I hold that every human being is sovereign of his own conduct, while he interferes with the rights of no other person. Now, sir, what do you understand by the term 'popular sovereignty?'" "Well, indeed," said he, "I think the language is perfectly plain; how can a man be a *sovereign unless he have one or more subjects on whom to exercise his sovereignty?*" [Great laughter.]

That is precisely the "popular sovereignty" given to the people of Kansas and Nebraska. It was the right to buy and sell, and flog men and women. It is the question on which my friend says he would be willing to go to the people of Connecticut. Were he to go to them on that question, I predict he would never *return.*

Now, my friend is about to leave us forever. We must separate. I cannot say, as is usual on funeral occasions, that *our loss* will be *his gain*, [laughter;] but I may say, in all kindness, that the political death of every supporter of the repeal of the Missouri prohibition will be *liberty's* gain—a gain to the cause of truth, justice, and humanity—a gain to "*popular sovereignty.*"

This sending of northern serviles to early political graves illustrates in a striking manner the power of truth on the popular mind, when wielded with earnest sincerity. When looking over the fields of our late political combats, and viewing the massacre—the destruction of the "allies of slavery"—we are constrained to admire that universal law of God's Providence which visits retributive justice upon mankind for every transgression of that infallible rule of "*doing unto others as we would have them do unto us.*"

That man is unqualified for the position of a statesman who, while he is unwilling to be a slave himself, would authorize the people, or any portion of the people, of Kansas and Nebraska to hold others as slaves. In giving such vote he tramples upon the plainest dictates of God's "higher law;" avows his disbelief of the responsibility of human conduct, and proclaims himself an infidel to God and a traitor to mankind. The time has come when men should speak frankly; and I repeat, that the statesman who will vote for any law authorizing any oppression of other persons to which he is not himself willing to be subjected, has failed to learn the first lesson of a "Christian statesman," and is wholly unqualified for the duties of such an office.

But I was speaking, when interrupted by my friend from Connecticut, of those who are doomed to suffer the popular indignation, for having voted to extend slavery into our Territories. Yet the President does not even notice them in his message. He attempts no justification of them, or of himself; nor does he inform us whether he will adhere to or abandon his policy. Was he destitute of the moral courage necessary to speak his determination? Will he attempt to evade the popular displeasure by silence? Sir, it will be in vain. He may call on the rocks and the mountains to fall on him and hide him from the popular indignation, but it will be in vain. He has "been weighed in the balance and found wanting;" and like his great prototype, he will be "driven out" from the confidence of men. But it is due to his position, to his friends and his opponents, that he should deal in frankness with the people. Will he persist in using his official patronage for the support and encouragement of slavery, or will he abandon that policy?

I wish to say to the House and to the country, that the great issue tendered to the people of the free States is far broader and more comprehensive than the existence of slavery in Kansas and Nebraska. This policy of the President, rendering the people of the free States responsible for the support and encouragement of that institution, is a question of vast importance; involving a perfect revolution of our Government. The matters to which I have referred, and many others, are incidental to carrying out this avowed policy of the Executive. In Ohio, we insist that our honor, our moral purity, shall not be involved in the crimes or the disgrace of slavery. On this issue we went to the people, and *eighty thousand majority* attests their intelligence and patriotism. We hold to a "higher law" than congressional enactments. I know, sir, this "higher law" has been sneered at; that contempt has been poured out upon those who acknowledge allegiance to it. But those scoffers are now reaping the penalty of their transgression. It was the law of unchanging justice and righteousness impressed upon the hearts and consciences of the people that has pronounced the political doom of those men who voted for extending slavery into Kansas and Nebraska, and doomed them to political forgetfulness. Sir, the law of nature, of nature's God, impressed upon the planet which we inhabit, at its creation, has driven it for thousands of years through unlimited space, with a velocity inconceivable to human thought, without the variation of a hair's breadth, from its prescribed course. When man was brought into being; when the breath of life was breathed into him by the Almighty, and he became a living soul, the same creative Power gave us a sympathy for our race, a love of justice, a consciousness of our inherent right to life and liberty.

This "higher law" has existed among men through the whole eternity of the past. True, it has been obstructed, perverted, obscured, by the selfishness, the ignorance, the vices, the crimes of mankind; yet, it has existed in the hearts of men, controlling the wise and virtuous of all ages. It was this "higher law" of our moral natures, which guided our people at the recent elections, when they pronounced appropriate judgment upon hundreds and thousands of individuals who, in the moments of their political death, scoffed at the existence of that law which was silently consigning them to premature graves. This higher law rules and reigns throughout the whole physical and moral universe. All animate and inanimate nature yield obedience to it. In perfect accordance with its eternal, unchanging decrees, the fluids circulate through the physical organizations of the whole animal and vegetable kingdoms. But the circulation of the blood, the beating of the pulse in the human system, is not more distinctly marked upon our physical organisms than the love of life and *liberty* is impressed on our moral natures. Indeed, this "higher law" of adhering to life and liberty is not confined to man; it pervades all animated beings, down to the lowest insect. But this law of nature's God is seen most vividly *in* all men, and read *by* all men. Lungs were given to each individual, who, for himself, and *not for another*, breathes the free air of heaven; and every breath acknowledges the existence of the "higher law." Limbs were given to bear us forth upon God's free earth; every step we take constitutes an acknowledgment of the "higher law." Hands were given us, by which to feed and clothe our bodies; every time we taste food, we are reminded of this "higher law;" and he who would rob me, or the humblest of God's creation, of the food obtained by our own effort, would set aside this "higher law;" and, had he the power, would invade heaven and dethrone Omnipotence. The man who reveres the Almighty, will reverence His law. The man who denies the "higher law," denies the Giver of that law. Why, sir, will the President, or his friends, attempt to take from me, by act of Congress, my love of parents, affection for my offspring, admiration of wisdom, veneration toward my Creator? These are a part of my moral nature, inseparable from my perfect existence; ay, they are the very *essence* of my being. Congress and the President would be no more guilty, in the sight of Heaven, for legislating to deprive me of those parts of my nature, than they are for aiding the slaveholder in robbing the most degraded slave of these endowments.

Another great principle is impressed upon man, and upon all animate existence. It is the innate right of "self-defense," said to be the "*first law of nature.*" Wherever rude man exist, this primary principle, this "higher law" prevails. The protection of our own lives, and the defense of our own liberties, is not only a right pertaining to every creature bearing the likeness of God, but the duty is above the reach of all human enactments. He who would legislate to deprive the slave of the right and duty of defending his life and liberty, and that of his wife and children, wages a war against God's law, records himself an infidel; a disbeliever of God's word, and a traitor to our race.

Our fathers declared "that Governments are constituted among men to secure these rights." The President, in his inaugural, takes issue with the founders of our Republic, and insists that Congress is bound to legislate to aid the States in depriving a portion of their people of these rights to defend their lives and liberties, their wives and children, to rob them of the food which they obtain with their hands; to deprive them of their rights of locomotion; to take away their intelligence, their hopes of heaven, their manhood. The people of the free States are opposed to this war upon human nature. These doctrines are so plain that the President, and every member of this body, will not only admit them, assert them to be in full force and application, so far as *they, or their families*, are individually concerned, but they would die ten thousand deaths before they would yield one of these self-evident propositions.

Sir, go and ask the slaveholder if he admits that any earthly power possesses the right to rob *him* of his liberty, his food, his wife, his children, his intelligence, his hopes of future felicity? and he will regard you as demented. But he will tell you that he himself was created a particular *favorite* of the Almighty, a *pet* of Omnipotence, who gave him not only the right to enjoy these high prerogatives himself, but also conferred on him the privilege of robbing others; and the President, in his inaugural, insists that we, the Representatives of the free States, shall aid in this piracy. I deny it; the people of the free States deny it; they expect their Representatives in this body to deny it. The late elections have demonstrated the popular sentiment on this subject; and now the President is silent, struck dumb, like the criminal when called to plead either guilty or not guilty—"*he stands mute.*" I repeat this *dodging* the issue is unworthy of any Chief Magistrate of our nation. He cannot evade it; he must frankly acknowledge his error, or he will be taken by the people to *adhere* to it. He must choose whom he will serve. If justice and freedom be of God, let him sustain them. If he love the mammon of slavery, oppression, vice, and crime, then let him uphold them. But he cannot serve the God of freedom and the mammon of slavery. No man can serve two masters. If we love justice, and hate crime, we shall express and maintain our doctrines. "Out of the abundance of the heart the mouth speaketh." This maxim was uttered by Wisdom from on High, and is as applicable to the statesman as to the preacher of the Gospel.

Mr. Chairman, Washington, the "Father of our Country," said, in his Farewell Address, that a "frequent recurrence to fundamental principles" is necessary to the preservation of our liberties. I love to look back upon the doctrines laid down by our revolutionary patriots, who met toil and hardship, danger and death, for the purpose of founding a Government upon those principles of *universal justice*, and *universal liberty* which are so dear to the patriot and philanthropist. The time, too, at which these fundamental truths were laid down as the basis of our Republic, was one of deep interest. They had met our country's foes on the fields of Concord, of Lexington, and of Bunker Hill. Britons and Americans had there met in deadly conflict, and their blood mingled in broad currents as it moistened the soil of those ensanguined fields. The Christian world demanded why we thus arrayed ourselves in arms against a people of the same origin, the same language, the same religion? Congress felt the pertinency of the inquiry, and appointed a committee to draft an answer. Mr. Jefferson, the apostle of American Democracy, penned the unanimous reply of the American people, admitting that "When, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the Powers of the earth the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect for the opinions of mankind requires that they should declare the causes which impel them to the separation."

And, sir, what were those causes which impelled them to separate from Britain? I would they were engraven upon every heart, imprinted on every mind, observed by every statesman. The first great and overshadowing cause was "*the right of all men to enjoy life, liberty, and the pursuit of happiness.*" To sustain these "self-evident truths" they waged that mighty struggle for independence. They proclaimed, and left on record, the solemn declaration that "*our Government was constituted to sustain those rights.*" None but Tories then denied the doctrine; none but Tories then opposed founding a Government for this object. The Tories were overruled by the people, and this Federal Power was constituted, and consecrated to the just and holy purpose of sustaining the liberties of all persons subject to our exclusive jurisdiction. On this doctrine, Mr. Pierce, in his inaugural, took distinct issue, placing himself with the Tories of the Revolution. He denies that it is our duty to sustain liberty, insisting that we are bound to legislate for the benefit, the promotion, and extension of slavery. He is now endeavoring to carry out this doctrine by a silent, unseen method. Can he succeed? His friends in this body will be constrained to indicate their position. The question of lending our support to slavery is presented in too many shapes and forms to be avoided. The great heart of the nation throbs for a total separation from the contagion of slavery. To this result the popular tide is setting and rolling with a force which no human arm can withstand. It will overwhelm all who oppose it. Let the lovers of justice, those who fear God and regard mankind, lift up their heads and rejoice: The day of our country's redemption draws nigh. Christianity, in its progress, is unfolding to public gaze the crimes of oppression. Those "who frame wickedness by law" are fleeing before the popular indignation; they cannot endure its fervent heat. This work will continue and progress until the opponents of liberty shall be driven from our free States, and the North shall become lustrated and disinthralled from the contagion of human bondage.

KANSAS—NEBRASKA—RECENT ELECTIONS.

SPEECH OF HON. A. H. STEPHENS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

December 14, 1854,

In reply to the remarks of Mr. Mace, of Indiana, on giving notice of his intention to introduce a bill to restore the Missouri Compromise.

Mr. STEPHENS said:

Mr. Chairman: In taking the floor on this occasion, it was not my purpose, nor is it my purpose now, to reopen or go into a discussion of the general merits of the Kansas-Nebraska bill which was passed at the last session of Congress. The gentleman from Indiana [Mr. Mace] came forward on yesterday, and, in a very formal manner, announced the determination, for the future, of the opponents to that measure. Repeal is their policy. Prohibition of slavery is again to be put upon Kansas and Nebraska. I considered the merits of the question as settled at the last session. I consider them as settled now. Revolution never goes backwards—always forward. The argument in and out of Congress, and throughout the Union, on the great movement made by the National Legislature on this question, was then conclusive, and, by the passage of that bill we took a grand step in that progress which charac-

terizes this age. There never will be any backward movement in this matter—at least in my opinion. I have no apprehensions on that score; and I repeat, that I do not rise for the purpose of opening, or again canvassing, the merits of the Nebraska-Kansas bill. But the gentleman from Indiana gave utterance to some remarks to which I deem some reply proper. He seemed to think and argue that the late elections at the North conclusively showed that the public sentiment there, by the late elections, had passed the sentence of public condemnation on the bill referred to, and demanded its immediate repeal. He spoke of that as a fixed fact. The gentleman from Maine, [Mr. WASHBURN,] who succeeded him in the discussion, indulged in the same line of argument. Now, I wish to state to these gentlemen, to this committee, and the country, that I draw no such inference from the late elections. It is true that the results were very astonishing to some, though not to me, and took many men, in and out of power, by surprise.

I ask the honorable gentleman from Indiana how he reaches the conclusion that these elections set the seal of the public condemnation upon the friends of the great movement of the last session? I believe, Mr. Chairman, that there was no man more zealous in his opposition to the bill then passed, not even excepting the gentleman from Indiana himself, than yourself, and you will pardon me, sir, the illustration. Even you, sir, from the city of brotherly love, are no longer returned to the seat which you have filled with so much ability, and in which you have voted with me on many questions of public policy—always excepting this particular measure. Now, I ask the gentleman from Indiana whether that is a proof that the people of Philadelphia agree with him and with you, Mr. Chairman? I might argue, following his line, that this, your defeat, was the seal of reprobation on your course. But, sir, the truth is, your course on that bill, I take it, had but little to do in your defeat one way or the other. Again, Mr. Chairman, my honorable friend from another district in Pennsylvania, who sits to my right, [Mr. HIESTER,] with whom I had a conversation at the last session just previous to the passage of the bill, and who was quite as zealous in his opposition as you or the gentleman from Indiana, has also been defeated in the canvass for reëlection. I do not recollect the majority against him. I have not attempted the *Herculaneum* excavating process of ascertaining the depths to which he has been buried in this popular irruption—the majority against him I do not know, but it was decided. The gentleman from the first district of Pennsylvania, [Mr. FLORENCE,] who voted and ardently supported the measure, has been reëlected. I also see that the gentleman from the Berks district [Mr. JONES] has been again returned. Another gentleman from Pennsylvania, [Mr. PACKER,] and an advocate of the Kansas-Nebraska bill, has been returned. In fine, I find that some who have voted for it and some who have voted against it have been returned to Congress. Why, sir, in Pennsylvania a gentleman ran for Governor who was known to be opposed to the bill, and a gentleman ran for Canal Commissioner on the opposite ticket, and was known to be in favor of the measure. The opponent of the bill was elected by thirty-seven thousand majority, while its advocate was elected Canal Commissioner by, I believe, one hundred thousand majority. Now, what is to be legitimately inferred from this state of things? Certainly, not that the people of Pennsylvania had put their seal of reprobation on Nebraska. I should infer that the Nebraska question had nothing or very little to do with the election—it was an element only in the canvass. Now, when the gentleman wishes to appeal to the results of an election as evidence of anything, he must admit that the question claimed to be decided by it ought to be the sole, leading, and paramount question in the canvass. If such be the case, appeal can be made to the result. But when you find a Nebraska man elected Canal Commissioner of Pennsylvania by one hundred thousand majority, and an anti-Nebraska man elected Governor by thirty-seven thousand majority, it simply shows that this question could have had very little to do with the results. How was it in Massachusetts? There is the honorable gentleman from that State, [Mr. GOODRICH,] who was alluded to yesterday in connection with the gentleman from Indiana, as associated with those who got up the Kansas and Nebraska Emigration Society. There is another, [Mr. ELIOT,] who came here and took the lead in favor of the repeal of the fugitive slave law; and the gentleman who sits immediately in my rear, [Mr. WALLEY,] who was distinguished in his opposition to the bill—all were zealous in their opposition to the bill, all were candidates for reëlection, and all were left at home. All, sir, fell before the destroying angel which came in the night, and they knew not whence the blow came. It certainly did not come from the quarter to which the gentleman from Indiana alludes; for if the anti-Nebraskaites struck down such men as those to whom I have referred, they did not back their friends as we do ours down South.

Mr. Chairman, now let me turn to the State of Illinois. I allude to her with pleasure, for I believe there was not a single northern State where the principles of the Nebraska bill were so openly and widely promulgated and considered, and so fairly represented and met as in that State. The distinguished Senator who had charge of the bill in the Senate, stood in the front of the battle, never giving ground, never yielding an inch, and the distinguished and gallant gentleman upon this floor, [Mr. RICHARDSON,] who had charge of it here, met the people of Illinois everywhere on its merits. If there is a State north which may be appealed to as one where there was anything like a contest on the question, it was Illinois. And what was the result? There were but three men from that State who voted for the Nebraska bill, and now we have four Nebraska men from Illinois. It seems Nebraska gained strength by discussion there. We had but three men before, and now we have got four.

Mr. WASHBURNE, of Illinois. Will the gentleman tell me what the popular vote of Illinois was upon the Nebraska question?

Mr. STEPHENS. The only test of the popular vote in the entire State of Illinois that I know upon that question, was upon the State treasurer, and the Nebraska candidate carried it by a large majority—three thousand majority, I have heard. In Congress, Nebraska gained one member.

Mr. WASHBURNE. I must correct my friend from Georgia in regard to the fact of the vote in Illinois upon State treasurer. It is true that Mr. Moore, the Nebraska man, was elected, I have seen it stated, by about eighteen hundred majority. But it should be stated, in connection with that fact, that the man who ran against him—Mr. Miller—was not known in the southern part of the State as a candidate, and was not voted for at all in that part of the State. [Laughter.]

Mr. STEPHENS. I suppose not.

Mr. WASHBURNE. And I will say further, that if Mr. Miller had received his party vote in that part of the State where he was not known as a candidate, he would have been elected by some five or six thousand majority.

Mr. STEPHENS. Well, sir, I do not think the people of Illinois could have been exceedingly offended and outraged by this measure, if they did not take the trouble to have their candidates in opposition known. And yet, the gentleman from Illinois wants to have us believe that if they could only have had their candidates known, they would have been elected by five or six thousand majority.

Mr. WASHBURNE. I will state to the gentleman that the candidate regularly nominated declined, and the other candidate was brought out only a short time before the election.

Mr. STEPHENS. Then I can only say that their candidate ran before the popular demonstration had got hold of him, [laughter;] and it only shows that the first candidate saw the hand writing upon the wall, and was more prudent than the last one. [Renewed laughter.]

Mr. RICHARDSON. With the permission of the gentleman from Georgia, I will make a single correction. My colleague states that Mr. Moore was elected treasurer of Illinois, because his opponent was not known as a candidate in the southern part of the State. Sir, the facts are against my colleague. It is true that in some of the southern counties he received but few votes; but it is also true, that in all the counties he received some, so that it was known that Mr. Miller was a candidate in all the counties in the State.

While I am up, I want to state the reason why the first candidate declined. He was nominated as the Republican, Fusion candidate, and was brought out by that party. And I hesitate not here to declare that if he had continued in the field he would have been beaten by more than ten thousand votes. But the candidate who was brought out at last was indorsed by all the leading Whigs in the State, as a sound, radical Whig. He was run by the Whigs and supported by the Fusionists, which accounts for his receiving as heavy a vote as he did.

Mr. STEPHENS. Then the interruption of the gentleman on my left, [Mr. WASHBURNE,] after all, amounts to but very little. He says Moore was elected by eighteen hundred majority. That is quite enough for my purpose.

Mr. WASHBURNE. How much was Mr. Pierce's majority?

Mr. STEPHENS. It is not material to me what Mr. Pierce's majority was. The popular vote in Illinois at the recent election was in favor of sustaining the principle of the Nebraska bill. That is my point. I do not care whether the majority was eighteen hundred, or five thousand, or eighteen thousand. I am willing to take it at eighteen hundred. I heard that it was three thousand. The gentleman has heard that it was eighteen hundred; but the difference is immaterial. It is given up that a majority was in favor of the principle of the Nebraska bill. So much for the popular condemnation there.

Now, then, take the State of New York—for I must be brief upon this point. There was but one candidate for Governor in that State who was openly and avowedly in favor of the repeal of the Nebraska bill. I mean Mr. Clark. New York gave but few votes upon this floor, for the bill. I think it is generally conceded, that if there is any State in the Union that is particularly unsound on this question, as gentlemen speak, it is New York. Well, sir, New York, with all its anti-slavery organizations; with its Syracuse convention, where everything was done that could be done to rally the freemen of the North, as it was said; with its emigration society; with all this, how many votes did Mr. Clark get? Not more than one third of the votes of the State. Clark got one hundred and fifty-odd thousand votes; Seymour got some three hundred less—one hundred and fifty-odd thousand votes; and Ullman and Bronson, together, received about the same number, one hundred and fifty-odd thousand more. So that, in the great State of New York, where this question was made preëminently a test, in the recent election, not one third of the votes of the State were given for the anti-Nebraska candidate. And yet the late election in New York is held up as a popular demonstration in opposition to the principle of the Nebraska bill. Sir, no such conclusion can be drawn; and the same may be said in reference to the elections in Pennsylvania, in New Jersey, in Michigan, in Indiana; so far as furnishing any popular demonstration upon this subject, they amount to nothing. No person can draw any legitimate inference from them, in reference to this question. Some say it was the Know-Nothings; some say it was the Temperance men; and some say it was the anti-Nebraskaites, that caused the defeat.

Sir, I am not prepared to say what it was that caused these, to some people, so strange results. I am inclined to think that the man down in North Carolina was about right when he said it was General Malcontent that caused it. Some were discontented because of the appointments of the President to office; some were discontented because it was improper to send such a man as Mr. Soulé to Madrid; some were discontented because it was wrong to send such a man as Mr. Belmont abroad; some were dissatisfied at the appointment of Mr. Vroom; some at Mr. Dix; some at the turning out of Bronson; some at the organization of the Cabinet—some at one thing and some at another. Some said one thing and some another. There was general discontent and

dissatisfaction—whether rightfully or wrongfully it is not my purpose now to discuss. But the Administration had pursued such a course as to make a large party of malcontents—men bent upon breaking up things—this class, the North Carolina man calls the "Ramshackles;" the designation is a good one. Yes, sir, it was General Malcontent and the great party of the "Ramshackles" that triumphed at the North at the late elections, and not the anti-Nebraskaites.

But the gentleman from Indiana referred to the South. He said he wanted the members from the North to get on the same high stand that the Representatives of the South occupied. I suppose he intended what he said in this connection as a compliment to the South, inasmuch as he wanted his people to occupy the same position; but, if I comprehend what he said, I do not receive it as a compliment. He said that southern members upon this floor first ascertained the wishes and then voted upon all questions as their constituents wished—that they would stand by the interests of their constituents and represent their wishes. Sir, I say to the gentleman that I think he is just as much mistaken in this as he was in reference to the popular elections of the North. I can speak, however, only for myself. It is not true that, in my course as a member of this House, I look solely to what my constituents wish. The first question that addresses itself to my mind is, whether any measure presented here is right? I send no letters home to know what they think there about it; I never have and never shall. I consult my own judgment, and act accordingly. If I think a measure is right, that it is proper, that it is just, I vote for it; and if I do not, I vote against it. Upon the merits of every question I am responsible to my constituents; and when I go home to them, an intelligent and patriotic people, if they do not approve my conduct, they can send another in my place. Sir, I believe that that is the general position of southern men.

But the gentleman says that when southern men's measures are vetoed, they raise their voices in tones of thunder until they carry them. Sir, I do not believe there ever was a southern measure vetoed. I do not recollect one. The South has never asked anything from your Government that called for a veto. There is the difference between us. The South asks but few favors from you. It is a class of gentlemen from the North who ask aid from the Government. Why, we never come here in that attitude. Let me ask the gentleman when any measure from the South was ever vetoed? when the South ever asked anything that required the exercise of the veto power?

But the gentleman said that he admired the South, because "knowing their rights, they dared maintain them." That I take as a compliment. And now, what is his position? Why, the South "*knowing their rights*, and daring to maintain them," he would have the North to rise up and prevent her from getting her known and acknowledged rights! If we know our rights, and they *are* our rights, and we dare maintain them, why ought not the North, why ought not the gentleman—I will not say the North—to grant us our rights! Have we ever asked anything but what was right? Now, I say, with all due respect to the gentleman, that the true position of the South is this: we "ask nothing but what is right, and we submit to nothing that is wrong." That is the position that the South has always occupied, as I remember her history.

Now, sir, upon the subject of internal improvements which the gentleman alluded to, has the South ever asked legislative aid in that particular? I do not speak now, sectionally, or against the North; but look at the whole history of our Government. Who is it that is constantly appealing here for legislative aid and legislative patronage? Who ask for fishing bounties? Who ask for protection to navigation? Why, the people of the South, if they were permitted to use or employ foreign vessels in their coast trade, would be greatly benefited thereby. But American shipping must be protected, and who is it that asks that protection, not only on shipping, but almost everything else? Who is it that wants a duty upon coal? Who upon iron? Who upon woolen goods? Who upon shoes, hats, leather, cotton fabrics—everything? Why, it is the industrial interests of the North. We of the South, it is true, sometimes grumble and complain; but the great majority of the people of the South have yielded to what they consider in some instances very heavy exactions, for the support of Government. But when did we ever come up and ask any aid from the Government of the United States? The constant prayer of the South to you has been to stay your hands. All that we ask of you is, keep your hands out of our pockets. That is *all* that the South ask, and we do not get even that. It is true, sir, that in my own State we have asked some little favors, but very few. Some years ago we asked that you should take the obstructions out of the mouth of the Savannah river—not obstructions that nature put there, but that were put there during the revolutionary war, to keep out a foreign fleet—put there, not by the citizens of the State, but by public authority. It seems to us nothing but right and just that the General Government should remove those obstructions; but we have asked in vain for that. The gentleman says that the Representatives of the North come here and pass river and harbor bills, which are vetoed, and the wishes of their constituents are thereby defeated. Well, sir, we have some rivers in the South quite as navigable as those in Indiana; but when did Georgia, or South Carolina, or Virginia, or the South generally, come and ask Congress to clear out those rivers?

Now, Mr. Chairman, I am not going into a discussion of this question of internal improvements, or the constitutional power. I am going to address a plain, common-sense argument in reply to the gentleman from Indiana, who said that when the South asked anything she got it, or that when a southern measure was vetoed, the South thundered and thundered upon this floor, until she got what she wanted, while northern measures were defeated by vetoes. I repeat, that a southern measure has *never* been vetoed. But how does the gentleman stand when he comes here and asks us, out of the public Treasury, to clean out the rivers in his State? I will state here, in passing, that I believe Congress has the constitutional power to clean out harbors, and construct roads when it is necessary either for the collection of the public revenue, or for military purposes. I did what I could last Congress to get the improvement of Boston harbor, as well as of various other harbors that I believed to be necessary for the collection of the revenue. I was also in favor of removing the obstructions in the mouth of the Mississippi river. This is sufficient to show my general position on this subject. Now, a few words on the material matter alluded to by the gentleman, the improvement of western rivers.

In the State of Georgia, we have never asked for any harbor improvements except for the removal of those obstructions at the mouth of the Savannah river, and we never got that, as I have stated. We have never asked the General Government to clean out our rivers. But we have a country of hill and valley, and we have to get to market with our products—for we grow *some* things in Georgia for market, notwithstanding that, in the opinion of the gentleman from Indiana, we are a Heaven-accursed, slavery-doomed land—we grow some products in Georgia, I say, for market, and how do we get them to market? Do we come here and ask aid of the General Government? No, sir. Why, in my State, we have now upwards of a thousand miles of railroad in full operation. How did we obtain it? We took our surplus capital, and with it we bought human labor, human energy, bone and sinew—we bought the strong arms of our own citizens, as well as of foreigners, to come and dig down the hills and fill up the valleys, and lay down the superstructure of our railroads—we bought the iron, when we could get it, in this country, and we went abroad for it when we could not get it here, and notwithstanding all that, when we brought our iron into the country, we had to pay duty upon it to the General Government. Twenty millions of dollars have been spent in Georgia in constructing highways to our markets. That is the way we got our thousand miles of railroad. So far from coming here and receiving assistance from the Government, we have actually had to pay a tax for the privilege of bringing our iron into the country. Georgia has paid not less than a million and a half of dollars, as a duty on iron, into the Treasury for the privilege of building her own works of internal improvement. Now, I would ask any candid man—I would ask the gentleman himself—if it is just, not only to tax Georgia for the privilege of constructing her highways, but then to take these very taxes that we have paid to open rivers in Indiana? It does not strike me that that is very just. I am speaking now to men of common sense. I am not talking of what you can constitutionally do. Is it not an unjust abuse of power to do it, even if you have the power?

The gentleman from Ohio [Mr. CAMPBELL] told us, the other day, what the "great West" would do. I have a great respect for the great West, and I will do everything which I think right, and proper, and just, to develop the resources of that section of the country. I am willing, as I have said, to open the mouth of the Mississippi, because the State of Louisiana cannot do it, and to take the snags out of that great river. But when I am appealed to to clear out every little river, and open up every little harbor, and make works of improvements throughout the country, or in any section of it—I do not care which or what—barely because the people of such section want it, and send men here to ask and vote for it, I say it is unjust to dispose of the public money in any such way, and I shall not do it. I ask every man now, who looks on these questions as he should, if it is not manifestly unjust?

Now, the gentleman [Mr. MACE] says, in speaking of the Missouri compromise, that, by the Missouri compromise, slavery had been prohibited north of 36° 30′, and that slavery was to exist south of 36° 30′. I wish to correct the gentleman. The South has never asked that slavery should be extended by this Government any where, south or north. The Missouri compromise of 1820 never established such a principle—never. The act of 1820, by which Missouri was to have come into the Union, but never did, prohibited the existence of slavery north of 36° 30′; but it said nothing at all on the subject south of that line. The South never asked such a guarantee. The guarantee which the South has asked, and which has been established in the passage of the Nebraska bill, and which the South will never yield, was simply that the people on every foot of American soil, north or south, east or west, shall, when they come to form their State constitution, do as they please upon the question of African slavery, and shall come into the Union either with or without it, as they shall then determine for themselves. The South does not ask you that a slave State shall be admitted from Texas, unless the people there so determine. What we insisted on in the Texas annexation resolutions was, that the people there might be permitted to settle this matter for themselves. And this is all the guarantee we secured; all that we then asked; all that we asked in 1850; all that we asked in the Nebraska bill, and what we will ever maintain is, that the people in every organized community, in every Territory, when they come to form their own institutions, shall do as they please in that respect, and come into the Union either with or without slavery, as they wish. I say, sir, that is the southern doctrine; and I say, also, that it is American doctrine. That is what I mean by national doctrine.

The gentleman [Mr. MACE] said yesterday he was a National man. National! Why, sir, he is against his own section. Not only is he against the South, but he is against his own people. According to his doctrine his own people cannot be trusted in the Territories. He must be their guardian—a self-constituted protector. He says that members of Congress set up to be masters of their constituents, that they did not know what their constituents wanted, and that they came here last session to be their masters by voting for Nebraska against their wishes. No, sir, it is the gentleman himself who wants to be master. Of whom? Of his own fellow citizens! He and the men who embrace his doctrine virtually say that when the people go from the North or South into a Territory they become unfit to govern themselves. This is what the gentleman said about *masters:*

"The doctrine sought to be established now is this, that we come up here as the masters of the people, that we come here not bound to consult with them at all, and that we may pass laws which we know they will disapprove of, and then call upon them, as loyal subjects, to acquiesce in our acts and cease their grumbling."

The gentleman says that that is what we do. I say to the gentleman, "thou art the man." That is exactly what you do. Why does he offer his bill to abolish slavery in Kansas and Nebraska? because he says the people there will have it if we do not. Why does he then propose to pass a law for them which he knows they will disapprove of, and then call on them as "loyal subjects to acquiesce in our acts, and cease their grumbling?" He says that when men go from Massachusetts, or from Indiana, or from Illinois, or from Ohio, or from Georgia, and get over into the Territories, they shall not govern themselves as they please, but as we please. We, the Nebraska men, on the contrary, treat them as freemen, as our equals, and let them do as they please. Who, then, are the masters, or would-be-masters? I say, sir, it is that class of men who set themselves up as the only safe guardians, protectors, and lawmakers for men who have no choice in their election, and to whom they are in no way responsible. Oh, but the gentleman says, pass this bill, say, by law, that slavery never shall go into these Territories, and then the people can do just as they please, just as they did in Iowa, and can form State constitutions against slavery, as Iowa did, and come into the Union as that State did. Why, sir, the gentleman's idea of liberty on the part of the people to do as they please is very much like a story that I heard told by the late Justice McKinley, of the Supreme Court. The incident occurred in Lexington, Kentucky, I believe. A member of Congress from that State had given very much dissatisfaction to his constituents by some vote; and they went through the form of burning him in effigy. Accordingly they got up a torch-light procession to march to his house, and as they were going along with a great deal of "noise and some confusion," some person on the side-walk, not partaking of the feelings of the crowd, but believing it to be an outrage rather, whispered this opinion to a man next to him. One of the rowdies in the procession, who overheard the remark, stepped up and said to him, "What is that you say?" "You think that this is a great outrage, do you?" "Yes, I do," was the answer. "Then, sir," replied his questioner, "I want to let you know that this is a free country, and that we will do as we d—d please, and you shan't say nothing!" [Laughter.] That is the way the gentleman [Mr. MACE] would give freedom to the Territories. Oh, yes, he will make it a free Territory. He will have his way, and the people there "shan't say nothing." He would give them precisely that sort of freedom which closes the mouths of freemen. That sort of liberty he would have which says to freemen, "You shall do as I please—it is a free country, it is true; but I will have my way, and you shall not say a word. You shall not elect Whitfield, or any man who would favor the introduction of slavery." [Laughter.]

Now, sir, the gentleman [Mr. MACE] yesterday notified the country, and notified the House that Nebraska never should come in as a slave State. This is plain and direct language. It presents the issue fairly. It is bringing up that question which has been thrice settled by this country. And, without pretending to speak prophetically, I will venture the opinion, that if Nebraska comes here with a slavery constitution, she will be admitted; and the great body of these gentlemen who occupy the position of the gentleman from Indiana, will be at that time buried so deep under popular condemnation, that their voices against it will never reach the Capitol. A great national principle is involved in this question which the people of this country are not a going to ignore. National men will be sent from the North as well as from the South. Men will be sent to Congress who stand upon principles, and will not "back and fill," and be on one principle for one week, one month, and one moon, and upon another principle another week, and month, and moon. The gentleman's principles do not set by him a twelve-month. And if he changes in the future as rapidly and radically as he has in the past, even he, if here, may yet vote for her admission as a slave State.

In some things I was surprised at the gentleman's speech yesterday; for I recollected very well the remarks he made with reference to this Nebraska bill before it passed, and the amendment which he offered. I beg to call his attention and the attention of the House to the report of his remarks—made on the 22d of May, the Saturday before it passed:

"Mr. MACE moved to insert in the first section 'and the Territorial Legislature shall have the power to admit or exclude slavery at any time by law.' He said he offered the amendment in good faith, and for the purpose of testing the sincerity of members from the western States, and more especially the sincerity of those of the delegation from Indiana, who were to vote in favor of the bill.

"Mr. ENGLISH. If the amendment be adopted, will my colleague give the bill his support?

"Mr. MACE. I will."

Mr. MACE. What reasons did I give?

Mr. STEPHENS. The only reasons he gave are those I have read. He said that he offered the amendment in good faith, for the purpose of testing the sincerity of members, and more especially the sincerity of the members of the delegation from Indiana who voted in favor of the bill; and he said that if it was adopted—that is, if the Legislature should have the power to settle the question at any time, he would vote for the bill. Now, he wants to deprive the Legislature, or the people in convention, from ever being empowered to settle, as they want to do, it at all. Perhaps when the people do settle, as they now have the power to do it, he may yet sanction it, notwithstanding they may adopt a slavery constitution.

Mr. MACE. Did the gentleman vote for my amendment?

Mr. STEPHENS. I did not, and for the reason given, that by the bill we had given the people all the power that we could under the Constitution. We could not grant more, and they could not exercise more if we had granted it. We had done all we could on our part, and we could not give them more. The government of the Territories, in my opinion, devolved upon Congress, in the first instance. It was our duty to govern them, or provide governments for them. I stated then to the country, and now state, that I believe it was right and just for us to turn over our powers to the people, all the powers at least that they can exercise under the Constitution. So far as my vote was concerned, I gave the people all the power that they could exercise under the Constitution. We could not give them more, and why should the gentleman have asked to give them more?

The gentleman from Indiana said that he would vote in good faith to give the people of these Territories power to admit slavery; but now he comes forward and wants to deprive them of the power of passing any law by which slavery may be tolerated. I did not know then whether Kansas would be a slave State or not. I do not know now whether it will be or not, but this does not make the slightest difference in my vote. Men may indulge in whatever speculations they please. If Kansas should come here with a constitution excluding slavery, and ask admission into the Union as a State, while I am a member upon this floor, I should vote for her admission. At least that feature in her constitution will not cause me to vote against her admission. I voted for the admission of Iowa, and I have voted for the admission of every northern State, since I have occupied a seat upon this floor, when I have been in my place. I was not here when California was admitted, but I defended her admission.

I want gentlemen from the North, and the gentleman from Indiana, to understand the South, or at least the position of some of her Representatives. We stand upon principle. We do not advocate a measure to-day, because it votes money into the pockets of our constituents, or because it is favored by them or advances their interests, and then to-morrow array ourselves in opposition to it, because we think a different result follows from its operation, but we stand, particularly on this question, upon the fixed and immutable principles upon which the Constitution itself rests. In the beginning, in the middle of our history, and up to this time, there we have always stood. The South, in 1820, maintained the principle that a State has the right to come into the Union with such institutions as she, republican in their character, might adopt. Missouri was denied admission, and the South did reluctantly consent that slavery should be excluded north of 36° 30', provided Missouri should come in as she pleased. But Missouri was again denied admission—she did not come in under this act of 1820. I will not, however, go over this ground again now. The North would not adhere to the principles of the act of 1820. When the strife of 1850 became intolerable, when the ship of State seemed about to go down, and when southern men were still standing on deck with flag-staff in their hands appealing to northern patriots to come to the rescue, and stand upon the old platform, occupied by them when the Missouri question arose—that is, the State-rights doctrine of letting each State settle this matter for itself—whether in accordance with the wishes of the North or South—it was then that this principle, incorporated in the Nebraska bill, was first established. This principle now follows the American flag wherever it floats, whether in California, Utah, New Mexico, or southern Texas. The same stars and stripes, with the same principles inscribed upon their broad folds, now wave far up in Kansas and Nebraska! Let them go, knit together, one and inseparable, over every foot of American soil. This, sir, is my wish, and this, sir, I think, will be the result; I therefore say to the gentleman from Maine, [Mr. WASHBURN,] that he will not live to see the day, in my opinion, when this great movement, this revolution in American politics, will ever roll backwards. Its course will rather be onward. There are some other topics to which I wish to allude.

Why is it that gentlemen object so much to the introduction of slavery into Kansas, if the people of that Territory desire it to go there? When I made a speech at the last session upon this subject, I stated that I would vote for the principle of allowing the people of any section of the country to come into the Union and form institutions as they please. This I said when I knew there might be twice as many people there from the North as from the South, and the chances of emigration I knew would greatly preponderate in favor of the North. I am willing, now, to abide by that principle. I have no desire to deprive the people of any State or Territory in our common country of the right of adopting such institutions for their government, when they become States, as they please. It is anti-American, and entirely at war with the spirit of the age, about which we hear so much. I ask why the people of any section of the country should be prevented from adopting the institutions of the South, if they wish them? Socially, morally, and politically, or in any aspect of the question, is there any reason for depriving them of such right? Is it for the sake of humanity that gentlemen are not willing for the people of Kansas to assign the African the same condition there that he occupies in the South, if they think it best to do so? Are gentlemen willing to degrade their own race by not permitting them to vote upon matters relating to their own government, while they are endeavoring to elevate the negro to the standard of the white man? You may degrade the white man, but you cannot raise the negro to the level you purpose. It is impossible. You have to reverse a law of nature first. Men may indulge in philanthropic speculations as much as they please, but here is the great immutable law of nature, and they cannot avoid it. I am not here to argue whether decrees of the Most High are right, wise, and just. There is a difference, a vast difference, established by the Creator between the different races of men. For myself, I believe that He who made us all is just, and that He made the white man as He made him, and that He made the negro as He made him—for wise and just purposes. Some vessels are made for honor and some for dishonor; one star differeth from another star in magnitude as well as in brilliancy. I believe, too, that the system of government, as adopted by the South, defining the *status* or relation of these two races, is the best for both of them; and I am prepared to argue that question with the gentleman, here or anywhere. Take the negroes in Indiana, take them in the North gen-

erally, and compare their condition with those of the South. Take them in Africa; take them anywhere on the face of the habitable globe; and then take them in the southern States, and the negro population of the South are better off, better fed, better clothed, better provided for, enjoy more happiness, and a higher civilization, than the same race has ever enjoyed anywhere else on the face of the world. Could Howard, the philanthropist, who has left an undying fame for his deeds of humanity, have taken the same number of Africans from their native country and raised them from their barbarous condition to that of the slaves of the South, he would have added much to that stature of immortality which, in his day, he erected to himself. It would have greatly added to that reputation, which now sanctifies his memory in the hearts and affections of mankind.

Look at the three millions of Africans as you find them in the South; and where is the man so cold-hearted, and cold-blooded, as would wish to put them in the condition that their forefathers were, or their kindred now are in Africa? What has done so much for these people but that which is so much denounced by inconsiderate fanatics; men and women, too, who find fault with what they know nothing about?

Again: take our negroes, and compare their condition with that of the free negroes of the North. I have the result of the Census returns before me, and from that it appears that the increase of the free people of color in the United States, from 1840 to 1850, was only ten and ninety-five hundredths per centum. This shows that their condition cannot be very good, or desirable; and to this increase is to be added, too, the fugitive slaves, and those who have been emancipated With all these sources of increase, that increase has only been ten and ninety-five hundredths per centum.

Now, how is it with the slaves—the down-trodden, the abused, the half-starved slaves? Their increase, during the same period, was twenty-eight and fifty-eight hundredths. Is there any such result to be presented at the North, where they are free and left to themselves? How can your missionaries in philanthropy and crusaders in benevolence account for this?

But some people say that slavery is a curse to the white man. They abandon the idea that it is a curse to the negro. They say it weakens, impoverishes, and demoralizes a State. Let us see. They say there can be no high social, moral, or material development under the institution of slavery. I have before me some statistics on this point—statistics relating to material development. But, before alluding to them, I will say upon the subject of morals, that I saw a table of crimes made out in the Census Office for 1850. From those statistics it appeared—I speak from memory; I have not the paper before me—that the number of convictions for crimes of every grade, in Massachusetts, the land of "steady habits," and where we hear so much of the immoral effects of slavery, with a population under one million, was several thousand; while in the State of Georgia, with a population not so great, the similar convictions are less than one hundred. I say, then, upon the score of crime, upon the score of morals, I am ready to compare my State with that of Massachusetts, or any one of the free States. Where, then, is the moral curse which arises from slavery?

A few facts in reference to physical development. I had occasion, some time since, for another purpose than the present, to look a little into the statistics of Georgia, compared with those of other States. I selected the State of Ohio, because it was one of the most prosperous of the North—often styled, and, perhaps, justly too, the giant of the West. According to the census returns in 1850, Ohio had of improved lands 9,851,493 acres—Georgia had only 6,378,479 acres, the cash value of the Georgia land so improved and under culture was $95,753,445, while the cash value of the Ohio lands was returned at $358,758,603—Ohio had nearly one third more land in a state of improvement than Georgia had, and returned at more than three times the cash value of the Georgia lands. The whole population of Ohio was 1,908,480, the whole population of Georgia, white and black, was 905,999. The population of Ohio, therefore, was more than double that of Georgia. Here we see her free labor more than double in number, working one third more land, worth, by valuation, more than three times that of Georgia. From these elements it might not be surprising to see her agricultural products greatly exceeding those of Georgia, without resorting to the "curse of slavery" to account for it. But how stand the facts? Ohio produced the following articles:

Wheat	14,487,351	bus. at	80 cents..	$11,589,880
Buckwheat	638,060	"	40 " ..	255,224
Indian corn	59,078,695	"	30 " ..	17,723,608
Rye	425,918	"	50 " ..	212,959
Barley	354,358	"	50 " ..	177,179
Oats	13,472,742	"	25 " ..	3,368,182
Peas and beans	60,168	"	$1 " ..	60,168
Irish potatoes	5,057,769	"	40 " ..	2,023,107
Sweet potatoes	187,991	"	50 " ..	93,995
Tobacco	10,454,449	lbs.	7 " ..	731,811
Cloverseed	103,197	bus.	$4 " ..	412,748
Flax	446,932	lbs.	10 " ..	44,693
Flaxseed	168,880	bus.	75 " ..	141,660
Maple sugar	4,588,999	lbs.	6 " ..	275,293
Molasses	197,308	gals.	35 " ..	69,057
Wine	48,207	"	$1 " ..	48,207
Garden products returned in money, value				214,094
Orchard " " " "				695,991
Aggregate				$38,137,695

This list includes nearly every agricultural product of the earth in that State except hay, which is omitted, because in Georgia there is no return for fodder, which, in that State, answers the same purpose of hay in Ohio, as food for stock. The quantity of each product produced is given from the census tables. The values run out are such as are believed to be the usual average values of each article in that State, except the products of gardens and orchards, which are taken from the tables—no other values are put upon the products in the tables. The estimate above stated is believed to be a fair one. Now let us take up the returns for Georgia and place upon them a like estimated average value. Here we have:

Wheat	1,068,534	bushels at	$1 00...	$1,068,534
Indian corn	30,080,099	" "	50c..	15,040,019
Cotton—bales	499,091	400 lbs. at	8c..	15,970,912
Rice	38,930,691	lbs. at	4c..	1,558,027
Peas and beans	1,142,011	bushels at	$1 00...	1,142,011
Sweet potatoes	6,966,496	"	25c..	1,746,607
Irish potatoes	227,378	"	50c..	113,689
Oats	3,820,044	"	37½c.	1,432,516
Cane sugar	1,643	hhds., 1,000 lbs.	6c..	98,580
Molasses	216,150	gallons at	25c..	54,037
Orchard products of				92,766
Garden products of				76,500
Aggregate				$38,414,168

An amount so far from falling under that of Ohio as might have been expected, actually exceeds it above a quarter of a million, without extending the Georgia list to rye, barley, tobacco, and other articles which are produced in that State. Away, then, with this prating cry about slavery's paralyzing the energy of a people, and opposing the development of the resources of a country.

If I were to take the statistics of any other State, and go through them in the same way, I have no reason to doubt that an equally favorable result to Georgia would follow. I took the State of Ohio, not as any disparagement to her, but to show that even in the South, where they say the soil is sterile, and the population inert, and cursed with slavery, as it is said to be, Georgia, with one half of the population, and only two thirds of the value of land, exceeds in agricultural products by one quarter of a million of dollars, the great giant of the West.

Now, then, if the people of Kansas, the people of Nebraska, or the people of any other portion of our territory, going from old Massachusetts, going from New York, or from Indiana, or from the South, learning and consulting wisdom from the past, and profiting by experience from all parts of the Union, should think it practically best for the happiness of themselves and for their posterity in the far distant future, to adopt the social institutions of Georgia in preference to those of Indiana, if they prefer the institutions of the South to those of the North, I say they should not be deprived of their right to do it, and the gentleman from Indiana, and those who act with him, should not set themselves up as judges and "masters" to control the matter.

[Here the hammer fell.]

KANSAS AND NEBRASKA—GEORGIA AND OHIO—FREE LABOR AND SLAVE LABOR.

SPEECH OF LEWIS D. CAMPBELL,

OF OHIO,

In the House of Representatives,

December 14, 1854.

The House being in the Committee of the Whole on the state of the Union, and Mr. Stephens, of Georgia, having concluded his remarks—

Mr. CAMPBELL obtained the floor and said:

I regret, Mr. Chairman, that an occasion for discussion like this has presented itself now. This is the short session, and there is a large amount of unfinished business, involving the just private claims of American citizens, as well as national interests, which was postponed at the last session, by the prolonged consideration of the Nebraska bill. Sir, there is important work to do. Whatever we may think about the consequence of speeches, the country says *it is time for work!* But the discussion is upon us: I did not bring it: in six years of continuous service I have never introduced a discussion involving the "vexed question of slavery;" though, when introduced, I never shrink from a proper participation in the debate.

Although not in good health, sir, I cannot, consistently with my ideas of the duty I owe my immediate constituents, if not to the country at large, unprepared, refrain from taking my part in the contest, or from sharing in the responsibilities of its results.

Mr. Chairman, the question involved furnishes, indeed, a fertile field for thought, and for the display of a true American patriotism. It is one which, when discussed here too often, excites unkind feelings amongst those who should dwell together as brothers, in harmony. Although I may be regarded as one of those who ride back to this Hall upon the very crest of that triumphal wave of popular sovereignty which has so lately swept over the free States, I have no words of selfish exultation to utter over such as have been dashed by its power against the rocks, and have gone down. No, sir, I rise this morning with no unkind feelings in my heart towards any member on this floor, from the North or the South, the East or the West. Incidents of past debate here, which exasperated the feelings, are not forgotten; but all of my wrongs, real or imaginary, are freely forgiven.

Whilst the eloquent words of the gentlemen from Kentucky, [Messrs. Cox and Bristow,] the gentleman from California, [Mr. Latham,] and the gentleman from Alabama, [Mr. Smith,] portraying the high attainments and social virtues of the lamented Presley Ewing, (whose desk, during his last session, adjoined mine,) still linger upon our ears, ought we not to cultivate sentiments of mutual good will. There is something in a higher law which whispers to us "in the midst of life we are in death."

I enter the field of this discussion, therefore, with the kindest feelings. Should I utter a word, in the hour allotted to me, personally offensive to any one, I hope it will be attributed rather to the impulsive expression of a heart devoted to a great cause, than a willful design to injure a fellow member.

The remarks of the honorable gentleman from Georgia, [Mr. Stephens,] who has just taken his seat, present many themes for discussion. I shall not attempt to follow him in his wanderings over so many fields, or through the various mazes in which he has groped his way. I will, for the present, touch but cursorily upon some of his points, in my approach to the prominent theme of his remarks. He alludes to the tariff, and says the South has never asked protection to her industrial pursuits. When the readjustment of the revenue laws is properly before us, I am willing to meet the gentleman, and delve with him to the bottom of that great subject. He reminds the free States that they had sought, and obtained, a little protection to iron and coal, &c., omitting the fact that the slave States have protection in their important product of sugar. He seems to have forgotten that General Jackson, a great southern statesman, whose whole heart (whatever

his errors of head) was wedded to the interests of that country for which he so often perilled his life, supported, in 1828, the highest protective tariff ever made; and even now, he ought to know that a southern Secretary of the Treasury recommends the principle of protection.

The gentleman forgets, too, that the proudest page in the history of the lamented statesman of Kentucky—Henry Clay—under whose banner he fought gallant battles in by-gone days, is that which records him as the author of that great "American system," which embraced protection to American industry.

The gentleman says the South has never asked anything from our Government, and reminds us that the West and North ask for the improvement of their rivers and lakes. I am prepared, if it becomes necessary, to go fully into that question at the proper time. That, too, is a fruitful subject—a great national question—not involving the interests of the people of the West alone, but of the North, the East, and the South—of every section of our common country, so richly endowed by a generous Providence with all the natural elements of a true national independence. Whenever the President shall furnish his twice-promised reasons for vetoing what we have already done on this subject, a more suitable occasion will be presented for a discussion of the question. The gentleman says:

"All that we ask of you is, keep your hands out of our pockets. That is all that the South ask, and we do not get even that."

We are told "the South gets nothing—asks nothing!" Certainly not! Let us take a glance at what we have done in the way of acquisitions of territory, and for the extension of the area of her institution of slavery. When the Union was formed, one of its objects was declared to be the restriction, if not the extinction, of African slavery. The preamble to the Constitution which our fathers made, and which we are sworn to support, declares its object: "to form a more perfect union" and "secure the blessings of *liberty*." In no part of it is there any express provision for *slavery*—certainly none to extend it or acquire for it new territory. The cotemporaneous events prove that the framers desired to rid the nation of it. Since the free States agreed to this bond of union, they have asked no acquisition of foreign territory. In one instance, sir, we yielded a just claim to territory. We vauntingly raised over Oregon the banner of "54° 40 or fight!" Our cause was in the hands of a southern President, and when Britain's lion growled, with humbled flag, we were ordered to take the backward step down to 49°!

"*The South asks nothing!*" In 1803, we paid fifteen millions to get Louisiana.

"*The South asks nothing!*" In 1819, we paid five millions to get Florida.

"*The South asks nothing!*" In 1845, her policy brought Texas into the Union, with a promise that she might carve herself up into five States.

"*The South asks nothing!*" Her Texas annexation brought the war with Mexico, and more territory was demanded as "the fruits of that war!" I cannot now correctly state the thousands, and tens of thousands, and hundreds of thousands, and millions, and tens of millions of dollars paid out of our Treasury to prosecute it; but oh, Mr. Chairman, may I not point the honorable gentleman to the stained battle-fields of Monterey, of Buena Vista, of Cerro Gordo, of Chepultepec, and Cherubusco, to prove that the North poured out freely her purest and best blood to satisfy your demands.

"*The South asks nothing!*" Did she not get about thirty-five millions to prosecute the Florida war? How many millions more it will take to capture that celebrated chief, old "Billy Bowlegs," God only knows.

"*The South asks nothing!*" I pass over the millions upon millions she has received at various times, either in money or lands, and come down to recent dates. In 1850, the gentleman himself, voted to give Texas $10,000,000, under pretext that we got from her territory, which she never owned, because she had neither conquered nor occupied it.

"*The South asks nothing!*" Why, Mr. Chairman, in this very Hall, ten millions were voted away last session for the purchase, from bankrupt Santa Anna, of the Mesilla valley. It was done, under whip and spur, when even the appeals of the venerable gentleman from Missouri, [Mr. Benton,] for light and information, in regard to that Gadsden treaty, were of no avail.

"*The South asks nothing!*" Who but the South, in the midnight hours of last session, asked $10,000,000, as pocket change for the President, during our short recess, to be expended, doubtless, with a view to get Cuba, and who has sought $200,000,000, and even war with Spain, if necessary, to acquire that rich island?

"*The South asks nothing!*" The gentleman's memory is bad. Did not he, or others from the South, get—and by the aid of my own vote, too—$100,000 for a purely local improvement in Cape Fear river, which has comparatively no commerce? Did they not get it, too, with the approbation of the President, *just after* he had vetoed the bill granting land to every State in the Union, to aid in the construction of hospitals for the indigent insane, and *just before* he vetoed the river and harbor bill, which appropriated money for the improvement of the natural thoroughfares in every section of this broad land?

"*The South asks nothing!*" Does she not get her full share of appropriations for her navy-yards, for improvements on the sea-coast, for harbors, piers, breakwaters, light-houses, life-boats, &c.? Are not our people taxed for the Navy which protects her cotton on the high seas? And do we not pay largely more than our just proportion for the transportation of your southern mails?

"*The South asks nothing!*" She never asks for any of the *offices!* She never gets any—certainly not! This proposition will be better demonstrated by the Blue Book, if gentlemen will turn to it!

Mr. Chairman, the honorable gentleman's memory is not clear this morning. I advert to these things hastily and cursorily, by way of refreshing it—not in any spirit of unkindness to the South, for I vote most cheerfully for her measures of improvement, and would be the last man to interfere with her constitutional rights. I mention them in a defensive spirit, under a necessity which the gentleman has created, by his course of remark in representing the free States of this Union as dependent upon the liberality of the slave States, who, he says, "ask nothing."

Mr. Chairman, the honorable gentleman discusses the causes which have produced the result of the late elections—a result unprecedented in the political annals of this country. Everywhere, sir, as I predicted on this floor when the great wrong of repealing the Missouri compromise was about to be consummated, by what we regarded as a fraud upon the law and the rules of the House, the people have discarded all party ties, and have sent back a rebuke in the thunder tones of a true "popular sovereignty!" The gentleman need not flatter himself with the idea he has expressed, that "the Nebraska bill" was not the issue, and has had nothing to do in producing this result. He instances the case of yourself, Mr. Chairman, [Mr. Chandler in the chair.] I am not fully advised of the causes which produced the election of the honorable gentleman who is to occupy the place you have filled for many years with so much ability. But I assert that he is as much opposed to the repeal of the Missouri compromise as either you or I. If it is not so, let me be corrected. Again, he refers to your colleague from the Lancaster district, [Mr. Hiester,] and would draw the inference that his defeat was occasioned by his vote against the Nebraska act. Such is not the fact. His successor, too, as the gentleman will learn in due time, will come here pledged to aid in undoing that great wrong.

In every free State, where an election has been held, the result has been the same. Take the State of New York, to which the gentleman has referred. Notwithstanding the complex condition of old parties there, she returns thirty-two members pledged against the repeal of the Missouri compromise, and one whose opinions, it is said, have not been made known.

In regard to the character of the contests in other States, I can speak from personal knowledge as to three of them, in which I participated before the people—Indiana, Michigan, and Ohio. The Nebraska question was the great question in Indiana, and every inch of ground was contested vigorously by both parties. The result is known. In Michigan how stands the case? I had the pleasure of passing through that State for a fortnight during the canvass. Everywhere on the stump, the Nebraska bill was the prominent topic. It brought to its aid all the power and long established influence of the distinguished Senator, [Mr. Cass,] who honors us with his presence and attention this morning. And, sir, he not only passed from point to point, all over the State, exerting all his personal influence, but he argued to his people that they should support the measure, because, under its provisions, slavery could not exist in these Territories under this act, whilst the gentleman from Georgia, and the southern friends, advocate it upon the ground that it secures them the right to take the institution there. (See his "speech at Romeo.") But even his power could not control the spirit of his people. They condemned the act, returning three anti-Nebraska men to the next Congress, and placing in the Governor's chair, by a majority of five thousand votes, Kingsly S. Bingham, who was a member of this body in the memorable Congress of 1849 and 1850, and left here an unmistakable record of his position on the principles of the Nebraska bill.

Then, sir, there is my own native Ohio. The gentleman's attention has been attracted to the number of bushels of potatoes her free-born sons produce, but, in his flourish about the elections, he omits to notice the character of their votes on the Nebraska bill. There's the record of "the young giant of the West—the first born under the Jefferson ordinance of '87." Look at it! A majority of *eighty thousand;* which might have been more, but is certainly enough for all practical purposes, as her delegation to the Thirty-Fourth Congress is a *unit* against the repeal of the Missouri compromise. That is the verdict of Ohio. I point to it with as much pride as I shall take in meeting the challenge of the gentleman, and showing that her "step in progress" is unlike the gentleman's great step in repealing the Missouri compromise, which was a step backwards of thirty-four years. Ohio's march, thank God, morally, intellectually, and in "physical development," from the day she was born into this Union, has been onward and upward, with the strides of a mighty young giant. Looking to her with filial affection, for all that I have been in the past, and all I hope for in the future, may I not say, in the language of a distinguished statesman, "There she stands! God bless her!"

The honorable gentleman seems to challenge a comparison of the products of Ohio with those of Georgia. I should be false to my State in declining to take up the gauntlet in her defense. He proposes, by this line of argument, to show that the labor of an African slave is better calculated to develop the natural resources of our great country than the labor of an American freeman. If that be a true proposition, would it not be better that we should all be slaves? It involves higher considerations than those prompted by mere State pride in a comparison of the products of turnips, &c.! Holding, as I understand the gentleman does, that slavery improves the African race, his proposition, if substantiated, would lead to the reopening of the African slave trade, with all its train of atrocities, now made piracy by laws upon your statute-book. If gentlemen from the slave States seriously believe that enslaving the African makes him happy—is a moral, a social, and a political blessing, both to the master and the slave, and that it develops more successfully those rich elements with which the God of Nature has endowed this, "*our* native land," why do they not meet the great question boldly at once by introducing "a bill to repeal all laws prohibiting the African slave trade?" and tendering *bounties* for natives brought from Africa to slavery, as we do for codfish taken from the bed of the ocean?

Mr. Chairman, I did not desire to travel over the whole ground of the slavery question. The gentleman parades, in this contest, slave labor against free labor! He has presented his case with that marked ability which characterizes all his efforts—an ability which has, more than once, commanded my admiration. In presenting the other side, I will not be charged with making improper, or even voluntary war on the institu-

tions of the South, in calling his attention briefly, again, as I have done heretofore, to high authority, *exclusively southern*. Let us look at the ancient doctrine of the fathers, compared with the modern ideas of the gentleman. In the early period of our history, the opposition to slavery was of the most unrelenting character, for reasons then asserted. I give but a few references on this point.

In 1774, a spirited effort was made by the slave-holding colonies to check the further progress of slavery. They did not regard it as the best means of improving the country. A meeting of the people of Culpepper county, Virginia, adopted the following resolution:

"*Resolved*, That the importing slaves and convict servants is injurious to this Colony, as it obstructs the population of it with freemen and useful manufacturers; and that we will not buy any such slaves or convict servants hereafter to be imported."—*American Archives, 1st vol. 4th series, page* 523.

We find similar resolves in July, 1774, in Prince George's county, (p. 493;) Nansemond county, (p. 530;) Caroline county, (p. 541;) Surry county, (p. 593;) Fairfax county, Washington presiding, (p. 600;) Harrison county, (p. 616;) in Princess Anne county, (p. 641.) Also, the Virginia Provincial Convention, (p. 687;) the North Carolina Provincial Convention, (p. 735;) the first convention of Provinces to form a Union, meeting at Philadelphia, (p. 740.)

On this point, of *free* and *slave* labor, I quote Georgia sentiments, (p. 1136,) as she uttered them in 1774, when her revolutionary men appealed to the God of battles to aid them. By the side of them I present the sentiments of the gentleman, [Mr. STEPHENS,] as uttered here this morning:

Georgia on slavery in 1774.

"In a *general philanthropy for* ALL MANKIND, *of whatever climate, language, or complexion*, we hereby declare our disapprobation and *abhorrence* of the *unnatural practice* of slavery in America, (however the uncultivated state of our country or other *specious arguments* may plead for it,) a practice *founded in injustice and cruelty*, and *highly dangerous* to our liberties, as well as lives, *debasing* part of our fellow-creatures below men, and *corrupting the virtue and morals* of the rest, and is laying the basis of that liberty we contend for, (and which we pray the Almighty to continue to the latest posterity,) upon a very wrong foundation. We therefore *resolve, at all times, to use our utmost endeavors* for the *manumission of our slaves* in this colony, upon the most safe and equitable footing for the master and themselves."

Georgia on slavery in 1854.

"I believe, too, that the system of government, as adopted by the South, defining the *status* or relation of these two races, is the best for both of them; and I am prepared to argue that question with the gentleman, here or anywhere. * * * * Could Howard, the philanthropist, who has left an undying fame for his deeds of humanity, have taken the same number of Africans from their native country and raised them from their barbarous condition to that of the slaves of the South, he would have added much to that stature of immortality which, in his day, he erected to himself. It would have greatly added to that reputation, which now sanctifies his memory in the hearts and affections of mankind."

And Thomas Jefferson (page 696) said:

"THE ABOLITION OF DOMESTIC SLAVERY IS THE GREATEST OBJECT OF DESIRE IN THESE COLONIES, where it was *unhappily introduced in their infant state.*"

And Henry Clay, after witnessing its effects until 1830, said in this Hall:

"Our friends who are cursed with this greatest of human evils, deserve the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, cannot, expect that every project to deliver our country from it is to be crushed because of a possible and ideal danger."

I might quote volumes of such declarations to disprove the gentleman's position. If they are "Abolition doctrines," let him denounce, if he chooses, those who uttered them. I refer him to the record they have left behind.

The gentleman may tell me that these are but the opinions of men, and that experience has proven them fallacious. They are the opinions of wise men—of patriots—of the best men America has ever produced; of the men who periled all for American independence. In quoting them, I only echo, in feeble tones, the voice of our Washington, our Jefferson, our Madison, our Patrick Henry, our Hoopers and Caswells, our Pendletons, and Lees, and Harrisons, and Middletons, and Rutledges, and a host of other southern patriots, whose names are engraven upon the grateful hearts of the American people. But feebly, indeed, do I now repeat the sentiments uttered in the trying hour of our national history, by the old Colonies of Virginia, of North Carolina, of South Carolina, of Maryland, and of Georgia. They declared that the effect of slavery upon our common country was to "*obstruct the population of it with freemen and useful manufacturers.*" But Georgia, this morning, as represented by the honorable gentleman, who comes before the House with his "grand step of progress"—with "the great movement made by the National Legislature on this question" of repealing the Missouri compromise—uttering the high sounding declaration that "revolutions never go backwards," brings up statistics to prove the declarations of the old Continental men untrue! He tells us, in effect, that it is now demonstrated that slavery, rather than freedom, is the true principle on which to trust "*physical development!*" He parades Georgia against Ohio. I know his State exhibits a degree of prosperity as great, if not greater, than any other where slavery prevails. I rejoice that her people are prosperous, and am willing to vote her all proper aid to facilitate her onward march. Similarity in the character of climate, soil, productions, &c., would have furnished a more just criterion on which to predicate the test of a great principle like this. Virginia and Ohio, separated only as they are by the river Ohio, (which is regarded here as insignificant when compared with Cape Fear!) would have furnished a fairer field for comparison. Had the gentleman selected Virginia as the soil upon which he would display his great point of "physical development," I should have contented myself by saying to him, "go to the city of Pittsburg, and as you descend upon the smooth surface of the beautiful Ohio, cast your piercing eye to the left, and then to the right. On the one hand behold "physical development" under the institution which your southern men of the Revolution said they would abolish—on the other, witness the fruits of Jefferson's ordinance of 1787. There you see the "Old Dominion," and the "mother of presidents," as *she now is*. Her proud history tells you what *she once was;* and her rivers and plains—her mines, and her mountain streams show that the old Commonwealth embraces as many of the natural elements of wealth as the most favored portions of the footstool of the Almighty! Here you see the State called the "giant of the West." From the embryo which seems to have slumbered from the morning of creation, she sprang into active life when the magic pen of Jefferson wrote, and the wise patriotism of the Continental Congress solemnly declared, "*slavery shall not go there!*" And as the gentleman should descend to the city of Cincinnati, the "Queen of the West," (although she has no works of *antiquity* to charm the wayfarer,) I would whisper in his ear, "look upon this picture, and then upon that." I would not, Mr. Chairman, show him these comparative results by way of exultation over Virginia, or in a spirit of selfish State pride. Oh, no! My most sacred memories are identified with her. My ancestors, from the highlands of Scotland, first enjoyed American liberty there. The blood of one whom memory makes dear to me, stained her soil in the battle of Eutaw. I have an affectionate regard for her, sir. Although, as a native Ohioan, I do not feel much like singing:

"Oh carry me back to Old Virginia,
To Old Virginia's shore,"

yet I have the hope in my heart there is "a good time coming," when the true spirits of that ancient Commonwealth will, in reality, make some "great movement," and "a grand step in that progress which characterizes the age!"

The honorable gentleman invites, perhaps forces me, to Georgia, for comparison. I go cheerfully; even further than the sunny fields of his constituents, am I ready to follow him on this question. With the brief history of young Ohio in my hand, I will go with him, in this examination, to the remotest corners of the earth, and with *true* statistics as the test, assert, that within the same period of time, no people can make a better exhibit in the "grand step in that progress which characterizes the age," than hers.

Upon the subject of physical development, let me say that the gentleman, in showing the agricultural products of my State, has probably selected a particular year when the drouth has swept over it, destroying the products of our labor. If the gentleman wishes to institute a fair comparison between the two States, let him take any five or ten years and exhibit the aggregate results, and there will be more justice in it.

Mr. STEPHENS, of Georgia. I did not "pick out" any particular year either for Ohio or Georgia. I said that I took the census returns for 1850 for both States. The gentleman knows that I opposed the collection of such statistics in the census. I have never thought such returns very accurate, but they were taken though against my vote, and I referred to them as I found them so returned and published. I did not "*pick* out" any particular year.

Mr. CAMPBELL. I have no time now to examine the correctness of the gentleman's statistics; but I will prepare and publish with my remarks a full statement of the facts.

I make reference to the annexed tables, which are taken from the census. [See appendix.] On minute examination of the gentleman's statistics, I find he adopts a singular system of getting up the comparative value of agricultural products. It reminds me of England's old system of the "sliding scale," in levying duties on corn. The census gives the number of bushels of wheat, corn, &c., and the quantity of agricultural products, but it does not furnish the market value. The gentleman fixes the price himself, and does not give Ohio the benefit of *equality*, and besides, he puts those articles, in the product of which Ohio excels, at very low figures. In exposition of his system, I will instance the important items to Ohio of wheat, corn, and oats, three of her greatest staples:

He credits Georgia with wheat at		$1 00	per bushel.
"	Ohio "	80	"
"	Georgia with corn at	50	"
"	Ohio "	30	"
"	Georgia with oats at	37½	"
"	Ohio "	25	"

These being among Ohio's chief products, the gentleman arranges his "*sliding scale*," makes up a particular aggregate, and then boastingly presents the result. Why, sir, he slides the price up in Georgia, and then slides it *down* in Ohio! I ought, perhaps, to thank him for not *sliding* so far on this scale as to show that my State, under her system of free labor, is making beggars of her citizens, and that they would make a more "grand step" in "physical development," to convert a portion of her freemen into slaves!

Again, the gentleman throws "hay" entirely out of his estimate—an important agricultural product in Ohio—on the ground that no return is made in the census for Georgia "fodder!" He omits to state that no return of fodder is made for Ohio, and Indian corn being her great staple, it must follow that her crop of fodder is vastly greater than that of Georgia. But, "fodder or no fodder," I must bring the gentleman's argument up to the "rack" of a just test. He forces me to do so.

In the tables I present, I adopt *equality* in the value, and take the quantity of agricultural products as returned by the census. In fixing the prices for items of Ohio produce, I have rated them considerably *below* the market value at New York; while for the staples of Georgia and the South, such as cotton, sugar, tobacco, rice, &c., I give him the benefit of the *highest* average prices of that city. I have taken the current prices of the present, time, too, because they are more easily ascertained, and the comparison will be more satisfactory to the country than the rates of 1850; and, besides, the public is more concerned to know the relative advantages of free and slave labor *now*, than *then*.

Upon this equitable basis of calculation, the result shows (see the table) that, in agriculture,

Ohio produces	$145,838,232
Georgia produces	65,488,267
Ohio ahead, (annually)	$80,349,965

Again, the gentleman kept out the value of live-stock, which must be considered as products of the farmer and planter. Our fat hogs and cattle, that formerly were slaughtered and sent from Ohio in barrels, are now sent by our railroads alive, by thousands and tens of thousands, to Baltimore, Philadelphia, New York, and Boston markets, and driven on foot to Georgia and the South.

By the census the value of live-stock in Ohio is.....$44,121,741
In Georgia..... 25,728,416

Ohio ahead.....$18,393,325

Which, added to the other excess, puts Ohio, young as she is, ahead of Georgia, her elder sister, annually, near *one hundred million of dollars!*

I said that in the year in which the census was taken, there was a failure in Ohio crops. I find I was correct; for the report of our State auditor shows that fact. The next year our wheat crop was doubled to 28,769,139 bushels, instead of—as returned by the census—14,487,351 bushels. But I need not pursue agricultural products further, since I show, by fair figures, that Ohio labor, with *half a crop*, so far exceeds Georgia.

We have another class of industry in this country besides agriculture, which statesmen should foster and look to—*manufactures and the mechanic arts*. The gentleman seems to have forgotten them in his speech. As he has set up the labor of his slaves in Georgia against that of the free working men of Ohio, he cannot complain if I "carry the war into Africa!" A short table from the census will show up our two States in these branches of industry.

MANUFACTURES, ETC.

	Capital invested.	*Raw material.*	*Annual product.*	*Per cent. profit*
Ohio.....	$29,019,538	$31,677,937	$62,647,259	49.97
Georgia.....	5,460,483	3,404,917	7,086,525	36.06
Ohio ahead..	$23,559,055	$31,273,020	$55 560,734	1 91

The gentleman will observe that in manufacture we have *five times* as much capital as Georgia, use *ten times* as much raw material, and make a much greater per cent. profit.

But he has omitted another evidence of "physical development"—internal improvement. I submit a table from the census:

PUBLIC IMPROVEMENTS.

	Miles Canal.	*Railroads, miles in operation.*	*Railroads in construction.*	*Total. Railroads.*
Ohio.....	921	2,367	1,578	3,945
Georgia.....	28	884	445	1,329
Ohio ahead..	893	1,483	1,133	2,616

Ohio has, therefore, about *three times* the amount of running railroads as Georgia, and only about *thirty-three times* the miles of canal!

There is another sort of *development* to be considered—that of *mind*. Having taken the gentleman over our two thousand miles of railroads, along our canals, through our fertile fields and busy workshops, I now invite him to the schools and colleges, churches, libraries, and printing offices, where we develop faculties which look less to the consequences of Time than to the realities of Eternity. They furnish the best and truest exponents of public intelligence and virtue.

	No. of Colleges.	*No. of vols. in college libr's.*	*No. of vols. in publ c libr's.*
Ohio.....	26	56,573	186,196
Georgia.....	13	21,500	31,788
Ohio ahead....	13	35,073	154,338

	No. of public schools.	*No. of pupils.*	*Income.*
Ohio.....	11,961	484,153	$743.074
Georgia.....	1,251	38,705	182,931
Ohio ahead....	10,410	351,448	$560,843

	No. of churches.	*Accommodation.*	*Value.*	*Average value.*
Ohio.....	3,936	1,457,294	$5,763,099	$1,471
Georgia.....	1,862	627,197	1,269,359	679
Ohio ahead....	2,074	830,097	$4,593,740	$792

	No. of newspapers and periodicals.	*No. of Circulation.*
Ohio.....	261	30,473,407
Georgia.....	51	4,070,861
Ohio ahead.....	210	26,403,546

These statistics of intelligence show that Ohio has *twice* as many colleges as Georgia, with *one hundred and fifty-four thousand more volumes in her libraries!*—that she has *tenfold* the number of schools, with *three hundred and fifty-one thousand more pupils attending them!*—that she has *two thousand* more churches, with accommodations in them for *nearly a million more people*, and which are worth *four millions and a half more dollars* than those of Georgia—that we have five times the number of regular periodicals, &c., and circulate *twenty-six millions more newspapers!* With such an exhibit, I present my native State to the eye of the world. If she suffers by the comparison which the gentleman has instituted, I only ask it to be borne in mind that Georgia is an *old State*, always having enjoyed the institution of slavery, which the gentleman has so eloquently described as the true system of "physical development," whilst Ohio is a young State, peopled with those who do their own work, and from which that institution has always been excluded.

Before I leave the gentleman's statistics, I must redeem a promise. I said I would show the comparative number of adult free persons who cannot read or write. I find Ohio has only *one to twenty-nine*, while Georgia has *one to twelve!* Here, for the first time, the census puts "Georgia ahead!" There I leave her, with sentiments of affectionate regard, and go forward to other branches of the discussion.

Mr. Chairman, I enter upon the merits of the "repeal of the Missouri compromise," and the proposition of the gentleman from Indiana, [Mr. MACE,] which has followed, to exclude slavery from the Territories of Kansas and Nebraska. And I would desire the attention of the gentleman from Georgia, [Mr. STEPHENS,] if he remains in the Hall, whilst I discuss it. That repeal was either right or wrong. The eighth section of the Missouri act, interdicting slavery north of 36° 30', was either constitutional or unconstitutional. Mr. Monroe approved the act, and Messrs. *Calhoun*, *Crawford*, and *Wirt*, southern members of his Cabinet, indorsed its constitutionality. This is high authority, not adding that of Webster, the "Great Expounder," and Adams, and a host of others of like character, in the North. But great men die as well as small ones. In childhood, I was taught that

"Time cuts down all,
Both great and small."

I do not stop now to shed tears over the graves of the dead, to descant upon their wisdom, or to eulogize their virtues. I deal, this morning, with the living, with their opinions and actions, and with questions vital to our national harmony and prosperity.

The Constitution says:

"Congress shall have power to dispose of, and make *all needful rules and regulations* respecting, the *territory* or other property belonging to the United States."

This I regard as sufficient authority for the eighth section of the Missouri act. If Congress had the power in 1820, it has had it, as it was exercised ever since, and must have it now, to pass, if it pleases to do so, such a bill as that introduced by the gentleman from Indiana.

But, Mr. Chairman, as I am always willing to be enlightened, and have great confidence in the gentleman from Georgia as a constitutional lawyer, I desire to ask him whether he believes Congress has power to exclude slavery from a Territory?

Mr. STEPHENS, of Georgia. The gentleman knows very well that I have said before, that this question I have never discussed, either here or before my constituents. I will, however, take this occasion to repeat, what I have often said before, that, in my opinion, the government of the Territories devolves primarily upon Congress. But not from that clause of the Constitution cited by the gentleman; that has nothing to do with it; that relates to the disposal of the territory as property. The right I speak of is not derived from any express power of the Constitution of the United States, but the duty to govern, or provide governments for them, devolves upon the General Government, from a sort of resulting power. The Constitution itself is silent upon the subject—there is no express grant or denial of the power. But, in my opinion, all implied or resulting powers should be exercised under like limitations and restrictions as those expressly delegated. And in governing the Territories in the first instance, or in providing governments for them, any such exercise of power as that stated by the gentleman, and by which a large portion of the people of *one* section of the Union would be excluded from a fair and equal participation in the public domain, would be manifestly unjust, and a gross abuse of power, if not tantamount to a direct usurpation.

Mr. CAMPBELL. The gentleman seems to evade my question: Will he not answer it directly? I doubt not that he has an opinion upon the subject, and it is a question to which "yes," or "no," would be an answer. Does he, I again ask, believe that Congress has the power to exclude slavery from a Territory? Will he answer me?

Mr. STEPHENS. I told the gentleman at the last session, that, upon the question of power on this subject, I stood where Chatham stood in the British Parliament upon the subject of taxing the Colonies without representation. Chatham looked not so much to the question of power as he did to the justice and propriety of its exercise. And with these views, without discussing the power, he said if he were an American he would resist the measure. I give the gentleman the same answer now that I gave him then.

Mr. CAMPBELL. You quoted Chatham when I put *this question* to you in the opening of the debate on the Nebraska bill, last session. It did not then, nor does it now, answer my question.

Mr. STEPHENS. That is my answer to the gentleman.

Mr. CAMPBELL. I submit that it is not a pertinent answer to a fair question. I understand the gentleman to decline to give me an unequivocal answer. I shall, therefore, upon my high estimate of his intellect, assume that he *does* believe that Congress has the power, and that the question resolves itself, in his judgment, into one of expediency. Why, sir, the gentleman cannot very well take any other ground that I can see. He has a most remarkable record here. Whilst he maintains this great principle of the right of the people of a Territory to establish a constitution for themselves, and either to exclude or to establish slavery, he, at the same time, refers to the action of 1850, when, he says, the South stood under a flag upon which was inscribed that great principle of popular sovereignty. Sir, it was in 1849 that I first took my seat upon this floor, and I shall never forget how the gentleman appeared in the contest of that ever-memorable session, when he acted as the standard-bearer. There stood the State of California knocking at the door for admission into the Union, with a representation here asking seats in this Hall. We had never given to her people even the benefit of a territorial government, and, in the spirit of manly dignity, they rose up and adopted a constitution for themselves, and sought admission into the Confederacy. What happened then? Why when an honorable member from Wisconsin [Mr. Doty] introduced a resolution instructing the Committee on the Judiciary to bring in a bill admitting California—when a majority of Congress were in favor of the admission, too, and there was no other way to prevent it, except by making rotary motions, such as were resorted to by the anti-Nebraska men last session—then it was that, through sleepless nights, the honorable member from Georgia paced round these aisles, waking up his fifteen, or twenty, or thirty men, for the purpose of preventing the admission of the State of California. Here is his record. That is the character of the principle of "popular sovereignty" which was inscribed upon the banner which he bore so proudly!

Mr. STEPHENS. Will the gentleman allow me to set him right?

Mr. CAMPBELL. Oh, certainly; I will hear what you have to say.

Mr. STEPHENS. When California came here with her constitution prohibiting slavery, I defended her right to form such a constitution preparatory to her admission into the Union as a State. But, at the same time, I was unwilling to admit California, while the North—the gentleman himself amongst others—proclaimed that the same right to determine the question of slavery for themselves, which the people of California had exercised, should not be allowed to the people of Utah and New Mexico. I opposed the admission of California by "dilatory motions" only until I could bring the gentleman and the North to acknowledge the same principle of "popular

sovereignty," if he chooses so to call it, in behalf of the people of Utah and New Mexico. It was not in denial of the right of the people of California to do what they had done, that I spent "sleepless nights" here, but that I might, in granting that, secure the same principle to Utah and New Mexico. Nay, more, I said to the gentleman and to the North then, that I was willing to extend the Missouri compromise line to all the newly acquired Territories, if they would agree to it, but they would not do it.

Mr. CAMPBELL. No. We refused to divide and cut in two California, because the people there had settled the question for themselves, before Congress exercised its powers over the Territory. We believed then, as we believe now, that neither the true policy of the Government, nor the spirit in which the Federal Union was formed, required us to provide for the extension of slavery. As to the *power*, we thought if—as the gentleman voted in 1845—it justified its exclusion north of 36° 30', it did so south of that line.

Mr. STEPHENS. Not necessarily. But it was not a question, sir, of the division of California—it was a question of settling a territorial principle. We of the South, or at least I and those who acted with me, said then, that, whenever the Representatives from the North would secure to the citizens of New Mexico and Utah the same right which the people of California had exercised, we would not further resist the admission of California; and until the North would agree to that, or some other equitable settlement, we did resist the admission of California. Everywhere throughout my State I have defended the right of California to frame her constitution as she pleased; and when the North agreed that Utah and New Mexico should have the same right, from that day to this I advocated the whole arrangement and settlement.

Mr. CAMPBELL. Mr. Chairman, the whole amount of the gentleman's explanations is this: He admits that the people of California had adopted for themselves a constitution excluding slavery; and he admits further, that a condition, precedent to her admission, was set up by himself and his friends, to wit: that they should be allowed to cut a sovereign State in two, and do what? Why, sir, exercise this very power of Congress to legislate slavery out of one part of it and into the other? "Popular sovereignty" was then reduced to *dependency* on a condition imposed by a minority in Congress.

Mr. STEPHENS. No, sir.

Mr. CAMPBELL. So much for California. But that is not all.

Mr. STEPHENS. But I say no, sir. The gentleman has entirely misunderstood me.

Mr. CAMPBELL. I understood the gentleman to say, that he proposed to run the Missouri compromise line through California; and, as a matter of course, the principle of that compromise would have excluded slavery from all that part of the State lying north of 36° 30'.

Mr. STEPHENS. The latter part of what the gentleman now states I grant. Had the Missouri line been extended, slavery would have been excluded north of 36° 30', with the right of the people south of that line to do as they please upon the subject. This would have been an exercise of the power alluded to by the gentleman, based upon the principle of an equitable division of the Territory. But it was no question of "cutting a sovereign State in two." California had no sovereignty as a State until our assent was given; nor did we in any way propose to trammel the "*popular sovereignty*" of her people, in the formation of their constitution, on this subject, by insisting that the same right which we defended in her should be secured to the people of the other Territories—at least south of 36° 30', if we could not get it north of it. But we did get it north, as well as south, and left it in California depending upon no condition but the will of the people constitutionally expressed.

Mr. CAMPBELL. I am not mistaken. Your course did subject the right of the people of California to be admitted as a State, under which "popular sovereignty" had settled the question in its own way, dependent upon a plan of adjustment, by which you would exclude, by act of Congress, slavery from a portion of the territories acquired from Mexico, and by which the Missouri line should run through to the Pacific.

Mr. STEPHENS. It would, sir, based upon the principle of an equitable division of the public domain.

Mr. CAMPBELL. I do not make this a matter of contest with the gentleman alone. I turn to the Senate. How was it there in relation to the proposition to admit California? How did the friends of "popular sovereignty" and "squatter sovereignty"—those who claim now to stand upon the principle that the people have a right to frame their own constitution as they please—then stand? Why, sir, we find nearly the whole southern delegation in the Senate of the United States, including Mr. Calhoun himself, in favor of dividing the State of California by running the line of 36° 30' through it. And even after the measures called "the compromise of 1850" passed, a protest was entered on the Journal against the passage of the bill admitting California into the Union:—the protestants gave as a reason why they opposed its admission, that the friends of the measure would not permit them to run that Missouri line through California to the Pacific, whereby slavery would be excluded on the one side, with a chance to get it into the other. That protest was signed by Messrs. HUNTER, of Virginia, BUTLER and BARNWELL, of South Carolina, TURNEY, of Tennessee, SOULE, of Louisiana, DAVIS, of Mississippi, ATCHISON, of Missouri, and MORTON and YULEE, of Florida.

But, in relation to this question of popular sovereignty, there is another chapter in the record of the gentleman from Georgia, [Mr. STEPHENS,] and others, to which I invite their especial attention, and the attention of the country.

Mr. STEPHENS. What is that?

Mr. CAMPBELL. Texas! Mr. Chairman, this proposition of the gentleman from Indiana is no new proposition. This power of Congress to exclude slavery, and the expediency of excluding it from the Territories, originated with Jefferson, in 1784, and was first carried into effect by the ordinance of 1787; and it has been exercised by the various administrations of this Government from that day to the present. But I take up the particular case of Texas annexation.

I read, Mr. Chairman, one of the Texas annexation resolutions:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by consent of said State, be formed out of the Territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said Territory lying south of 36° 30' north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. *And in such* STATE *or* STATES *as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crimes)* SHALL BE PROHIBITED."

This resolution embraces the identical language of the bill of the gentleman from Indiana, which has caused this commotion! The gentleman from Missouri [Mr. OLIVER] calls it "your pitiful prohibition." "*Slavery shall be prohibited!*"—not in a Territory—no, sir; not whilst in the territorial form of government merely; but it provides that even when the people came to frame a State constitution, they should not have a right to "decide upon their domestic institutions" for themselves. By this provision the right of the *people of the Territory* was not merely taken from them, but even the right of the people to exercise their sovereignty, as a *State* was taken away. And who, Mr. Chairman, do we find voting for that principle? The honorable gentleman from Georgia himself stood out prominently in the support of it. Here is the record! He talks now most eloquently about giving to the people of a Territory and of a State the right to control their own institutions! "Go back, sir, before you repeal the Missouri compromise—go back and undo your own work in this matter, if you act consistently upon high principles."

Mr. STEPHENS. I suppose that the gentleman from Ohio, in this reference to me, as well as to others, has one object in view.

Mr. CAMPBELL. Of course I have!

Mr. STEPHENS. And his only object, I suppose, is to show inconsistencies on my part.

Mr. CAMPBELL. Not exclusively that, but to show——

Mr. STEPHENS, (interrupting.) Well, sir, I have but a short showing to make in reply to the gentleman. We have gone back and undone our work in this matter. He knows, and the country knows that, so far as the Missouri line was concerned on the annexation of Texas, (the continuation or extension of the old line of 36° 30', excluding slavery from the country north of that line, and leaving the people to do as they please south of it,) that was not a favorite measure either with me or the South, as an original proposition. It was only as an *alternative* that it was supported by the South in 1820, when it was at first established on the application of Missouri for admission, and only as an alternative did we advocate it in 1845 and in 1850. And the gentleman [Mr. CAMPBELL] knows that the anti-slavery sentiment, which he represents on this floor, did not agree to it then, never have agreed to it since, and did not give it their sanction on the annexation of Texas.

Mr. CAMPBELL. I do not represent the anti-slavery sentiment alone. I represent the *people* of my district. I am a national American, and I come here to legislate for, and protect the *constitutional rights of all sections of the country*. I cannot appreciate the force of an "alternative" which would require me, as a legislator, to support a measure that is either "unjust" to any portion of the American people, or "tantamount to usurpation."

Mr. STEPHENS. You represent that particular sentiment at the North which utterly excludes, or would have excluded, slavery from every State and Territory south, as well as north, of 36° 30'. I do not mistake the gentleman. He knows I do not mistake him. He would never, since he has been on this floor, vote for the admission of a single State with a constitution tolerating slavery south of 36° 30', or north of it. He has never, on this floor, recognized the obligation of the Missouri line of 36° 30'—never.

Mr. CAMPBELL, (interrupting.) I would have no objection to the gentleman from Georgia taking up so much of my little hour as he wishes, if I can thereby get a sort of lien, of a few minutes longer, upon the next hour, and with the notice that I will amplify my points in my printed speech. I do recognize the validity of the eighth section of the Missouri act, and shall so argue when I reach that point.

Mr. STEPHENS. Well, sir, only a word or two more. I, and the whole South, on the annexation of Texas, were just as much in favor of giving to the people of the Territories, north and south of 36° 30', the right to regulate their own domestic affairs, and form their State constitutions as they pleased, as we are now. It was the North that insisted upon an exclusion of slavery over part of the Territory; and, therefore, although it was contrary to my own sentiment on public policy, still, as the measure was founded on the principle of an equitable division of the territory between the two sections of the country, I gave it my support for peace, for harmony, for love of Union. That was the ground, I believe, on which the South generally stood. It was not that we approved of it as an original proposition, but as a compromise. That is the way the record was made up.

Mr. CAMPBELL. Why did you not let the Missouri compromise stand?

Mr. STEPHENS. Why did we not? Because you of the North utterly abrogated it, and said you would have all south as well as all north. And when this line was swept away in 1850, and refused to be extended through our late acquisitions, then it was that the South was thrown back upon her original ground—ground occupied by her at the beginning of the Missouri agitation—and said that the people should have the right to control their institutions throughout the whole of the country, up to 42°. This is what we succeeded in establishing in 1850. And this is the reason why we voted to take the restriction off of Kansas and Nebraska, which had been put on in 1820.

Mr. CAMPBELL. The Missouri line proper, was not "swept away" in 1850. The Missouri act was untouched until 1854. It was regarded as a "finality," after the struggle of 1820, and so

considered by the authors of the measures of 1850. It settled the question for that Territory alone, and imposed on us no obligations as to subsequent acquisitions. Besides, you had pledged yourself to the "finality" platforms and resolves that the whole question had been settled in 1850.

Mr. STEPHENS. Yes, sir. I considered all these questions as settled—finally settled, "in principle and substance," by the action of Congress in 1850. By that action, the people in the Territories were to be left without congressional restriction in the formation of their constitutions—this is what was carried out in the Nebraska bill.

Mr. CAMPBELL. The originators of the measures of 1850 did not think that they were disturbing the old settlement of 1820. Besides, there is a wide difference, in my opinion, between the principles of the act of 1850 and the Nebraska act. By the Utah and New Mexico acts the old Mexican law excluding slavery is not expressly repealed, and slavery cannot, therefore, lawfully exist there. You claim it to be otherwise now, in Kansas, under the act organizing that Territory.

Mr. STEPHENS. I considered, in 1850, that the measures then passed did do away with the settlement of 1820. And the principle established in 1850 was, that the people were to settle the question of slavery for themselves, and be admitted into the Union either with it, or without it, as they please.

Mr. CAMPBELL. I have the authority of southern Senators and Representatives, most prominent in what is called the "adjustment" of 1850, for saying that they did not; by those acts, contemplate any disturbance of the Missouri settlement. The radical difference between us is this: the gentleman thinks the Constitution authorizes, allows, or permits the extension of slavery; I think it was made to leave slavery to be managed exclusively by the States in which it existed, as a *local* institution, and to pledge the Federal Government, as the preamble asserts, to form "*a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense and general welfare, and secure the blessings of* LIBERTY *to ourselves and posterity!*"

I brought this matter of Texas up, Mr. Chairman, not merely for the purpose of showing that the gentleman and his friends had exercised the power here over the Territories, but that they had done so under the solemnities of their oaths to support the Constitution, over the people of a sovereign State. The Constitution has not been changed since 1845—not at all. By his vote a part of the people of the State of Texas are prevented from enjoying an institution which, he says, is best calculated to develop the rich agricultural resources of a country. Why did the gentleman from Georgia not move to amend that joint resolution of annexation by striking out that provision? No "squatter sovereignty" member of the House, or of the Senate, opened his mouth at the time they were passed, in favor of taking from the annexation resolutions that provision. It was introduced by Senator DOUGLAS, the ostensible author of the Nebraska bill, and voted for by Senator ATCHISON, (who, in his reported speech in Kansas,) claims to have filed a "caveat" upon the glory of the measure, and tendered, as the fee, the Presidency of the Senate.

Mr. STEPHENS. I dislike very much to interrupt the gentleman from Ohio, but as he is a candidate for the Presidency, his inquiries ought not, perhaps, to be permitted to pass without notice. In reply to what he says about that feature in the Texas annexation resolutions which excluded slavery, I wish to say——

Mr. CAMPBELL, (interrupting.) The gentleman from Georgia is mistaken, and, by such taunts, might trespass upon my courtesy. I am a candidate for no office—seek none in man's gift! I have been sent here against my personal desires, for the purpose of helping to expose these fallacies and inconsistencies of the gentleman and others, and to serve, as well as I can, our common country. So help me God I will discharge the duty without regard to consequences.

Mr. STEPHENS. The gentleman will pardon my allusion to his candidacy for the Presidency. I have seen his name mentioned in the papers——

Mr. CAMPBELL, (in his seat.) I thank the papers for the compliment. I am no aspirant in that field of trouble—it will be full enough without me.

Mr. STEPHENS. The gentleman will find his labor will never pay him when he undertakes to expose my inconsistencies. [Laughter.] Now, he says that this resolution, which originally prohibited slavery in Texas north of 36° 30', has not been amended or repealed. And he asks why we did not undo this work before we repealed the Missouri restriction or compromise, as he called it. Why, sir, in 1850, when the gentleman was a member of this House, the new Mexican bill was passed, though not with the aid of his vote or influence; and in that bill there is an express provision that the people north of the line of 36° 30' in Texas should come into this Union with or without slavery, according as the people may determine when they come to frame their State constitution. The restriction on that part of Texas which was put on in 1845, on the basis of a division of the Territory, was taken off in 1850, when the principle of division was abandoned.

Mr. CAMPBELL. I regret that the gentleman does not give a better explanation. He does not relieve himself from my point. If this Texas resolution was not unconstitutional, it would follow, from his own admissions, that it was an act "*tantamount to usurpation*" upon the people of part of Texas, although he may have voted a remedy in 1850. The act of 1850 did not remove the *proviso* from all of Texas.

Mr. STEPHENS. Mr. Chairman, have I ever said that such a measure was unconstitutional?

Mr. CAMPBELL. The gentleman did not say anything on the point of constitutionality. That is the trouble—his non-committalism. I have for two or three years tried to get the gentleman to put himself on the record, and to give *his* opinions on this great subject, whether Congress has the power to exclude slavery from the Territories; but I have never been able to get them, and he admits his constituents are equally unfortunate. Last session I put the question, and gave him my time to answer. He gave me Chatham's reply. I have put it again to-day, and he tells us again what Lord Chatham said.

Mr. STEPHENS. Very well, then, Mr. Chairman, if the gentleman has never got me to say that it is unconstitutional, where is my inconsistency?

Mr. CAMPBELL. I will tell the gentleman. His inconsistency is marked by his declaration here to-day, that he has always been for this great principle of leaving the people to settle this question for themselves; and I have shown, by his Texas annexation vote, that such were not his sentiments in 1845. I submit to him whether that does not look very like inconsistency?

Now, Mr. Chairman, this is not the result of unkindness on my part toward the gentleman. If there is a man on this floor for whom I have desired, in our six years' service together, to cherish feelings of personal kindness, on terms of honorable reciprocity, it is the distinguished gentleman from Georgia.

Mr. STEPHENS. Will the gentleman from Ohio yield me the floor for a moment?

Mr. CAMPBELL. Of course I will; as many as you wish.

Mr. STEPHENS. Only for a moment. I duly appreciate the gentleman's feelings of personal kindness, and have fully reciprocated them. But he says that my inconsistency is marked by my declarations here to-day, that I have always been in favor of leaving the people of the Territories everywhere, to settle the question of slavery for themselves, without congressional restriction, and yet I voted for the Texas annexation resolutions, whereby slavery was to be excluded over part of that country. And he submits to me whether I do not think this looks very like inconsistency? I tell him, frankly and respectfully, no. I have, upon all occasions, said that I was in favor of the principles this day advocated on this subject, as an original question. In 1845 I could not get the North to agree to adopt them over the whole of Texas, but enough of them did as to a part, to secure the passage of the measure upon the basis of a division of the Territory on the line of 36° 30'. I voted for that measure, not because I did not believe it right that the people everywhere, north of 36° 30', as well as south of it, should be at liberty to frame their constitutions on this subject as they pleased, but because I desired the acquisition, and considered the security of this right guaranteed south of the line, in the nature of an equivalent for its exclusion north of it. This was a concession to the North. A compromise for the sake of harmony and union. And if the North had adhered to this principle, or basis of settling this territorial controversy between the sections, I should never have disturbed it. But when they refused to recognize it, we of the South were thrown back upon our original principles. This, at least, is my position; and if there be inconsistency in it the gentleman may make the most of it he can.

Mr. CAMPBELL. I have no ambition to establish the gentleman's inconsistency, *per se*. I started out to discuss a principle of constitutional power, and sought to fortify myself by the opinion of the gentleman. He declined to give it, and I have been searching his record for it—that's all. I regret that the honorable gentleman does not give a better reason for the position he has taken. I can admire his devotion to the Union. I love it, too. But if I believed that, under the Constitution of my country, which I am sworn to support, the people in our Territories had this right, or that Congress would be guilty of a gross act of usurpation upon popular rights to take it from them, no compromise to save ten thousand such Unions as ours, could induce me to violate the solemnities of that oath. No, never!

Mr. STEPHENS, of Georgia. The gentleman does not mean to say, or intimate, that I ever held, under the solemnities of an oath, or otherwise, that Congress had not the power rightfully to pass any measure I ever voted for? or that any measure I ever voted for was a gross act of usurpation upon popular rights?

Mr. CAMPBELL. I do not say or intimate more than I prove by your record here; but I have sought, as I said before, for two or three years, to get the opinion of the distinguished gentleman upon this constitutional point placed plainly upon record; and the House will bear me witness to-day, that I have sought, and sought it in vain.

Mr. STEPHENS. The result, then, of the gentleman's efforts to unravel and expose my inconsistencies, has ended in his entanglement in his own web. He set out with asking me a question. He was not satisfied with my answer, but assumed that my opinions were such as suited him; then works himself up to a high strain of fervid declamation because he can find nothing in the record inconsistent with what I have ever said or done; and now ends where he began, with wanting a more explicit answer to his first question.

Mr. CAMPBELL. There is no "entanglement," no "web," that troubles *me;* nothing but the mist occasioned by the gentleman's declining a direct answer to the fair question with which I "set out." His confessed evasion drove me to an exploration of the record of his votes. I think I have found him just where a German farmer boy, in my district, found the stray colt that his father sent him out to catch. He pursued him down the meanders of a crooked stream—first here, and then there. He finally brought him back to the barnyard, announcing to the old gentleman the particular place where he had caught him, thus: "Vell, I finds him on poth sides of the creek!"

I will now read the names of those "squatter sovereignty" gentlemen—members of this House from the South—who voted for that which would be now stigmatized as the "*Wilmot proviso in its most odious form,*" in the Texas annexation resolutions:

Georgia—Edward J. Black, Alexander H. Stephens, Hugh A. Haralson, John H. Lumpkin, Howell Cobb, and William H. Stiles.

South Carolina—James A. Black, Richard F. Simpson, Armistead Burt, Isaac E. Holmes, and R. Barnwell Rhett.

North Carolina—Thomas L. Clingman, Daniel M. Barringer, David S. Reid, Edmund Deberry, Romulus M. Saunders, James J. McKay, John R. Daniel, and Archibald H. Arrington.

Mississippi—Jacob Thompson.

Louisiana—John Slidell, Alcee Labranche, and J. B. Dawson.

Missouri—Gustavus M. Bower, James B. Bowlin, James H. Relfe, and James M. Hughes.

Arkansas—Edward Cross.

Virginia—Archibald Atkinson, Geo. C. Dromgoole, Edmund W. Hubard, William L. Goggin, John W. Jones, Thomas H. Bayly, Willoughby Newton, Samuel Chilton, William Lucas, William Taylor, Augustus A. Chapman, George W. Hopkins, and Lewis Steenrod.

Kentucky—Linn Boyd, &c.

Mr. Chairman, there are others, besides the honorable gentleman from Georgia, pledged to these principles, to whom I pay my respects on these points. I will venture to look into the record. These same Texas resolutions went from the House to the Senate for concurrence. Senators well knew that Mr. Jefferson had said:

"*The Constitution has made no provision for our holding foreign territory, much less for incorporating foreign nations into our Union!*"

Senators well knew, too, that these joint resolutions recognized a stronger power in Congress on the subject of slavery than the "Wilmot proviso!" Who, in the Senate, voted for that *proviso* which, in 1845, was introduced in the House by the Hon. STEPHEN A. DOUGLAS? Let the Journal answer:

"YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Buchanan, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Haywood, Henderson, Huger, Johnson, Lewis, McDuffie, Merrick, Niles, Semple, Sevier, Sturgeon, Tappan, Walker, and Woodbury"—27.

Some of these Senators have paid the debt of nature. Of each of such I utter from the depths of a heart of sympathy, "*quiescat in pace!*" Of those who, in full life and vigor, are with the gentleman from Georgia in his "grand step of progress," or who have raised the flag of "squatter sovereignty," I only say, I hope "they'll have a good time of it" in explaining their record!

Mr. Chairman, my proposition in the outset was, that, whether the eighth section of the Missouri act was *constitutional or unconstitutional*, its repeal was *wrong*. It was wrong, because it was a national measure—an act to produce harmony—a statute of repose—which had been acquiesced in, for the third of a century, by the people North and South, and which *they* did not wish to disturb.

The validity of even *unconstitutional* acts, thus acquiesced in for a long period of time by the parties originally in conflict, has never before been set at defiance. The precedent the gentleman calls on the free States to establish, might lead to dangerous consequences. An act to drive from the Union Louisiana, Florida, Texas, California, &c., because the Territories had been acquired without authority under the Constitution, would not receive much favor from the true "friends of the Union," either North or South.

During the excitement of 1850, the Senate appointed a compromise committee of thirteen, with Mr. Clay at its head. The committee reported the measures termed the "compromise of 1850," which the gentleman subsequently supported.

Mr. STEPHENS. Do I understand the gentleman to say that I was in favor of Mr. Clay's report?

Mr. CAMPBELL. You supported the compromise measures as they passed, which originated with that committee.

Mr. STEPHENS. I desire to say to the gentleman that I was not in favor of Mr. Clay's report; and was, moreover, opposed to the measures reported by his committee, until they were amended. The reason of my opposition was, that Mr. Clay's proposed measures did not have a guarantee as to Utah and New Mexico, that those States should come into the Union with or without slavery, just as the people should determine for themselves; and it was never until that amendment was adopted, on the 17th of June, that I was for the compromise measures, and when that amendment was inserted, my whole soul was enlisted in its support.

Mr. CAMPBELL. The gentleman's "whole soul" support did not come up to the work in 1845, when he voted to force the "Wilmot proviso" upon the people of Texas, when they might wish to adopt a constitution without it. Besides, there is a wide difference in the principles as settled by the territorial acts of 1850, and the Nebraska bill. Slavery is excluded from Utah and New Mexico by the old Mexican law which *you did not repeal* in 1850. By the Nebraska act you claim that you made a "*tabula rasa*," on which you claim the Constitution, "*proprio vigore*," carries slavery with you into those Territories.

The gentleman interrupted me at the point where I was in the act of reading the report of the compromise committee of 1850, of thirteen, with Mr. Clay at its head. I read from their report, on the point of validity of acts of doubtful constitutional authority, long acquiesced in by the people:—

"The committee are aware that it has been contended that the resolution of Congress annexing Texas was unconstitutional. At a former epoch of our country's history, there were those (and Mr. Jefferson, under whose auspices the treaty of Louisiana was concluded, was among them) who believed that the States formed out of Louisiana could not be received into the Union without an amendment of the Constitution. But the States of Louisiana, Missouri, Arkansas, and Iowa, have been all, nevertheless, admitted. And who would now think of opposing the admission of Minnesota, Oregon, or other new States formed out of the ancient Province of Louisiana, upon the ground of an alleged original defect of constitutional power? *In grave national transactions, while yet in their earlier or incipient stages, differences may well exist; but when once they have been decided by a constitutional majority, and are consummated, or are in a process of consummation, there can be no other safe and prudent alternative than to respect the decision already rendered, and to acquiesce in it.*"

The gentleman calls me back so often to the paths he has trodden, that I must read a word from the record of the principles he has uttered in regard to the power of Congress over our Territories.

In July, 1850, the gentleman said on this floor—I heard him—here he is reported:

"I hold that when this Government gets possession of territory, either by conquest or treaty, *it is the* DUTY *of Congress to govern it until the people are prepared to be admitted as a State into the Union*, at the discretion of Congress."

The honorable gentleman refers me often to his course in 1850. There is another passage in his speech of that year, which I indorse as peculiarly appropriate to the present occasion. I read it:

"We live, Mr. Chairman, in a strange world. There are many things of a strange character about us, but *nothing seems stranger to me than the rapid change which sometimes takes place in men's opinions upon great questions.*"

Mr. STEPHENS. One word, if the gentleman pleases. I do not wish to be misunderstood. I am to-day as much opposed to what he calls "squatter sovereignty" as I was in 1850. What I understand by this term, "squatter sovereignty," is the inherent right of the people of a Territory of the United States to set up governments for themselves, independently of Congress, and without looking to this Government for permission or authority to do it. This I denied in 1850, and deny now. I said then, and now, that the government of the Territories devolved upon Congress in the first instance. It is the duty of Congress either to make laws for them, or to provide for their making laws for themselves. There is no sovereignty in the Territories, except that which flows from us; so long as they belong to this Government their powers are not original and absolute, but derivative. And those rights in the people there, to form such institutions for themselves, which I advocate, are such rights as I think it wise, proper, prudent, and republican for us to permit them to enjoy. The governments of Kansas and Nebraska, which permit the enjoyment of these rights, were provided or established by Congress. All the powers under them emanated from Congress; we granted them. This is wholly inconsistent with the idea of territorial sovereignty, or sovereignty in the people there, independent of Congress. It was against this doctrine that the speech was made from which the gentleman quotes. As to the quotation about change of opinion, I reiterate the same now; and, for illustration, the gentleman will pardon me for expressing my great surprise at hearing him to-day making a speech seemingly against the "Wilmot proviso," and in favor of the sanctity of the Missouri compromise, and quoting, with apparent approbation, the language of Mr. Clay's report, that grave national questions, which had once been settled by constitutional majorities should be acquiesced in. These sentiments did not seem to meet with the gentleman's approbation in 1850, else why did he not then acquiesce in the settlement of 1820, and go for the Missouri line?

Mr. CAMPBELL. The settlement of 1820 affected only the Territory and questions *then* under consideration. In 1850, we dealt with *new acquisitions*, and I acted upon a principle which was prominent when the Constitution was formed.

In 1850, when the gentleman made his speech, from which I have read, he was taking the honorable gentleman from Virginia [Mr. BAYLY] to task for his supposed heresies in regard to "sovereignty in Territories." I am right glad to give him an opportunity to show that he is coming up to the position which I maintain on this point of the controversy. He takes opposite ground from that assumed before their constituents by his numerous Nebraska-bill coöperators, to wit: Senators CASS, DOUGLAS, SHIELDS, PUGH, "*et id omne genus.*" I leave him and his allies to reconcile these conflicting elements *on a principle*, to produce "conciliation and harmony," to "regulate their domestic affairs in their own way," with this parting quotation, which my Sunday school education in childhood prompts: "*A house divided against itself cannot stand!*" As to *change*, Mr. Chairman, the gentleman has failed to show—cannot show any crooked tracks in my course, by vote or speech, "here or elsewhere." My record, public and private, here and before my constituents, is open to him. I planted myself, in early manhood, on the platform erected by Washington, Jefferson, and their compeers. I have only *quoted*, not *condemned*, the gentleman's vote; by way of defending my position against the fire from his own battery. The principle, both as to power and expediency, of excluding slavery from Territories by congressional action, is one which I do not "seemingly," but *positively* defend.

Mr. Chairman, other gentlemen justify their support of the Nebraska act, on the assumption that it secures a great principle of Democracy—a popular right—*squatter's right*—that it secures to the people of those Territories the right to govern themselves, and "regulate their domestic institutions in their own way." Sir, I do not subscribe to the doctrine of squatter sovereignty thus asserted. I stand now, and have always stood, where the gentleman from Georgia stood in 1850, when, following the lights of the greatest statesmen of the country, he made the declarations on this floor which I have quoted. I cannot indorse all that my good friend from Indiana [Mr. MACE] has said on this subject; I regard this new-fledged doctrine of "squatter sovereignty" as the veriest humbug of the age, and I repudiate it. It could not have originated elsewhere than in the disordered brain of some aspiring politician. I draw the distinction, sir, between that *true popular sovereignty* which retains to the people of all the States, through their Congress, the right to "make all needful rules and regulations respecting the Territory," and the "squatter sovereignty" which claims for the small number of persons who might chance to get into these Territories, either from romance, or from a spirit of speculation, or from fear of constables, sheriffs, or marshals, just before or just after the act repealing the Missouri compromise passed, such important powers over so vast a domain, covering an area larger than that of the old original thirteen States of North America. The idea strikes me as ridiculous, and I protest against it.

Why, sir, when the bill was passed, the soil there belonged to the Indians. They were the true sovereigns, "Native, to the manor born"—"the red men," perhaps the real "Sams" of whom we hear so much, though "Know-Nothing." Our Government has recognised their rights by solemn treaties. If, by honest and fair purchase, or by practicing upon them again the frauds of the past, we obtain the right to occupy that soil, it will become the property of the twenty-five millions of people in the States, whose money will be paid to extinguish the Indian title, and whose money will be expended for territorial government. In the people of the States, and those to whom they delegate their powers, through the ballot-box, ought to remain the sovereignty of making, under the Constitution, "*all needful rules and regulations*," until *State* sovereignty may assert its rights. That "squatter sovereignty" that claims these great privileges and immunities, for the first few men, who go there either before or after the passage of the Nebraska act, from honest or dishonest motives, whilst they demand, from the Treasury of the Federal Government, the money to make the very

roads upon which they travel to the ballot-box and go to mill, strikes me as an absurdity, and I so mark it to-day in this House, in the face of whatever may be the off-hand expression of public sentiment.

But I proceed a step further. There is no sovereignty over the question of slavery, secured by the Nebraska bill, either *to the people of the States or of the Territories* it provides for. It is most true, sir, that the fourteenth section declares that:

"It is the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof *perfectly free* to form and regulate their domestic institutions in their own way, *subject only to the Constitution of the United States.*"

This provision, as an isolated part of the act, looks fair at first glance. It looks like vesting sovereignty in the people there. But we must investigate the matter to ascertain whether this declaration is not a shadow rather than a substance. This Nebraska bill is, in my judgment, a cheat, sir. Its northern friends contend that slavery cannot go there now; its southern friends claim that it can. Both know that slavery could not enter under the eighth section of the Missouri act. If it is still excluded, what is gained by the repeal? Why this renewal of strife? "*Cui bono?*" Who is cheated? It is said by its friends in the North that the people of the Territory "are left perfectly free" to exclude it by an act of the Territorial Legislature, and this is what they call "squatter sovereigaty." Its southern friends do not so understand the bill, and hence they voted down the amendment offered by Mr. Chase, in the Senate, and by the gentlemen from Indiana and Maine, [Messrs. Mace and Fuller,] in this House, giving to the people, in express terms, power to exclude slavery.

The southern friends of the bill hold that the people of the Territories are not left "perfectly free," by the terms of the fourteenth section, whilst in a territorial form, to exclude it, and that they are prohibited from so doing. Their acts must be "*subject to the Constitution.*" The southern doctrine claims that, into Territories which are the common domain of the States, where slavery is not expressly inhibited, they may take and hold their slaves under the Constitution, and that any territorial law excluding slavery would not be "subject to the Constitution," but in violation of a right "resulting from it," and, therefore, void. This, I understand, is the view of the gentleman from Georgia, [Mr. Stephens,] and hence it follows that, by his Nebraska act, he as effectually exercises congressional power to prevent the people of these Territories from *excluding* slavery, as the joint resolutions of 1845 prevented a part of the people of the State of Texas from *introducing* it. It is another case the gentleman's record furnishes, which would seem to be "tantamount to usurpation!" I ask again, who is cheated? The southern view of the Nebraska act has the advantage in this, to wit: that it seems to recognize slavery as an institution there by authority of law, as the ninth section expressly provides for writ of error in cases "*involving title to slaves!*"

Mr. Chairman, upon the hypothesis, (most favorable to the northern view of the question,) that, through a territorial law, the people may exclude slavery, I propose to examine whether the people are, by the *machinery* which the act imposes on them, left "perfectly free." I will submit it to analysis, and ascertain what per cent. of its component parts gives to the people sovereign power—how much of it is "democracy," and how much despotism!" We have heard many elegant speeches upon the popular theme of "man's power to govern himself"—one of the ablest was "*that speech at Romeo,*" by the distinguished Senator from Michigan.

What is a Democracy? Where the people govern. The gentleman from Missouri [Mr. Oliver] truly remarked, yesterday, that a mass meeting of the people, to make laws, would be impossible. There is no such Government as that on earth. Ours is a Representative Democracy—the people delegating, through the ballot-box, to their agents, their power to govern. What are the powers, or elements, of a government? They are comprised in three subdivisions: the *Legislative*, to make the law; the *Judiciary*, to expound it; the *Executive*, to enforce it. The beauty of our system, in its purity, consists in the fact that each one of these departments, though a coördinate part, is independent of the others. If all were concentrated in one man, whatever the name given to it, the government would be a *practical despotism.*

Now, sir, in this crucible I proceed to ascertain the real power of the people in Kansas and Nebraska, under this act, over the question of slavery, and to "regulate their domestic institutions in their own way."

Who is to *execute* law there? The Governor. Who selects him? Not the people, but the President, who can put him in or kick him out, at will, independently of the will of the people of the Territory. (Section 2.) Who constitute the *judicial* power? The judges selected by the President, (section 12;) and, for the present, "all township, district, and county officers" shall be appointed by the President's Governor. (Section 7.)

The only remaining branch of governmental power is the *Legislature.* Section four provides for a Council of thirteen, and a House of twenty-six members. It says: "previous to the first election the *Governor* shall cause a census or enumeration of the *inhabitants* and qualified voters of the several counties and districts of the Territory to be taken *by such persons*, and in *such mode*, as the *Governor* shall designate and appoint." On this "enumeration of *inhabitants*," (which of course includes blacks, old and young, for southern gentlemen will not take the position that "a nigger" shall not be regarded an "inhabitant,") the *Governor* districts the State and apportions the representation. (Section 4.) This gives the Governor great powers; the people none, to regulate their affairs. Nor can I see why the honorable gentleman from Missouri [Mr. Oliver] should complain about emigrants from New England, whilst the negro child sent from his district, which adjoins Kansas, would weigh just as heavily in these census tables as the honorable member from Massachusetts, [Mr. Goodrich,] who has been paraded as president of some society, would, if there; and whilst his constituent, who goes into one county with ninety-nine negroes, would count as much in the legislation as any hundred live emigrant Yankees!

Next comes the election. The President's Governor appoints the "time and place" for that, and it is to be conducted in *such manner* as he shall designate. When the people meet at the polls to settle this matter of slavery, the qualified voters may cast their suffrages. But, the ballots are to be received, the election superintended, the qualifications of electors decided upon, the votes counted, and the returns made, by such persons as the *Governor* may appoint, (section 4.) And the act does not even require that these persons shall be sworn to the honest and faithful discharge of these high duties, involving the destiny of an empire. With such powers over the ballot-box of South Carolina, a Governor might easily, if he chose, send into this Hall, to represent her, such men as my colleague, [Mr. Giddings,] or Garrison, and others, more obnoxious to her people. Yet, this is the character of the machine recently invented and patented as "squatter sovereignty!"

Fear of accidents has stationed another guard over the people's will, armed with a more formidable weapon—one which has often made its deadly strokes upon true popular sovereignty. It is the *veto power*, in the sixth section, which enables the President's Governor to defeat any legislative act in regard to slavery, or any other "domestic affair," unless passed in both branches by two thirds of the representatives of the people. Is it not, Mr. Chairman, bad enough to clothe any one man with power like this, over the Representatives' will, and call it democracy? Is it not an outrage to give it to a Governor, appointed by the President, and beyond the control of *the governed*, at any time; but especially when you say that their will shall settle the question between freedom and slavery in these vast Territories? Is it not an insult to American intelligence to call such provisions "popular sovereignty," and bellow "Man's power to govern himself?"

I have briefly passed over and analyzed this act. I denounce it as transferring the just power of the people of the States to the national Executive, already swelled with its enormous powers of Federal patronage and the veto. The transfer is to me a bitter pill, sugar-coated, as it is, with the words "squatter sovereignty." There is not in all the Russias a province where the people have not as much power to "regulate their domestic institutions in their own way," as is guarantied to the people of Kansas and Nebraska by this act, independent of presidential power, to exclude slavery from their soil.

There is one other provision of the act that challenges attention. It is that which gives *foreigners* the right to vote on condition.

The fifth section provides:

"That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States *and the provisions of this act.*"

In this connection I quote the constitutional provision, that Congress shall have power "to provide a *uniform rule* of naturalization!" Upon what principle of just popular sovereignty Congress may allow a *foreigner*, in a *Territory*, the highest right of a *citizen*—that of suffrage—the day he arrives on our shores from Baden, when it has declared by its acts that he must reside five years and make certain proof of attachment to our institutions before he can be a citizen, and make the rule "*uniform*," is not clear to my mind. I do not propose, however, to discuss this matter of naturalization now. There will, no doubt, be time for work on that subject in the future, when the question is more appropriately before us. Besides, my friend from Tennessee [Mr. Taylor] has given notice of a bill to reform the naturalization laws. He may be "one of 'em," of whom the *disclosures* speak, and it would be manifestly wrong in me, an "outsider," to trench on his ground. My only purpose is to look into the "foreign sovereignty" of this Nebraska act; and I would inquire, if it was the intention to give a foreigner who seeks liberty in this land the right of a *sovereign*, why did you impose on him the humiliating condition of swearing to the principles of such an act, as we show this to be?

Mr. Chairman, by way of illustrating this matter, I hope to be pardoned for relating an incident, in my personal observation, a few months since. After the Nebraska act passed, the weather was hot, and we were all jaded and wearied. Availing myself of the recess, I went to Boston to spend the fourth of July. In company with the learned Attorney General, [Mr. Cushing,] I passed through Boston Common at sunrise of that morning. There was a scene to make the heart glad. All was animation and life—the busy preparations of the city authorities to accommodate the million, upon the Common, the fluttering of the stars and stripes at every point, the roar of artillery, the clear, sweet chimes from the church bells, announced that it was Independence morning. To avoid the heat, I afterwards took a steamer to cross to Nahant. Passing over the waters of that harbor, viewing a thousand national flags from shipping and house top, amid the roar of cannon from Boston Common, with Bunker Hill's monument in the distant view, (mueing over the incidents that had occurred thereabout in the good olden time,) my attention was directed to a large ship which lay at anchor. We passed within an hundred yards, and I saw her decks crowded with human beings, her crew scouring and cleaning the vessel, and the surface of the water, for a great distance, strewn with old beds, bedding, chests, &c., &c. My first idea was that it formed a part of the celebration of the fourth, and that there had been a casting overboard of a sham cargo, by way of reviving a recollection of the old Boston harbor tea party! My curiosity was soon satisfied on inquiry. The ship, I was told, was one of those engaged in the "carrying trade"—*that is*, she was in the employment of foreign Governments or their agents, to bring over, at a fixed rate per head, their paupers and felons. She had just arrived with a large cargo, and disease had broken out. She was on quarantine; and the crew were at work in the business of purification preparatory to another voyage. I was pointed to the hospital, to which these persons had to be sent at public expense, until the health officers pronounced them in condition to be put on shore without danger. Subsequently, a gentleman who had been aboard gave me a description of the condition of the per-

sons of some of these poor beings, which was too loathsome to be repeated. Now, sir, by the provision of the act I have quoted, each of these paupers and felons thus forced to America, if in Kansas, could be made a sovereign in ten minutes, wielding as much power, through his vote, as "Sam. Adams," who threw the tea into Boston harbor could have if there. Those who supported this bill may make Buncombe speeches in regard to their liberality to foreigners; but the wind is somewhat taken out of that sail amongst intelligent emigrants, who, coming here for liberty, and from choice of Governments, find they cannot vote until they degrade themselves by swearing to the principles of an act they cannot approve.

In this connection I would put a proposition to those who voted for this bill, and through them, to their confiding constituents, who indorse it on their recommendation. If the act is a proper exponent of the true theory of self-government, why do you not advocate the engrafting upon your several State constitutions and laws just such provisions? Why not have "popular sovereignty" of the same sort in Virginia? Why not in South Carolina? In Alabama, &c., &c.? If it is Democracy for Kansas, why not make it Democracy for Georgia? I can understand why Senators voted for or against the provision separately, with a view to *weigh down and kill the bill;* but why anybody could vote for the final passage of *such a bill with such a weight*, remains with me a mystery.

Aside from all considerations which I have passed over, the *manner in which the bill was introduced, and passed through this House*, is, of itself, sufficient reason to induce us to retrace our steps speedily. The motion of the gentleman from New York, [Mr. Cutting,] which prevailed, and carried it to the Committee of the Whole on the state of the Union, was a legitimate proceeding. The various motions subsequently made to set aside other measures of importance on the Calendar, in order to reach it, were unusual, and repugnant to the general course of parliamentary proceedings. The general principles of the bill were fully discussed under the hour rule; but under that rule the *details* of no measure are acted upon. Hence the laws for the regulation of our proceedings have wisely provided, by the 127th rule, as follows:

"Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, *and then again read and debated by clauses*, leaving the preamble to be last considered; *the body of the bill* shall not be defaced nor interlined; *but all amendments*, noting the *page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House.*"

The Nebraska bill never was "*again read and debated by clauses*" in committee. Your Clerk only read the *first* section, under the rule, and there are *thirty-seven sections* to the bill. The honorable gentleman from Georgia, by what was called "a most ingenious proceeding"—one that, it was said, was suggested by my honoroble colleague, [Mr. Olds,] who was chairman of the Committee of the Whole, but for the originating of which the gentleman from Georgia had the credit—struck out the enacting clause. Then a motion was made to report the bill from committee to the House before it was "*read and debated by clauses.*" On this motion there was not a majority of the House voting, and the Constitution provides that "less than a majority can do no business." Yet, sir, in face of this Constitution, in violation of the letter and spirit of the law of the House, the bill was forced from the committee. The point was made to the Speaker, at the time, who, with great propriety, in my judgment, said, in substance, that he had no power, under the rules, to go behind the report of the chairman to ascertain what had been done in committee. In a few minutes, those very members who, in committee, had voted to *cut the head off the bill*, voted in the House to *put it on* again, and, under the screw of the "previous question," and the remarkable rulings of the Chair, and of the majority, we were brought to the vote on the final passage of the bill.

It is no time now to review the inconsistencies of those rulings. The record is here now, and the time to produce it will come hereafter. I should not wonder, sir, if the day should come to prove the statement of the Charleston editor true, who said that the proceedings on the Nebraska act presented the worst chapter for the South that had ever been made in congressional proceedings, when the lawful rights of a minority were crushed under the iron heel of the power of numbers. Though the gentleman from Georgia, at midnight hour, hurled at us the charge of "faction," because we but exercised the power under the rules which he used when, in 1850, he was standard-bearer in resisting a recognition of the sovereignty of California, we were no mean minority. The vote on the great question of its passage stood—yeas 113, nays 100; and this, too, when many members voted for it on the alleged ground that the measure was tendered by the free States!

Mr. Chairman, "there is a North!" These election returns prove it. That North comes back to this Hall in the next Congress to claim a redress of the wrong, and she will be backed by the fair-minded people of the South who never demanded the repeal of the Missouri compromise. She will come, I trust, with firmness, and with no disposition to remedy one wrong by perpetrating another. She will come, I hope, with a determination to vindicate and restore her rights, and yet to maintain the majesty of the law. To me, sir, it will be a proud spectacle when the unbroken delegation of twenty-one members from my native Ohio, approach that Speaker's desk to take the oath prescribed, and pledged before their sovereigns to restore that which has been so wantonly taken away.

I am no prophet, have no vision into the mists of futurity; yet, sir, allow me to predict that slavery never can become a fixed institution in Kansas and Nebraska—I care not who may be sent as Delegate, with power only to talk on this floor. If "*God's law*," upon which Daniel Webster based his celebrated speech of March 7, 1850, does not keep it out, independent of *human* action, "popular sovereignty" will make a law to do the work. The free States will decree it; the friends of union, and peace, and harmony—the supporters of solemn compacts in the slave States will affirm the decree.

Mr. Chairman, I fear there is a spirit of disunion somewhere lurking under these propositions to carry slavery everywhere—North and South. When the free States raised their opposition to annexing Texas, very many meetings were held in the slave States. They passed threatening resolves. The following, from a meeting "numerously attended" in Alabama, I present as a specimen:

"*Resolved*, That the possession of Texas is infinitely *more important to us of this section of the Union than a longer annexation and friendship with the northeastern States, and if we have to yield either, it cannot and* SHALL NOT BE TEXAS!"

It was then that the venerable gentleman from Missouri [Mr. Benton] sounded the tocsin of alarm from his place in the Senate Chamber. In his speech of 1844 he said:

"Disunion is at the bottom of this long-concealed Texas machination. Intrigue and speculation coöperate, but disunion is at the bottom; and I denounce it to the American people. Under the pretext of getting Texas into the Union, the scheme is to get the South out of it. A separate confederacy, stretching from the Atlantic to California, (and hence the secret of the Rio Grande del Norte frontier,) is the cherished vision of disappointed ambition: and for this consummation every circumstance has been carefully and artfully contrived."

Texas was annexed—the free States yielded In 1850, new demands were made, accompanied with similar threats; and on this floor the *pronunciamento* was declared; *yield, or "let discord reign forever!"* The measures passed—the mass of the people acquiesced.

In 1854, people in the slave States are seeking the acquisition of Cuba—they take our money to buy the Mesilla valley; the Sandwich Islands are demanded; and mysterious proceedings are going on at the proposed "naval depot in St. Domingo." These things look like a desire for a "separate confederacy." In the mean time you repeal the old Missouri compromise, and declare a principle, which, if carried out consistently, must take slavery into the Territories of Minnesota, Oregon, Washington, Utah, and New Mexico. More than that, it pledges the Government, before the eye of the civilized world, to extend and strengthen African servitude. Do the *people* of the slave States demand this? Will the people of the free States submit? Upon the authority of their voice in the late elections, I answer, emphatically, *No.* I answer as I did the charge of "faction" made by the gentleman from Georgia at the midnight close of the longest sitting ever known to Congressional Journals: "*We will resist this great wrong, with all the power God has given us, to the last extremity—to the bitter end.*"

On the other band, in the North, men driven into a phrenzied condition by those acts, forgetting that northern avarice had much to do with the original introduction of slavery, and that it has become almost inseparably interwoven with the very fibers of society in some of the States, look to disunion as the only means of abolition. They meet on the 4th of July, and celebrate it by burning the Constitution!

Sir, I am against disunion, and would strike it down. But, if union is to carry with it the proposition to extend slavery, to commit the General Government to the principle of increasing wrong, its moral power and its value cease. The free States have taken a stand. Neither a renewal of the cry of "*Disunion*," nor the taunt of "*Abolitionism*," will drive them from it.

Let it bring to me, if it must, the taunts of fellow-members here, and the jeers of the million elsewhere; I shall remain firmly upon the ground that I have always occupied: That slavery is local, not national; that the States where it exists have a constitutional right to enjoy it, accompanied by the right to reclaim fugitives, and may themselves dispose of it in their own way, yet must support it without further aid, direct or indirect, from the balance of the Union. These, I believe, were the sentiments of Washington, of Jefferson, and of Madison. Where such men lead, I follow, with confidence, condemning equally "filibustering" in the South and "Constitution-burning" in the North.

As to the remedy. It is not *now* in our hands. Let some patriotic southern man, who voted for the repeal of the eighth section of the Missouri act, on the ground that the "North tendered it," come up with bold, manly, patriotic voice, and propose to restore it, as a response to northern popular demand. Until it is restored, you will have no promise of harmony in this Hall.

A word, sir, in conclusion, in reference to the present Administration. I did not come here this session to make war upon it. It is wrong to strike the fallen! The Administration has fallen! A year ago the 4th of last March, we witnessed in that broad and beautiful avenue the most magnificent pageant ever displayed in the capital of the nation. The President was elected by an overwhelming majority of the people's votes over the "greatest captain of the age"—one who had served most gallantly on many battle-fields! He was borne triumphantly by the masses, amidst the joyous shouts of thousands, from the wets end of Pennsylvania avenue to the eastern front of this Capitol. There, apparently in manly style, he delivered an inaugural address, which was scarcely excepted to by even those opponents who sought causes of objection. He solemnly renewed the pledge which two years before had been signed by the gentleman from Georgia, [Mr. Stephens,] to wit, "that slavery agitation in Congress and out of Congress should cease." Thence he was ushered into the White House with the greetings of the people's glad huzzas!

Congress again met and opened its last session in harmony. The Administration threw this apple of discord among us. It pressed upon us the consideration of the Nebraska bill, and through its organs, sought to influence the Representatives of the people both through fear of punishment and hopes of reward:—

It vetoed the bill passed by a Congress of its own friends, granting lands to the several States to support those stricken poor whose intellects have been taken from them by the Almighty. At the same time, under very peculiar circumstances, it approved the Minnesota bill, granting near a million of acres of these lands to a New York Wall street company. A bill, sir, which, after a base forgery had been made upon it, passed the Senate on the 28th of June. The President's signature, of immediate approval, was necessary in order to take from the pioneer people of Minnesota that immense grant, and secure it to Wall street brokers. On the 29th of June he approved it. So speaks the record:—

Thousands of voices broke upon our ears from the laborers of the interior, asking appropriations to improve their rivers and lakes—the means which God had given to bear from the arm of American industry its products to the place where Necessity demanded them. These appeals were not sectional, but national. The appropriations were voted by the President's friends in Congress—by wise constitutional lawyers, by statesmen of long experience in the Senate—under the solemnities of their oaths. The Administration, whilst asserting the doctrine of "popular sovereignty" to be its prominent characteristic, responded to the public will, "*I veto:*"—

It cast from *high* places of trust and from *low* ones—from the foreign court and from the village post office—men, "honest, capable, and faithful," who dared, in defiance of its dictation, to exercise, independently, the sovereign rights of American freemen; and appointed, in their stead, those who were neither fitted by birth, by education, nor by other high qualities of manhood, to fill the stations:—

It repealed the Missouri compromise. Yes, sir, it tore from the record that great act of our fathers, rendered sacred, as it had been, to the people of the North, and of the South, by the great cause of *our national Union*, in which it originated, and the long acquiescence of all the States. It has reopened, in violation of its solemn vows, the "bleeding wounds" which the "healing measures" of 1850 were designed to cure. It has thrown wide open the sluices of sectional strife, as the late elections and this discussion fully prove.

I repeat it, sir, in no spirit of personal unkindness to its members, this Administration has fallen—"fallen like Lucifer!" The unerring pen of History will record, in small space, an account of its works, and its achievements: *It repealed the Missouri compromise, it struck at the Know-Nothings, not knowing where to strike—it captured Greytown! and went down:*—

"Like the snow-flake on the river,
A moment white—then gone forever."

Looking at its incoming, its condition, and its approaching inevitable outgoing, I repeat, "more in pity than in anger," the words of the poet:

"——How are the mighty fallen!
And by the people's hand! Low lie the proud!
And smitten with the weapons of the poor—
THEIR TALE IS TOLD; and for that they were rich,
And robbed the poor; and for that they were strong,
And scourged the weak; and for that they made laws
Which turned the sweat of labor's brow to blood—
FOR THESE, THEIR SINS, THE NATION CASTS THEM OUT."

APPENDIX.

Georgia—Agriculture.

Improved land acres	6,378,479
Unimproved	16,442,900
Cash value of farms	$93,753,444
Value of farming implements and machinery	5,894,150
Total value of real estate	$121,619,739
Total value of personal estate, including slaves	213,490,486
Total value of property	$335,110,225
Value of 381,682 slaves at $400	152,672,800
Value of property exclusive of slaves	$182,437,425
Value of live stock	$95,798,416
Value of animals slaughtered in 1849	$6,339,768 00
Value of 1,088,535 bushels wheat, at $2	2,177,170 00
Value of 53,750 bushels rye, at $1	53,750 00
Value of 30,080,899 bushels Indian corn, at 90 cents	27,072,089 10
Value of 3,820,044 bushels oats, at 50 cents	1,910,022 00
Value of 38,950,691 pounds rice, at 5 cents	1,947,534 45
Value of 423,924 pounds tobacco, at 7 cents	29,674 68
Value of 199,636,400 pounds cotton, at 8½ cents	16,969,094 00
Value of 280,819 pounds wool, at 30 cents	297,695 70
Value of 1,142,011 bushels peas and beans, at $1	1,142,011 00
Value of 227,379 bushels Irish potatoes, at $1	227,379 00
Value of 986,428 bushels sweet potatoes, at 50 cents	3,493,214 00
Value of 11,501 bushels barley, at $1	11,501 00
Value of 250 bushels buckwheat, at $1	250 00
Value of orchard products	92,776 00
Value of market garden produce	76,500 00
Value of 796 gallons wine, at $1 50	1,194 00
Value of 4,640,550 pounds butter, at 25 cents,	1,160,134 75
Value of 46,976 pounds cheese, at 15 cents,	7,046 40
Value of 23,449 tons hay, at $16	375,184 00
Value of 132 bushels clover seed, at $6	792 00
Value of 428 bushels other grass seed, at $2 50	1,072 00
Value of 261 pounds hops, at 30 cents	78 30
Value of 5,387 pounds flax, at 10 cents	538 70
Value of 622 bushels flax seed, at $1 75	1,088 50
Value of 813 pounds silk cocoons, at	
Value of 50 pounds maple sugar, at 6 cents	3 00
Value of 1,642,000 pounds cane sugar, at 6 cents	98,520 00
Value of 216,150 gallons molasses, at 25 cents	54,037 50
Value of 734,514 pounds beeswax, at 15 cents	109,877 10
Value of homemade manufactures	1,838,968 00
	$65,488,267 18

Ohio—Agriculture.

Improved land, acres	9,851,493
Unimproved land, acres	8,148,000
Cash value of farms	$358,758,603 00
Value of farming implements and machinery	12,750,585 00
Total value of real and personal estate	$504,726,120 00
Value of live stock	44,121,741 00
Value of animals slaughtered	7,439,943 00
Value of 14,487,351 bushels wheat, at $2	28,944,702 00
Value of 435,918 bushels rye, at $1	435,918 00
Value of 59,078,695 bushels Indian corn, at 90 cents	53,170,825 50
Value of 13,472,742 bushels of oats, at 50 cents	6,736,371 00
Value of 10,464,449 pounds of tobacco at 7 cents	731,811 43
Value of 10,196,371 pounds of wool at 30 cents	3,058,911 30
Value of 60,168 bushels peas and beans at $1,	60,168 00
Value of 5,057,769 bushels of Irish potatoes at $1	5,057,769 00
Value of 187,991 bushels of sweet potatoes at 50 cents	93,995 50
Value of 354,358 bushels of barley at $1	354,358 00
Value of 638,060 bushels of buckwheat at $1,	638,060 00
Value of orchard products	695,921 00
Value of 48,207 gallons of wine at $1 50	72,310 50
Value of market garden produce	214,004 00
Value of 34,449,379 pounds of butter at 25 cents	8,612,344 75
Value of 90,819,542 pounds of cheese at 15 cents	3,122,731 30
Value of 1,443,142 tons hay at $16	23,090,272 00
Value of 103,197 bushels cloverseed at $6	619,182 00
Value of 37,810 bushels of other grass seed at $2 50	92,275 00
Value of 63,731 pounds hops at 30 cents	19,119 30
Value of 150 tons hemp at $1 75	26,250 00
Value of 446,928 pounds flax at 10 cents	44,693 80
Value of 188,880 bushels flaxseed at $1 75	330,440 00
Value of 1,552 pounds silk cocoons.	
Value of 4,588,209 pounds maple sugar at 6 cents	275,292 54
Value of 197,308 gallons molasses at 25 cents,	49,327 00
Value of 804,975 pounds beeswax and honey at 15 cents	120,641 25
Value of homemade manufactures	1,712,196 00
Agricultural products of Ohio	$145,838,232 51
Deduct product of Georgia	65,488,267 18
Ohio ahead	$80,349,965 33

AMERICAN POLITICS.

SPEECH OF HON. NATH. P. BANKS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

December 18, 1854.

The House being in the Committee of the Whole on the state of the Union—

Mr. BANKS said:

Mr. CHAIRMAN: In the speech of the distinguished gentleman from Missouri, [Mr. BENTON,] just read by his colleague, [Mr. OLIVER,] it is stated that he, at the last session, intimated to some members of this House from the eastern States his belief that the movement for sending emigrants to Kansas and Nebraska would excite sensations in that country injurious to the cause in which the people of the East were engaged. The gentleman from Missouri, now absent, made such a declaration to me; and I wrote to some of my friends, who were interested in that movement, expressing his views, and my concurrence, in some degree, in the fears he entertained. So much stated in regard to myself, is strictly true; and I have no doubt that it is true with regard to others.

But there is another statement in which I do not concur; and that is, that the State of Massachusetts, and the State of Missouri, are equally culpable in the efforts made in the Territories referred to. The people of Massachusetts, so far as they engaged in the emigration movements, acted in good faith. They sent to the new Territories of Kansas and Nebraska its best men; men who were calculated to advance the prosperity of any State, to establish sound institutions, and who intended to do injustice to no section of the country. But it was not with Missouri as it was with Massachusetts. Within a few days an official letter, a kind of *quasi* proclamation, has been received here from Governor Reeder, in which he declares distinctly, that a public meeting, held in Kansas, for the purpose of controlling the government of that Territory, was composed of the citizens of Missouri, and not those of Kansas; and that they did not come there to act as citizens of that Territory, but for the purpose of controlling its institutions, in which, as citizens of Missouri, they had neither interest nor right. They were organized for that purpose, and they seem to desire, not only to participate in the election of a territorial Delegate, but also manifest a determination to influence the Governor in the performance of his executive duties. These are his words:

"The meeting was not of the 'citizens of Kansas,' as your proceedings will show, if you will produce them. It was a meeting composed *mainly of citizens of Missouri*, and a few of the citizens of Kansas. Your own body, whom I am now addressing, contains *two undoubted residents of Missouri, one of whom is your chairman, who resides with his family, in the town of Liberty, Missouri, as he has done for years*, and whose only attempt at a residence in Kansas consists of a card nailed to a tree, upon ground long since occupied by other settlers, who have built and lived upon the claim. The president of your meeting was Mr. John Dougherty, a resident, and large landholder in Clay county, Missouri, as he has stated to me since the meeting, and will not hesitate to state again, as he is a high-minded and honorable man, above all concealment or disguise. The gentlemen principally composing your meeting came from across the river, thronging the road from the ferry to the town, on horseback, and in wagons, in numbers variously estimated by different persons, *at from two hundred to three hundred;* and after the meeting was over, *they returned to their homes in the State of Missouri.* These are facts as notorious here as any public occurrence can be, and every man who had eyes to see, and ears to hear, is cognizant of them."

No such charge has been made, or can be made, against emigrants from Massachusetts. They neither attempted nor desired to interfere with the political affairs of any other State or Territory, except that in which they had planted themselves as settlers. They have done for those Territories exactly what the citizens of Massachusetts have done since the commencement of the history of this country—they contributed what was in their power to the settlement of new territory with intelligent, honorable, and brave men. So much their duty required of them, and so much only have they done. Those who desire to promote the prosperity of Kansas will never regret the advent of Massachusetts emigrants.

A little while ago, I desired to speak somewhat at large upon topics introduced by the gentleman from Georgia, [Mr. STEPHENS]—I shall seize an early opportunity to do so—but now confine my attention, as seems to be expected of me, to the remarks of the honorable gentleman from Mississippi, [Mr. BARRY,] who has just taken his seat.

I had not anticipated a debate upon the subject he introduced, and am not altogether prepared to participate therein. I may say, however, that it admits of, if it does not call for, more thorough investigation than he has given it. Indeed, it embodies the great questions of government; it touches the fundamental rights of the people of this Union; it goes to the heart of every nationality on the face of the earth, and it is well worthy our attention. I do not regret that my friend has introduced it. I have listened to his remarks with pleasure, and with many of his conclusions, taking his point of view, I might concur. But the principles which lie at the basis of political associations, and the rights of parties interested in them, are so various and so profound that, in the investigation of this matter, I can well entertain different views, and arrive at conclusions differing from those which he has stated.

And, first, let me comment on the proposition, not first in the order of his remarks, but which lies at the foundation of his opinions—that a man in the United States is bound to promulgate his political views. I take issue with him on that question. We are a people occupying an inde-

pendent section of the earth, with a Government of our own. It is a Government which springs from the people, republican in its nature; in which the interests, rights, opinions, and commands of the people constitute, not only the guiding, but original power, and no man who discharges his duty as a member of the social compact, who executes his will, and, according to the forms of law, impresses his convictions upon the political institutions under which he lives, is accountable for his actions or opinions to any other man. He is not even accountable to the Government. He is accountable to God alone. Acting in his capacity as an original member of that compact, not as a Representative, mark you, Mr. Chairman, he is entitled to that degree of privacy which is necessary to secure his natural, indefeasible, and absolute right—the free expression of his opinion. How far he will modify that opinion and his action, by communion with other minds, he has a right to determine for himself. When a citizen of the United States is called upon to vote for President, for a member of the House of Representatives, or for any other officer of delegated trusts, or in framing the organic laws under which he lives, he is not only entitled to vote, uncontrolled, unawed by individual or governmental influence, but he has the right to give his vote in profound secrecy. And that Government which shapes its material influences or statutes, so as to trammel or control a citizen in the exercise of this, his private, but absolute right, which seeks to wring from him publicity of his views or action, strikes at the basis of republican institutions, and ought to be swept from the face of the earth.

Sir, the right of opinion is the right upon which we stand. God gives to us the power to form opinions, the Government secures to us the right to act upon those opinions, and to no individual, organization, or society, attaches the right to control us in the exercise of these high prerogatives. So far, then, I take issue with the honorable gentleman from Mississippi. I claim the right to form my own opinions. The Constitution and Government under which I live, secures me the right to express them, and privacy, or if it please the gentleman better, secrecy, may be convenient or necessary for me in the exercise of that privilege. The gentleman from Mississippi asserts it to be a duty to promulgate and publish opinions entertained. If so, it must be for the purpose of influencing others, or that the individual shall be subject to the influences of others, or of government. Any influence except that which legitimately springs from the action of reason upon reason is wrong, and no wrong can be a duty. If privacy of opinion be a right, its expression must be a voluntary, and not a compulsory act.

Mr. BARRY. Will the gentleman allow me to ask him a question?

Mr. BANKS. If it is pertinent to the subject upon which I am speaking, most certainly.

Mr. BARRY. It is a pertinent question. I desire to know whether an association has the right to control the vote of a member of that association?

Mr. BANKS. I will come to that presently.

Mr. BARRY. And I desire to know further, whether the New York Council has the right to make members of that council tell for whom they voted?

Mr. BANKS. I will answer the gentleman's question presently. I was proceeding to say, that I have the right to form my own opinions. The Constitution and Government under which I live give me the right to express my opinions as I please. They give me the right to vote by ballot—the ballot is a secret institution; and that secret institution enables me to cast my vote in secrecy, unknown to any, and uninfluenced by fear of any man.

In considering a public wrong it is very well for us, in the first place, to consider the power which perpetrates the wrong; because, by studying the motives and interests which actuate the perpetration, we can form a better idea of the wrong itself. The gentleman from Mississippi has stated very clearly and, I doubt not, very conscientiously, that the association to which he alluded is wrong. Sir, what is that association? Who are its members? The people of the United States. What is the nature of this association of the people of the United States which holds its meetings in secret? It is not an institution or association limited by numbers; but it seeks numerical strength. It seeks, by its numbers, to control the elections of the country. It is, therefore, popular in its nature; and, so far as its secrecy is concerned, it is enough to say, that any association of men, wherever they are, who undertake to control the Government of a country by its numerical votes, has an element of popularity in its nature which makes secrecy impossible. And, so far as that is concerned, I will say to the gentleman, that I think he may relieve himself from fear of any considerable public danger.

As to the Councils of New York, sir, as I am not a member, and know nothing of their action or organization, I do not propose to enter into their defense. But I will say that they, undoubtedly, have the same right to control their members that other parties have—and that the exact limit to which their influence shall extend is always to be determined by the individual member who is its subject, and he has always an unlimited right of resistance or absolute secession. The connection of an American citizen with any party is voluntary. He makes it and he ends it. The beginning and the end being his own work, it is his fault if, between these extremes, his rights or privileges are in any degree impaired.

Sir, the gentleman from Mississippi alluded to the class of people who compose that organization, and I have no doubt he has stated the facts correctly, for he has evidently given the subject some consideration. Who are the people who compose this organization? He says that in one section men belong to it who have been connected with the Whig party, and in another men belong to it who have been connected with the Democratic party. All this is, no doubt, very true and reasonable. These men have left their old partisan organizations for reasons satisfactory to themselves, and which neither you nor I have the right to question. I have no doubt that every member of this association in Mississippi has his reasons for becoming such, and I have no doubt that the same is true in Massachusetts. I can very well conceive that there may be different views of the necessities under which men act. I can conceive that there may be reasons why a body of men, a large body of men—if you please, a majority of the citizens of any or every State in the Union, should leave the political organizations with which they have heretofore been connected, and form new organizations for themselves. There may be necessities which drive men to such political action and which justify them in it.

And now, a word as to such necessities. I speak of them by way of illustration, and not to cast any aspersion, or to make any complaint. But, there are influences which have been exercised upon the citizens of this country, not in consonance with the spirit of our institutions, and which, not only call for, but which justify the resistance of political organizations. The United States Bank controversy was of this character, and there are others, of immediate as well as pressing concern, and to them I propose for a moment, to address myself.

Sir, political power, what is it? It should be the independent and intelligent action of the citizens of a State. But men will be influenced by other men, and properly enough. Moral and intellectual superiority, the wisdom that varied attainments and experience convey, will always have their influence upon men. This is in accordance with our nature. It may also happen that political power and influence may be the product of wealth. Indeed, wealth may sometimes take such a form as to control the entire political action of a State, and secure an influence that learning or experience rarely confers on men. In my own State we have our share, it may be, perhaps, more than an equal share of the wealth of the country. We have agricultural wealth and commercial wealth. We have manufacturing wealth and mechanical wealth—all the product of the industry and enterprise of our citizens. This is, indeed, a public blessing.

But, sir, wealth is far more efficient in promoting general prosperity, when generally distributed, than when it aggregates in few hands. It is better when in the hands of natural than artificial persons; and it contributes in a greater degree to the general happiness of a people, when it assumes the permanent form of real property, rather than the unstable, inconstant form of personal estate. Sir, I disclaim hostility to the institutions of wealth in any form. I will go as far to foster and enlarge its legitimate interests as any man. But, I mean especially to deny its right to govern, or any claim made in behalf of its right to construct or direct the machinery of Government.

Let me illustrate the views I have presented by a reference to some of the causes which have led to the great political changes that have occurred in the State I have the honor, in part, to represent. Look at the city of New York, for instance, with its immense population, having increased from less than one thousand, in 1654, to nearly three fourths of a million in 1854—a period of two hundred years—and with a wealth corresponding to its position and population, dispersed through all its veins. The city of New York, with half a million people in 1850, had less personal estate than Boston, with a population of one hundred and thirty-six thousand. The State of New York, with a population of more than three millions, had $50,000,000 less personal property than Massachusetts, with less than one million people.*

This remarkable difference may be in part accounted for by the fact that Massachusetts has given existence to something like twenty-five hundred business or trading corporations, whose aggregated capital would exceed $430,000,000; while the entire valuation of the real and personal property of the State did not exceed, in 1850, $600,000,000. In addition to the subtle influences of this peculiar species of property, which is affected by the minutest and constant changes of life, whose delicate organization is elated or depressed by every form of legislation, every movement of public or private bodies, and, indeed, by vague rumors of the street, it has the unceasing attention of those immediately interested therein, and the watchful care of ten or twelve thousand officers or agents, acting in various capacities, paid by salaries running from the cost of bare subsistence to six and ten thousand dollars a year, who are naturally intent upon advancing the interests upon which their own prosperity depends. Such influences are sleepless, as well as powerful; and from the nature of the case, in a greater or less degree, they assume a political character. It has, also, a vigorous, and almost irresistible influence upon the public press—an agent of power as subtle and vivacious, as irrepressible and energetic as the stock exchange itself. I mean the power of public opinion. Where such elements constitute a principal basis upon which successful political organizations are erected, they become irresistible. The barriers which, under other circumstances, are effectual to check and control legislation, and government, and political action—the independence of individual opinion, municipal organizations and interests, associations formed to perpetuate local or individual rights—are all swept away. It requires nerve to meet constant checks of business, to face denunciations of the press, to withstand the taunts of political associates, the tyranny of conventions, and the flattering appeals of power—more than to brave death, when one has once inhaled the hot breath of battle. It fills every avenue of a State with its power, and remorselessly it hurls down whoever dares oppose its decrees.

I might name men of lofty elevation, great men, who have experienced the truth of what I say, in my own State. This country has produced few men superior in the majesty of intellect to Robert Rantoul, jr., who died a few years since, in the service of his country, as a Representative of the district for which, in part, I hold my seat. He was a man of rare attainments, and of almost limitless intellectual power. His mind had the grasp of Hamilton's and the analysis of Calhoun. His habits were stamped with the simplicity of childhood, and his mild spirit with

*

	Real estate.	*Personal estate.*
Massachusetts.....	$344,129,932	$201,978,892
New York.....	564,649,649	150,719,379

[*De Bow's Com. of Census.*

Boston.....	$97,764,500	$64,595,900
New York city.....	187,315,386	59,837,917

[*American Almanac, 1849.*

an almost feminine beauty. He devoted a life to the study of financial and statistical science. He was foremost among the advocates of commercial and personal freedom; and he supported the monetary policy of Jackson, at a time when giants only could tread in his footsteps. As a reformer, he was the Romilly of the New World. His life was one of unequal, though not of fruitless, contest. The diamond of his intellect broke in the effort to engrave upon the hardened surface of Eastern politics, truths, now universally received; and he died, not without tears, but, except by this House, and his immediate neighborhood, almost without notice.

Such influences as these, reach all classes of society. They touch one man in his fortune, another in his credit, another in his ambition, another in his religion, and another in his means of livelihood. All interests succumb to it; and even the trenchant blade of Webster was turned before it. We talk of the patronage of the Federal Government! What is it compared with such elements of power?

It is but a few years since we asked for a secret or independent ballot, in virtue of the right of every man to give a vote, not only uncontrolled by, but unknown to, other men. It only perfected the right of citizens to vote by ballot, for the ballot itself is a secret institution; but no proposition could have excited greater commotion than this.

Other difficulties were not of rare occurrence; that element of power which is now exciting such attention throughout the country, which seems to have hitherto held a balance of power in nearly all communities, and to have decided nearly every contested election, upon a policy dictated by its leaders, was not without its power among us; and a recent, and most important contest, so decided, has impressed a seated grief upon many thousand hearts. I mean the influence of foreign votes.

All these causes, some operating on one mind and some upon another, have produced discontent among men of all parties. It was not to be expected that ordinary men could rise superior or be wholly indifferent to them. Nor is it a recent nor sudden ebullition of feeling. For many years indications of revolt have been noted. New combinations have appeared and disappeared. One by one, men have abandoned their former organizations, with more or less success, but not in such strength as to give courage to the timid or security to the weak; and the masses of men remained in camp, waiting only a fitting opportunity to escape party drill. At length it came. In that mysterious manner so aptly described by the eloquent gentleman from Mississippi, somebody constructed a covered way, a sort of subterranean passage, a low browed cavernous avenue, by which men could pass from one point to another and one camp to another, seeing nobody, knowing nobody, and saying nothing to anybody. Sir, you should have seen them go. Eighty thousand men, of every pursuit and opinion, in the brief space of three months, attested their belief in its efficiency and necessity. And was it not their right? Who will say that the people—the sole depositories of political power—discontented with existing parties, may not, even in this mysterious manner, make new combinations for the transaction of their own affairs, and erect new standards of policy for themselves? Is it not their right? Who says no! Their justification stands not so much upon their necessities as their convenience; and who can point out a more effectual or natural method of doing what they have done—the transposition of the rank and file of all parties into a new organization, excluding nobody but the leaders, taking everybody inside that desires to come, and leaving nobody outside but the driver? Who will say it is not the right of THE PEOPLE? Does the gentleman from Mississippi complain of their secrecy? Is it secrecy that makes the wrong? Sir, secrecy is their right. It belongs to them. No man and no power can justly take it from them. What have they done? As yet they have done nothing. You cannot punish men for that. The gentleman from Mississippi, I think, intimated that there were to be some indictments, and a friend of his suggested that a Pennsylvania judge had charged a grand jury against the "Know-Nothings." Well, sir, these men have done nothing yet, except to carry an election here and there, and that is not treason, even though a Pennsylvania judge did charge a jury that certain things could not be done, or ought not to be done, or were criminal in point of law. Sir, it is the people who are passing through these avenues, those who make judges and district attorneys, and they will take care of them all. They will take care of the juries and sheriffs as well as judges.

Let me again ask you, Mr. Chairman, if there may not be a necessity that would justify this action, and its short limit of possible secrecy? I do not propose to say whether it was justifiable in Massachusetts or not.

Mr. WALSH. Has this avenue you have been speaking of any connection with the "underground railroad?" [Laughter.]

Mr. BANKS. It has not. It is altogether another line of business. I own no stock in that corporation. [Renewed laughter.]

Well, sir, I think I have substantiated my view of Government, and of the rights of the people to act in this way; and I now call the attention of gentlemen here, who are interested in this matter, and particularly that of my friend from Mississippi, [Mr. BARRY,] who has presented the question, from his point of view, in a fair, manly, sensible light, to the fact, that in the first instance those who do the wrong he complains of are the people—the majority of the people of the United States.

In the second place, nothing has yet been done which makes them amenable to prosecution or censure. There is nothing in what they have done, or in what they propose to do, so far as secrecy is concerned, which makes them amenable. If they do not deem it right to give publicity to their views and designs, that is their business, and they may do in that respect as pleases them.

Now, a word upon secrecy in politics! Who made the President of the United States? The people, you will say, have elected him to the office, But who laid the train, to which the people set fire? Sir, there never has been a presidential election in this country which has not been controlled by secret associations and combinations; and let me say, too, by a combination which has no popular elements; which has no popularity in its constitution; which operates through a few privileged members; and it is, in fact, such combinations that control the government of the country. How happens it that Governor Reeder denounces combinations of men to affect the election in Kansas who belong to Missouri, and who are citizens and leading men in that State? Did it not come by means of secret combination and arrangement—a combination and arrangement by which the rank and file were excluded, and the leaders only initiated? Who can undertake to say that the next presidential conventions will not be controlled by coteries of men whose only power is the secrecy with which their plans and purposes are held? Who will deny that it has been ever thus, or that it will be ever thus? Why is that criminal in the people which has been the constant practice of politicians?

But I am for publicity as well as secrecy. I go beyond the gentleman from Mississippi in that respect. I am for publicity when a man assumes to act for other men; but when he acts for himself, I say that no man has a right to require him to divulge his purposes or views. If he choose to wear them on his sleeve, it is his right to do so; and if he choose to keep them in his own breast, and say nothing, and know nothing, [laughter,] it is equally his right. But when a man assumes to act for others, then, sir, he has not the right, as a representative party, to secrecy; and if the original power call upon him for a development of his policy he cannot withhold it.

I may say here, in passing, that the secrecy which this country has, in some degree, contributed to fasten on the diplomacy of the world, is an element of power which is doing more to crush the nations of the earth than any other element of oppression. The five millions of men who are this hour in arms, under whose heavy tread the earth shakes, are not doing one tenth part of the wrong to the generations now existing, and yet unborn, which the secret and false diplomacy of the world is producing in its effects upon them; and so far as this country contributes, in any degree, to sustain the secrecy of diplomacy, so far, I say, its policy should be changed; and therefore I voted—as I think my friend from Mississippi did not vote—for an exposition of what our friends and diplomatic agents were doing in the congress of Ostend.

Mr. BAYLY, of Virginia. Oh, let that alone.

Mr. BANKS. Yes, if the committee will report soon. [Laughter.]

Then I ask the attention of the committee for a moment to the programme which the gentleman from Mississippi exhibited as the proposed operations of what he calls the Know-Nothings. I do not know whether he is right or wrong; but in a paper published in Pennsylvania, I read some months since an *exposé* of what the purposes of that organization are, and of the means through which they intend to operate. In the first place, I did not see anything there about the naturalization laws; nothing of their repeal nor the limitation of the term; nor any other matter or topic referring to that subject. The Pennsylvanian published the document, and it was copied in our section of the country, as a full, entire, and perfect *exposé* of the purposes of the secret association existing in Pennsylvania, and having its ramifications throughout the country. Therefore, it does not appear that interference with the naturalization laws is one of these purposes. I looked carefully to that point, but I saw nothing referring to that, nor to the Catholic Church or Catholic religion.

Mr. BARRY. Will the gentleman allow me to correct him. I read here from the same paper, the Pennsylvanian, and if the gentleman admits this to be an authentic copy of the rules of the body——

Mr. BANKS. Sir, I admit nothing. I know nothing. [Laughter.]

Mr. BARRY. I hold in my hand the paper to which the gentleman from Massachusetts refers—the Pennsylvanian—and I find in the oath which the member is required to take, the following sentence:

> "That you will support, in all political matters, for all political offices, second degree members of this order, providing it be necessary for the American interest; that, if it may be done legally, you will, when elected to any office, remove all foreigners, aliens, or Roman Catholics from office, and that you will, in no case, appoint such to office."

Mr. BANKS. I call the attention of my friend to the fact, that in his speech he used the term "Catholics," he now reads it "Roman Catholics."

Mr. BARRY. Well, in our section of the country, Catholics are understood as Roman Catholics.

Mr. BANKS. I beg the gentleman's pardon if I say that there may be a distinction in the terms.

Mr. BARRY. I venture to say that no other gentleman in the House misunderstood me, in speaking of Catholics, except the gentleman from Massachusetts, who might do so on Know-Nothing principles. [Laughter.]

Mr. BANKS. I noticed the distinction, and I purpose to speak of it. I have no objection to any man of the Catholic Church, or faith. Here is our friend from Pennsylvania, [Mr. CHANDLER,] an amiable, learned, and eloquent man; I might be willing to vote for him, Catholic as he is, in preference, perhaps, to others nearer my political faith than he is. What he thinks of the Seven Sacraments, or how many he accepts, is no concern of mine. To me, it is no objection, that he receives the interpretations of the Council of Trent, as to the doctrines of original sin and justification. It cannot concern me, and it can concern no man, that, as a matter of faith, any person cherishes the doctrine of transubstantiation, accords the full measure of Catholic veneration to sacred relics or images, and accepts every article of the Nicene creed. Each man is accountable for his own faith, as I for mine. And, even though my name were appended to the declaration, read to us by the gentleman from Mississippi, from the Pennsylvanian, I might still vote for such a man, if otherwise it lay in my way to do so.

But there is another branch of this subject. It is a current belief that the Pope, the head of the Roman Church, who stands as the Vicar of God, and is invested with his attributes of infallibility, is not only supreme in matters of faith, but has also a temporal power, that can not only control Governments, but, in fitting exigencies, may ab-

solved his disciples from their allegiance. I am aware, sir, that this is disputed ground. But it is a well attested historical fact, that often, in times past, the claim to secular power has been made; and I am yet to learn that by the Pope, or any general council speaking with his acquiescence—the only authorized exponents of the true faith—that this claim has ever yet been disavowed. It has not been done in England. The power was asserted in England under Henry VIII. and Elizabeth, and it has never been disavowed there, nor in Spain, nor in any other land, Catholic or Protestant, by the authority of the Roman Church. My name is not appended to the *exposé* read to us here, nor do I know much about it; but I will say that if it be true, that the Pope is held to be supreme in secular, as in sacred affairs, that he can absolve men from their relations with others not of the true faith, it is not strange that men should hesitate in support of his followers. I would not vote for any man holding to that doctrine, and, I doubt not, other gentlemen here would concur with me in that feeling.

And then again, as to our foreign population. I bear no enmity towards foreigners. In my political action, I have always endeavored to be just to all men. I have my own faith, I make my own creed, I stand upon my own platform, and I have never yet refrained from expressing my honest convictions, whenever I have had occasion to state them. I have been just, so far as I have been able, to all classes of men, and to all sections of the country. I have defended the South, so far as my conscience would permit, and I have stood by the adopted citizens of my own State, without any distinction of person whatever, whether they were high or low, rich or poor. But if they hold as the supreme head of secular power the Pontiff of Rome, and consider that he can in any case absolve them from their allegience to the Commonwealth of Massachusetts, or to the United States, why they have no claim whatever upon any man for support. If they understand that their interests are separate from those of American citizens, if they take direction from their spiritual guides in political matters, and by preconcerted and private arrangements, form associations, and make parties of their own, seeking to obtain and hold the balance of power, throwing their weight first into one scale and then into the other, as they may understand their own interest to dictate, they will force upon American citizens the alternative, either to make similar combinations against them, by refusing to divide upon the ordinary maxims of party policy, or to abdicate the seats of political power. A balance of power, under such circumstances, is absolute power, and the direction of public affairs is in the hands of those who wield it.

Now, I understand the breaking up of preëxisting organizations, that were based upon the minute differences of opinion upon past questions, thus throwing an unfailing balance of power into the hands of a small minority of citizens, not of national origin, and possibly of only *quasi* national interests, to be the purpose and object of the American organizations, that have been so vigorously denounced. Of course I must admit that the necessity of such combinations to guard against the public dangers, arising from causes I have stated—obedience to ecclesiastical direction in political affairs, and the silent assumption of that position which gives to a small number of men a despotic balance of power—is denied. But I hesitate not to say that, in my own State, many thousand people entertain the belief that there is cause of fear, and my experience in its recent political history forces upon me a participation in that conviction.

I repeat, sir, I bear no hostility to foreigners, as such, and I desire to do them no wrong. I am honored with the friendship of one among my colleagues, who was born under the jurisdiction of Great Britain—a man eminent in his profession, distinguished by attainments that would do honor to any statesman, whose character gives to him power both to serve and adorn every circle of life, public or private, and constitutes him an honorable and useful member of this House, esteemed here as at home; and I would as cheerfully vote for him for filling political station as for my friend who sits near me, from the Worcester county district, though born within the jurisdiction of Massachusetts, [Mr. DE WITT.] But if my friend from the Essex county district gave me reason to believe that he accepted direction in political affairs from ecclesiastical authorities, acknowledged allegiance to a foreign ecclesiastical court, whose claims to temporal power were of undefined and doubtful extent; if he invested its chief with vicarious attributes of Deity; if he professed no fixed political theories, voting sometimes with one party, and at other times with another party, and always falling *silently* into that position which secured the balance of power and a victory to him and his friends; if such were his policy, as I know well it is not, he could not challenge of me, nor of any man, support; nor denounce opposition as based upon the narrow and selfish prejudice against men not of native origin. Such is the distinction I make, and, under the circumstances I have suggested, that distinction involves questions of great importance.

Can it be denied that there are those interested in public affairs to whom this description, in some degree, applies? Can it be denied that the power to control Governments in other lands has been assumed and exercised by the Roman Church, that is so much dreaded by a portion of our citizens? And is it not true that, amid repeated instances of attempted exercise of temporal power in the last thousand years, it has never once been disavowed or disclaimed by any Pontiff, or general council, acquiesced in by the Pope? I ask the honorable gentleman from Mississippi to point to any historical fact, from an authorized source, proving such disavowal or disclaimer.

Mr. BARRY. I understand that application was made to various Catholic universities, within the last century, to assert such a power, but the expounders of ecclesiastical law denied that power, and affirmed their independence of the Pope in all temporal matters. I agree with the gentleman, fully, in the position he takes, that any man who is bound in such temporal obedience has no right to citizenship.

Mr. BANKS. I plant myself upon the ground that the Pontiff of Rome has never, in any authoritative form, so disavowed the right to control the members of the Roman Catholic Church in secular matters. I know the universities of France and Spain have disclaimed that power. The gentleman says that his Catholic friends have disclaimed it to him. So my Catholic friends have disclaimed it to me. But they have not the right to private opinion, much less the right to determine the faith of their Church. That is the right of Protestants. The Roman Church has *never* disclaimed it. I am told that the Pontiff stands upon my ground, and that he has a right to keep his own affairs to himself. Undoubtedly he can do as he pleases in Rome, where he has political power; but he cannot in the United States, where he has no political jurisdiction.

Now, sir, as to the subject of naturalization, to which the attention of the committee has been directed, not so much by members of the new party, as by other gentlemen, for certainly, so far as this session of Congress is concerned, those gentlemen who have distinctly presented it for legislative action, have especially disclaimed that connection.

I desire to call the attention of the committee to the present condition of the country, as it regards emigration, and to contrast its results with that period when the Constitution and the early statutes of naturalization were adopted. Then the emigration from abroad, according to the estimate of Professor Tucker, was at the rate of five thousand per annum. It was said by Roger Sherman, in the convention that framed the Constitution, speaking for Connecticut, than which no State was more liberal to citizens of foreign States, that "the United States had never invited foreigners here, nor pledged their faith that they should enjoy equal privileges with native citizens." But, it is just to say, that the country had been opened to them, through the legislation of the several States, and they came at the rate of five thousand each year.

Look, now, at the returns made to us of European emigration. Within the present year, the last quarter of which has not yet expired, the foreign emigration will amount to very nearly four hundred thousand persons. I have no complaint to make of this. It is enough to say that it is so ordered by Providence. I would not shut down this swelling tide of emigration had I the power, if it came only to add to the industry and prosperity of the country. Let me call attention, however, to a single fact. Since 1850, there have been arrivals, from foreign ports, to the number of one million eight hundred and seventy-nine thousand persons, exclusive of citizens of the United States—making an average of nearly three hundred and seventy-six thousand each year. Should this emigration continue, without increase, for three years, we shall have received, in eight years, as many emigrants from foreign States, within a small fraction, as came to this country in sixty years—from 1790 to 1850.. The ordinary increase from year to year since 1850, would make the number much larger. They come to us by millions. In ten years from 1850, foreign emigration will reach nearly, if not quite, four millions of persons. Here are tables I have compiled from Mr. De Bow's Compendium of the Census, and the returns obtained from the State Department for the present year:

From 1790 to 1820, Professor Tucker's estimate,	234,000
From 1820 to 1846, by custom-house returns....	1,354,305
*Add fifty per cent. for persons arriving by land,	677,159
From 1846 to 1847, by custom-house returns.....	220,182
From 1847 to 1848, fifteen months to Sept. 30....	296,387
From 1848, fifteen months to January 1, 1850...	296,936
Add twenty-five per cent. for passengers arriving by land.....	74,234
Number of emigrants in sixty years, from 1790 to 1850.....	3,153,198
From Jan. 1, 1850, to Sept. 30, 1850, nine months,	209,985
From Sept. 30, 1850, to Jan. 1, 1852, fifteen months	439,437
From Jan. 1, 1852, to Jan. 1, 1853, one year.....	379,725
From Jan. 1, 1853, to Jan. 1, 1854, one year.....	368,643
From Jan. 1, 1854, to Jan. 1, 1855, one year.....	399,523
	1,790,313
Add for emigrants arriving by land, five per cent.	89,515
Total in five years—1850 to 1855.....	1,879,828
Average each year.....	375,965
Total in eight years—from 1850.....	3,007,790

This is without estimate of increase. The increase of arrivals in 1854 over those of 1850, is about forty-two per cent., and nearly eight per cent. over the foreign arrivals of 1853. Here are the figures:

1854. First quarter.....	47,976
" Second quarter.....	161,169
" Third quarter.....	109,378
" Fourth quarter, estimated as corresponding quarter of 1853.....	119,000
	430,523
Deduct for citizens of the United States, as last year.....	32,000
Total foreign arrivals for 1854.....	398,523
Total foreign arrivals in 1853.....	368,643
Increase in one year.....	29,880

A corresponding increase of emigration for the next three years would make the aggregate for eight years, from 1850, larger than the entire emigration to this country for sixty years, from 1790 to 1850. And has this emigration reached its head? Who can say that? Look at the condition of Eastern and Western Europe, of Asia, of China! The earth shakes under the heavy tread of more than five millions armed men, and every State is subjected to the general scourge of actual or impending war. Who are to bear its accumulating burdens? England must draw upon her resources, present or future, at the rate of a hundred millions sterling per annum, and other States will be weighed down by every species of contribution, assessment, and excise. And it is for a war of indefinite duration, unless terminated by treaties of peace, that will annihilate, rightfully, independent States, and divide Europe anew among its great sover-

* The addition of fifty per centum for persons not enumerated in the custom-house returns from 1820 to 1846, is made upon the authority of Dr. Chickering. It is a very liberal estimate for the period to which it is here applied; but it is too large a number to be applied to the years succeeding 1846, as will be seen by reference to the emigration for that period. An addition of only five per centum is made to the custom-house returns since 1850, which is rather an under estimate, as the returns of the Canadian Government show nearly that number arriving in the United States via Canada.

eigns. What are the people of the Old World to do? They have but one course. They must bear the onerous and increasing burdens of war, or shoulder the musket and brave the dangers of battle. There is no alternative. In Great Britain, France, Turkey, or Russia—in Austria, Prussia, or Germany—there is no alternative.

But emigration presents an avenue of escape from the evils of actual or impending war. Where shall they go? To Canada? To unstable Mexico? To South America? They will come to the United States. The three and a quarter millions of foreign-born people, and their descendants here, have so many heart strings out to draw their kith and kin to the New World. Our country begins to be known abroad. The most favorable account of this country, lately published, was written by a gentleman, who ten years since asked an American how it was possible he, who had *seen* Europe, could *live* in America? They begin to feel that America is the only land where men can reach their true standard of greatness. Our institutions are debated by the light of every camp-fire and hearth-stone on the face of the earth. The excited imaginations of distressed and heart-broken men, invest that liberty we actually enjoy, with the attributes of an almost fabulous and impossible prosperity and freedom. When one State is exhausted another is opened. How is it possible that emigration can have reached its head? Who can doubt its increase; or, that it may even, in our time, be doubled?

Look to the East, to China, India, Japan, with their six hundred millions of people, often without employment or subsistence. They have already an idea of the institutions and capacity of the American continent. The Chinese, whose emigration has been limited to Japan, now seek the United States and the islands of our southern seas. They are already upon the Pacific coast. Thirty or forty thousand are in California; and when we are, by steamships, within ten or twelve days sail of their crowded empires, who can prophesy the extent of this new and unanticipated emigration? Who can check its encroachments? Not the States; that has been decided by the Supreme Judicial tribunal. What power is equal to that duty?

Not long since, I had the pleasure of reading a letter upon this subject, written by a most intelligent Chinese, who was educating himself in this country, I think in New Jersey. He says, that when the people of the Chinese empire understand that there are for them, among us, opportunities greatly to improve their condition, they will pour in upon us, not by thousands, but in swarms like the locusts of ancient days; that there is no power at home, none here, to stay them from our shores, if they but understand the nature of our institutions, and the resources of our country. Their empire is now bristling with rebellion and civil war. In times of peace, the Government has been unable to enforce its decrees against expatriation, when Japan alone, held out its allurements to them; and now, when for the first time in a century, they are subjected to the accumulating horrors of civil war, choking up the ordinary channels of trade and industrial employment, in their crowded empire, it will be still more impossible. Shall we fend off with the bayonet? No, sir, if they come we shall admit them. There may be legitimate uses for them, in the economy of God's providence. But, have they a Christian character adapted to the institutions of this country? I ask the gentleman from Mississippi, whether we shall give to them the rights of citizenship, at the close of their first five years' residence? Or, are we to have another extension of judicial decrees, another code of judicial fictions, that, in the absence of any legislation, shall determine what affinities of race, and color, and blood, make it impossible for men ever to participate in the powers of Government?

Mr. Chairman, how does our present condition compare with the period of the Constitution to which we are referred, when ten years' emigration gave us only fifty thousand persons? And what said the framers of the Constitution even then? Did they declare that foreigners had a right to participate in the affairs of government? Not at all! They made the Constitution proscriptive. They declared, by a unanimous vote of the convention, that, after a brief period, no man but a native-born citizen should be eligible to the office of President. They declared that nine years citizenship should be required to make a man eligible to the Senate, and seven years to the House of Representatives. They took from the States the power to confer citizenship, which the States then exercised. There is nothing to show that they entertained the idea advanced here, that foreigners had a *right* to participate in the highest prerogatives of government. It was made a question of expediency. It was a privilege conferred.

The same caution runs through all our statute legislation on this subject. The statute of 1790 required two years' residence as a qualification for citizenship. The statute of 1795 required five years' residence. The statute of 1802 required additional proof of residence, and renunciation of all allegiance to other Governments. The statute of 1816 required proof of residence by two citizens of the United States, showing a constant advance in the demands made by Government upon those on whom it conferred the privilege of citizenship. They made it a condition precedent that aliens who sought citizenship should divest themselves of all attachment to foreign potentates or Governments, of any character whatever. If I recollect aright, Mr. Madison, who was foremost among the advocates of liberal legislation for citizens of foreign birth, in supporting a proposition of Hamilton, that eligibility to office should depend merely upon citizenship and inhabitancy, said distinctly "that while it was a possible danger that men with foreign predilections might obtain appointments, it was by no means probable that it would happen to any dangerous degree. For the same reason that they would be attached to their own country, *our people would prefer natives of this country to them.*" This, certainly, sounds like a confirmation of the doctrine of the Know-Nothings; and it falls from the lips of a steadfast friend of adopted citizens, who knew the services of foreigners in the Revolution, at a time when the vast, unsurveyed portions of the country demanded a pioneer population, and the annual emigration from abroad did not exceed five thousand persons. He had reference only to the appointment of foreigners to office by the people, and did not refer to them as even possible recipients of Executive patronage. There is a distinction in these sources of appointment that deserves to be noted. Mr. Gerry, of Massachusetts—afterwards Vice President during the administration of Mr. Madison—said that he wished, "in future, eligibility might be confined to NATIVES. He was not singular," he said, "in his views. A great many of the most influential men in Massachusetts reasoned in like manner." Similar views were expressed by leading men of the Federal and Republican parties. They placed the new Constitution upon the ground that, when emigrants ceased to be foreigners they were entitled to become American citizens.

How is it with the foreign population of our day? The gentleman from Mississippi alluded to the flattery of foreign voters by General Scott, in the campaign of 1852. But how was it with the Democratic party in that canvass? where were the different parties of all the States? and how will it be with all the parties in the contest of 1856? May not they too go down on their knees, to those who may hold the balance of power in that contest?

And a word as to this balance of power. Has it occurred to gentlemen how slight a power is required to determine the result of any future election? Has it occurred to us how slight a power, skilfully directed, might have changed the result of any past election? And who shall deny to that party that holds this power, the patronage it demands? How is it that so many gentlemen of foreign birth, hold diplomatic stations at foreign courts? Is it because General Pierce is President? Would not General Scott have pursued the same policy? or, if differing at all, differing in degree only, and not in principle. Of course, no man could do otherwise. May not the next man who occupies the presidential chair do the same thing? I do not censure one party and excuse another, because the necessities of action are equally imperative on all.

Now it is said that the foreign vote, and the Catholic influence in this country is comparatively weak, and the figures cited, prove it to be true. But weak in numbers as they are, they are not so weak but their opponents may *divide*, and American citizens and Protestants, dividing upon minor questions of policy, can easily give a balance of power to a party of diminutive numbers that eschews division.

There is a difference between elections of public officers by the people and Executive appointments, that bears upon this question. The appointment of foreigners, by the Executive, must be obtained through solicitation of those who have most influence in controlling the body of naturalized voters; and successful application binds the recipients, if there be integrity in human nature, partly to the Government, but largely to the parties through whom it is obtained.

On the other hand there is a kind of purgation in popular elections, that binds a candidate to the public, and compels him to look to the people alone. He can share the favor of no other mistress. If the church presents a candidate for popular suffrage, she loses a disciple or he fails in his appeal. In the Constitutional Convention, the danger apprehended was from election of foreigners by the people. I leave it for others to say whether public apprehension has not fallen, with some reason, upon a different source of patronage at this time?

Now, sir, I will admit that any change of the statutes of naturalization will not obviate this objectionable feature in our system of Government. A power already exists that is sufficient to produce these results, if directed to that end. In the almost perfect equipoise of the great American parties, a very small number of men, untrammeled by declared opinions, can determine the result of any election. The election of 1852 is not a fair illustration, because of the general unanimity of political sentiment in that year. But a change of less than thirty-nine thousand votes, out of an aggregate of over three millions, would have elected General Scott, instead of General Pierce. A change of one hundred and thirteen thousand votes would have given General Scott every electoral vote, and a change of one hundred and twenty-five thousand votes would have given to General Pierce every vote General Scott received, and to General Scott every vote General Pierce received. In the election of 1848, less than eighty thousand votes would have changed the vote of every State of the Union, except that of New York, giving to General Taylor the votes received by General Cass, and the vote of General Cass to General Taylor. And a change of less than twenty-five thousand votes in four States would have elected General Cass, instead of General Tayler. If, in the enthusiasm and heat of American politics, there is any party that is cool enough, as is suspected and charged, deliberately to project and execute a plan that shall secure an absolute balance of power between the great parties, the remedy, the only remedy, must be for the people to abstain from division upon ordinary questions, as against that party. If it be true that any considerable portion of the foreign vote has been directed with a view to secure this end, there are now votes enough out of two and a quarter millions of resident foreigners to effect it, where the statutes of naturalization repealed.* There is no remedy but that UNION which has been described to us, and that, I understand,

* The following table exhibits the relation in the election of 1852, in fourteen of the States of the Union, which cast a majority of electoral votes, of the foreign population and voters to the general result:

STATES.	Foreign population	Foreign vote.	Pierce's majority.	Electoral vote cast for Pierce
New York...	655,934	33,317	27,201	35
Pennsylvania	303,105	43,300	19,446	27
Maryland....	51,011	7,987	4,945	8
Louisiana....	67,308	9,615	1,392	6
Missouri.....	76,570	10,938	7,628	9
Illinois.....	111,880	15,980	15,653	11
Ohio.....	218,099	31,157	16,694	23
Wisconsin...	110,471	15,781	11,418	5
Iowa.....	20,968	2,995	1,180	4
Rhode Island.	23,832	3,404	1,109	4
Connecticut..	38,374	5,482	2,990	6
Delaware....	5,243	749	25	3
New Jersey..	59,804	8,543	5,749	7
California....	21,628	10,000	5,694	4
		258,548	120,094	152

to be a chief object of the party whose members are called "Know-Nothings." While it denies no rights to a minority, it demands the rights of a majority. While it denies to foreigners nothing that belongs to them, it claims and assumes the prerogative of Government, which is, here, the unquestioned right of AMERICANS. Denying to no person the rights of conscience, or the freedom of religious opinion, it establishes and perpetuates both, in placing the Government upon the basis contemplated by the Constitution, and by the fathers of this Republic.

It is useless to speculate upon the extent to which this power may be carried, should such a policy be adopted. But I may mention an incident within my own experience which illustrates a possible limit. In 1848, I supported the Democratic candidate for the Presidency; and, being earnest in the canvass, I was sanguine of success. I was intimate with one who likewise advocated the claims of General CASS, but who always said he would be defeated. It was a tight battle, as every one knows; and none but very wise men knew its result until after the election. Some months after, my friend mentioned to me his prediction. "How was it," said I, "that, while you labored for CASS, you were certain of his defeat?" Said he, "I am Jesuit; and our instruction was to shout for Cass but to vote for Taylor." I ask no gentleman to take this statement upon the credit of any man. I repeat it, as an illustration of the extent to which this balance of power policy might be carried.

Now, sir, I know, what I have said before, that a change of the statutes of naturalization, will not remedy any possible evil of this character. The remedy for that I have alluded to. But the revision of these statutes may be pressed upon our attention, by the example of repeated revisions and amendments made by our predecessors; by the extent to which the emigration of that class of people, who are of unexceptionable personal character, has been carried; by the increased number of convicts and paupers of other Governments that are sent here; by the hitherto unanticipated emigration from the Chinese empire; by what we know of the past and fear of the future, and, again, that some act of the Government may mark the period when an unjustifiable effort to control their political action was rebuked by the American people. These things, do not, in my judgment, demand a repeal of the statutes of naturalization, but, I am not prepared to say, that they will not justify an extension of the term of residence now required, and a more stringent execution of the laws existing than has been usual hitherto. Whether that term shall be twenty-one, or twelve, or ten years, I leave for others to determine.

The gentleman from Mississippi suggested that this was a land of toleration—of religious toleration. Sir, I go far beyond that. I do not agree merely to the toleration of Catholics or Protestants here. They have an absolute right. Every person is entitled to religious freedom. Toleration exists in France or in Great Britain, because, there religions are established by Government. Here there is yet no Government religion, and therefore no mere toleration. The Catholic and the Protestant have their *right* under our institutions. No one will be more reluctant than myself to disturb or curtail that right. I am for extending it to the professors of every faith in the largest possible degree. But the concessions of the constitution and laws end there. In matters of politics, we extend to citizens from other lands the right of *participation*, not the right of *control*. In establishing the charter of religious freedom, we neither avoid the responsibilities nor abdicate the duties of Government.

[Here the hammer fell.]

CIVIL AND RELIGIOUS TOLERATION.

SPEECH OF WILLIAM S. BARRY,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

December 18, 1854.

The House being in the Committee of the Whole on the state of the Union—

Mr. BARRY said:

Mr. CHAIRMAN: I propose to offer some remarks upon a subject which has, for months past, occupied a large share of public attention. That subject is, in common parlance, called Know-Nothingism. Opinions the opposite of those I entertain have already been avowed here; and I seize the opportunity, which I did not before enjoy, of declaring my own.

This society, or association, known by the name of "Know-Nothings," is one which has recently sprung into existence. Its founders are unknown; its purposes are unknown, because the purposes avowed by those who are supposed to belong to it—by those advocating it—are contradictory in their character. These are to be deduced, not from authorized avowals of those acknowledged to belong to the society, but they are to be gathered by scraps, collected here and there from the declarations of those who are suspected of being members, or who have incidentally acquired information. It is not like other political organizations here, avowing principles, and meeting and daring the responsibility of the avowal. It is not like other associations, which having principles believed to be of vital importance to the country, their members are willing to declare those principles, and to stand or fall with them. If, then, in attempting to find out the purposes of this order, I shall do injustice to it—if I shall ascribe to it that which its advocates deny, let members upon this floor, if there be such belonging to the order, rise and correct me. I shall be willing to be supplied with the information—more willing, perhaps, than they will be to give it.

This association appeals to that which is strong in every country. It appeals to that feeling of nationality without which a nation cannot exist as an independent Government, but which, at the same time, when kindled and maddened, may destroy all that is good in government, and subvert the very principles on which it was established. There is no nation in the world—and the more intellectual, socially and politically, the nation is, the less ready it will be to entertain the prejudice—I say that there is no nation upon earth in which this prejudice against foreigners and foreign population cannot be aroused; and the most beautiful and soothing effect of civilization, the loveliest influence of our own institutions, has been to mollify this prejudice against those outside our borders, and to bring the whole family of nations, as it were, into a common brotherhood. According to the degree of a nation's civilization, according as it is high, or low, you will, as a general rule, find this prejudice and hostility to foreigners. In proportion as a nation is elevated in its consciousness of power, and in its knowledge of the high duties of civilization, will it receive and treat with respect those who spring from a foreign soil, or are reared under the influence of different ideas; and as it sinks in the scale of self-respect and civilization, in the same degree do you find this prejudice; and as a nation is possessed of a rabble instead of a people, it will be seen that its fury can be aroused against all who cannot pronounce its Shibboleth.

One of the most frequent justifications of this organization, Mr. Chairman—the one which I have heard alluded to here and elsewhere—is that there are secret associations of foreigners which must be counteracted in this manner. If such political associations exist among the foreign population of this country, it certainly seems a strange method to rebuke the error by forming other associations, in which are embodied all that is wrong in those we condemn. We give dignity and consequence to their conduct by imitating it, and lose all the advantage of honest principles by leveling our own conduct to the standard of those we reprobate. If the foreigners have adopted rules of action incompatible either with social order or political rights, there can be no duty more consistent with pure philanthropy or elevated patriotism, than the attempt to correct their error, and infuse into their minds juster views of the duties of the citizen, both to his neighbor and to the State. We have adopted the humane and tolerant opinion of Mr. Jefferson, the great apostle of the Democratic party, and who infused into it that generous and trusting faith in man, whether native or alien born, which has been the germ of the chief differences between the two great parties of the country, "*That little is to be feared from error, while reason is left free to combat it.*" The evils that we see are not to be cured by persecution; the faggot and the stake are exploded arguments; and having discarded the more open, manly, and responsible instruments of torture, we will not now turn to seize upon those which are secret, sinister, and irresponsible.

A few Germans, so goes the story, have formed an association whose purpose is, among other heterodox things, to abolish the Christian Sabbath, and straightway the alarm is given, and men who never seemed to care for Protestantism before, have become disturbed. We have a body of Christians, numerous, zealous, and devout; we have a press, able, skillful, and ever ready; we have a clergy, watchful, learned, and pious; and more than all, we have a Revelation on which, as on a rock, is based the institution of the Christian Sabbath; yet neither, nor all of these is thought sufficient to save the Sabbath from the assaults of a few nameless foreigners, and the aid of the civil authority is invoked to devise some policy by which the tide of German infidelity may be stayed. That remedy is worthy of Rome herself three hundred years ago. It is to disfranchise three millions of people, to reverse the policy of the freest Government on earth, and while there are indications of progress in every nation of the civilized world, to present ours as the only one which is going backward. If the efforts of a few hundred foreigners can put Christianity in peril, it has a feebler hold upon the human heart, and is less closely interwoven with the wants and principles of our nature than I had supposed.

There have been meetings held publicly in New York city, and, doubtless, will be again, where the Bible, the Church, and the whole scheme of Christianity have been denounced and held up to reprobation. These meetings were composed of native-born citizens, and yet no remedy has been proposed for the evil which required the disfranchisement of all native-born citizens on account of the insane vagaries of a few, or which struck at the root of the dearest privileges of the citizen, to eradicate a transient, though crying evil. The Boston Investigator has for years avowed and advocated principles utterly at war with Christianity; yet, no body of men that I know of, has leagued together, by solemn oaths, to disfranchise the editor or his readers of their civil rights. The Unitarianism prevalent in and about Boston is as little acceptable to the great body of Christians in this country as Catholicism; but the truly noble tolerance of the people has not thought it just or politic to attempt the extinction of heresy or infidelity by imposing civil disabilities. The best, the only proper, remedy for erroneous opinion, is argument and truth, offered in the spirit of respect and kindness; and a party which, in a free country, attempts to drive men by secret or open proscription, and to punish freedom of thought by covert assaults of intolerance, can achieve only a temporary success, and escape for but a little while the condemnation which enlightened men visit upon every form of persecution. Wherever thought is free it will run riot in error. The great truths which the consent of man has adopted, are but grains of wheat winnowed from bushels of chaff. It is only by the widest excursions of thought that the treasures of the universe are garnered, and the vagaries of error are often suggestive of the finest discoveries of truth. Your freedom and mine, Mr. Chairman, to *think right*, rest upon the same guarantees as the German's right to *think wrong*. His right to the *abuse* of his freedom of thought cannot be assailed through the medium of law, or the more criminal agency of a secret oath-bound association without periling our right to the *proper* use of our freedom.

Secret political associations have heretofore existed in oppressed countries, for enlarging the rights of the citizens, and limiting the powers of rulers; but, this is the first, so far as my reading extends, in which the effort has been made, through such an organization, to narrow the liberty of man, and graft an oppressive principle upon the Government. There has been a strong repugnance to these political associations in this country from the earliest period of our history. The society of the Cincinnati, formed immediately after the Revolution, and composed of men fresh from the baptism of fire and blood in that holy

struggle, has decayed, and almost expired, under the distrust felt by the American people of secret associations, which might be wielded to the detriment of the public liberty, or to serve the ambitious purposes of those who would make the association the instrument of their own advancement. The times are not so improved, nor men grown so patriotic, that a power which was denied by public opinion to the best patriots of the purest days of the Revolution, can safely be intrusted to the hands of those who can show no peculiar claim, either of service or purity, to special confidence.

But, sir, the purposes of this order and its organization are distinct. The end to be accomplished and the instruments may be dissimilar and inconsistent. When the advocates of this religious and political intolerance talk to me of securing the independence of our country, of having our character truly American, of rejecting utterly all foreign influence and dictation, though I have been deluded with the belief that we have long enjoyed all these blessings, still my heart glows as I listen to these patriotic sentiments, urged with such warmth and eloquence; but when I ask for the means of effecting these desirable ends, and am pointed to a secret political association which the traditions of our fathers, yet glowing with the life-blood of the Revolution, and the instincts of my republican nature, and the creed of the Democratic party whose truths I have been taught to act upon and to revere, all warn me to shun; when I am urged to join in proscribing one portion of my fellow-citizens because of their birth, and another because of their religious opinions, I naturally inquire, can the purpose of those be good who employ such means for its accomplishment? I am far from charging upon the advocates of Know-Nothingism any wish to inflict evil upon their country; yet they are justly to be held responsible for all the consequences, moral, social, and political, which flow from their doctrines.

Thus, Mr. Chairman, two distinct questions are presented in examining this subject—first, the purposes which the order has in view; and secondly, the means by which they are to be accomplished.

These purposes, as gathered from supposed members, from newspapers professing to advocate the views of the order, and from the writings and speeches of those affecting to sympathize with it, are—

First. The exclusion of all foreigners from office.

Second. The extension of the term of naturalization from five to twenty-one years, or some other period longer than five years.

Third. The entire repeal of the naturalization laws.

Fourthly. The exclusion of Roman Catholics from office.

The means by which these things are to be accomplished, are a secret political association, in which the members are bound by the most solemn oaths to obedience, to silence, and to mutual fidelity.

I shall speak, first, of the organization, and then of the purposes the order has in view.

I can but believe that a secret political association is dangerous to the rights of the people and to the stability of the Government. In a free Government, where every man is entitled to declare his opinions, and there is no punishment for the avowal of whatever doctrines he may entertain, what excuse can there be for a resort to secrecy? When the people are oppressed by a tyrannical Government, and the penalty of death awaits every man who dares to speak or think against the power that is crushing him, there may indeed be an excuse for patriots scheming in the darkness of midnight, and in the security of unknown places of meeting; but, in the midst of a people who enjoy every liberty that the most liberal institutions can bestow, where freedom of thought, of speech, of action, and of the press, are the birth-right of every man, how can a secret proscriptive organization be allowed to take root, and rights, the dearest that man can exercise, or Government protect, be taken from the people by means so insidious and so fruitful of danger?

The Constitution allows no oaths to be forced upon the voter, nor tests to be imposed in the use of that franchise. The sense of duty and the personal stake of each man in the welfare of the community were thought sufficient to insure its faithful exercise. But this secret association attempts to bind men by the most stringent oaths to exercise the right of voting only as certain *native patriots* shall determine, in the secrecy, and perhaps in the darkness, of midnight. The citizen who assumes these oaths and obligations parts with his individual freedom, abandons his personal independence, and comes to the polls, not an untrammeled voter, but a mere machine to carry out, by his suffrage, the elections and the purposes which others—perhaps against his consent—have determined on. He barters away his freedom who makes any pledges or swears any oaths which impair his right to modify his ticket at any time prior to depositing it in the ballot-box. The electoral franchise is one which is conferred on each individual who exercises it, and which he has no right to trammel the free, judicious use of, by private oaths and secret combinations; and his duty is to his country and the Constitution, not to midnight caucuses of ambitious and crafty men, who glaze over their schemes of selfishness with well affected anxiety for the public good.

It is not to be supposed that an order so extensive and numerous as the Know-Nothings could exist a great while without a revelation or betrayal of its secrets, despite the strenuous efforts made to preserve them. A publication was made a few weeks since, in the Boston Post, of the constitution, ritual, &c., of the order in the State of Massachusetts, and those of other States are believed, so far as they have been revealed, to be essentially alike. A witness, who was being examined in a court of justice in Massachusetts, was asked if he belonged to the order, and after much equivocation, he admitted it, and being asked further, if the publication in the Post was an authentic copy of the records of the order, he replied that it was. Thus we have reliable information as to the method of initiation into the order, the signs, pass-words, &c., the oaths the members take, and the purposes they have in view.

I have here the oath of the candidate for admission into the second degree council, as given, and, so far as I know, uncontradicted, in the Pennsylvanian, extra, of October 6. It is as follows:

"*Obligation.*—You, and each of you, of your own free will and accord, in the presence of Almighty God and these witnesses, your right hand resting on this Holy Bible and Cross, and your left hand raised toward heaven, or, *if it be preferred*, your left hand resting on your breast, and your right hand raised toward heaven, in token of your sincerity, do solemnly promise and swear, that you will not make known, to any person or persons, any of the signs, secrets, mysteries, or objects of this organization, unless it be to those whom, after due examination, or lawful information, you shall find to be members of this organization, in good standing; that you will not cut, carve, print, paint, stamp, stain, or in any way, directly or indirectly, expose any of the secrets or objects of this order, nor suffer it to be done by others, if in your power to prevent it, unless it be for official instruction; that so long as you are connected with this organization, if not regularly dismissed from it, you will, in all things, *political or social*, so far as this order is concerned, comply with the will of the majority, when expressed in lawful manner, though it may conflict with your personal preference, so long as it does not conflict with the grand, State, or subordinate constitutions, the Constitution of the United States of America, or that of the State in which you reside; and that you will not, under any circumstances whatever, knowingly recommend an unworthy person for initiation, nor suffer it to be done, if in your power to prevent it. You furthermore promise and declare, that you will not vote nor give your influence for any man for any office in the gift of the people, unless he be an American-born citizen, in favor of Americans-born ruling America; nor if he be a Roman Catholic; and that you will not, under *any circumstances, expose the name of any member of this order, nor reveal the existence of such an organization.* To all the foregoing you bind yourselves, under the no less penalty than that of being expelled from this order, and of having your name posted and circulated throughout the different councils of the United States, as a perjurer, and as a traitor to God and your country, as being *unfit to be employed and trusted, countenanced, or supported in any business transaction*, as a person totally unworthy the confidence of all good men, and as one at whom the finger of scorn should ever be pointed. So help you God!" (Each answers, "I do.")

There are several things in this oath well calculated to excite the apprehension of judicious, conscientious men. It is easy to perceive in how many instances it may happen that adherence to it will conflict with a member's duty as a citizen. It may very frequently occur that a member may be required to testify in a court of justice of his own membership, as in the instance before alluded to, which arose in Massachusetts, in which the witness endured the most painful and harassing struggles of mind in determining where the obligation of duty lay, whether to obey the oath taken before the court, or the one sworn in a midnight association; which claim was paramount, that of his country, to whom he owed duty and allegiance from his birth, or that of a secret proscriptive society, which had entangled him with oaths, and digged pitfalls about him for his conscience. Has a citizen the moral right, and if he has the right, is it a worthy and judicious use of it thus to perplex his sense of duty by assuming, unnecessarily, vows of the most solemn character, and which he cannot disregard even in obedience to that higher and more ancient duty which rests upon us all, without incurring the censure, and, perhaps, the punishment of those with whom he had associated? In my judgment, sir, a man who is a member of an established Government, from which he receives the amplest protection of person and property, and to which, in return, he owes the amplest measure of fidelity and obedience, has not the moral right to take such an oath as that I have quoted. He may as well owe allegiance to a foreign sovereign, and be ready to obey his commands, as assume obligations to any society of his countrymen which place him in collision with his own Government. So plain, and almost self-evident is this truth, that a year since no one in this country could have been found to question it, as no one will a year or two hence, when this bubble, with its tints that delude some eyes, shall have passed into oblivion, with its elder brothers, the alien and sedition laws, and the public mind, swayed from its self-poised equilibrium by a temporary excitement, shall have recovered its just position.

Many who have joined this association, under the best of the thousand inducements by which good men have been seduced into a connection with it, when they come to estimate calmly and justly the false position in which they have placed themselves, will do, as thousands of others have done already, abandon it; and feeling that the laws and the Constitution of their country are a safer measure of public duty, and surer guardians of public right, and honor, and interest, than the murky resolves of any association that ever adopted persecution for its creed, and an irresponsible secrecy for its means, can be, they will renew their open associations with their fellow-citizens, and abjure thenceforth, as the worst enemies of freedom, all political organizations which employ oaths, or secrecy, or persecution. An oath such as this it is culpable to *take*, but it is far more culpable to *execute* it. An oath to do wrong, to violate a known duty, sworn to in excitement or heedlessness, it is safer for the soul manfully to abjure, than, under the delusive promptings of arrogance and pride, to persist in its completion.

The oath provides that the member shall "not, under ANY CIRCUMSTANCES, expose the name of any member of this order, nor reveal the existence of such an organization." This portion of the oath, perhaps, explains why those not in the order have never met a man who confessed that he belonged to it. And, sir, we have heard men deny connection with it, whom we have every reason to be satisfied were members. Has any man the right to take an oath binding himself to the continuous statement of an untruth. Can that institution be good whose first fruits are thus evil? No, sir; it is wrong, radically wrong. Nor can the guilt of the deception be escaped by the flimsy evasion that the real name of the order is not "Know-Nothing," and that, consequently, a man may safely say he does not belong to one of that name, though he really is connected with the order which the public have designated by that title, and he well knows it is the one alluded to by the inquirer. Since his intention is to deceive, he is responsible for the deceit. Nor can he escape by the plea that the querist has no right to put the question, and that he is, therefore, at liberty to disregard the truth in his answer. It is by no means certain that each citizen has not the right to ask every other any question he may see fit, in reference to public matters, without being liable to the charge of inquisition or impertinence; and though the person asked may have the choice of silence or speech, he is under the common obligation that rests on all men, *if he answers at all, to*

tell the truth. No oaths sworn, however solemnly, nor with the direst penalties that a secret midnight association ever devised, can discharge a citizen from the eternal duty of veracity. The difficulties in respect to truthfulness, in which a member is involved, arise from his oath to conceal the existence of the order, and his own connection with it. If he were allowed to confess that there is such an order, and that he belongs to it, he then might frankly and consistently refuse to tell anything further. But the object seems to be to protect the members from the odium with which secret political associations have been viewe din this country, and to secure the benefits of such an organization, while they escape the responsibility of a connection with it. There is more of wily cunning, than of republican frankness and manhood, in such a course.

But this secrecy necessarily destroys all confidence between men. Till this new order sprung into existence, with its frightful demands upon the conscience of its members, there existed among the citizens of our country such mutual trustfulness that the statements of men of good character were received without distrust upon all subjects; but since it has come to be admitted that some men, of hitherto unquestioned veracity, have falsely denied their connection with the order of the Know-Nothings, and it has even been more than suspected that some of those from whom we have a right to expect an especial purity of life, and by whom we have been accustomed to be taught that it is better to die than to stain our lips with untruth, have taken the oath before quoted, and which requires of them conduct so much at variance with their teaching, it is not to be wondered at that *some have become skeptical of the existence of human veracity.* The whole social fabric rests upon the belief of truth among men; and the strongest bond of faith in an individual's truthfulness, is the well-founded opinion that he has never once voluntarily defiled his soul with falsehood. To conceal effectually their connection with the order, the members may be, and some possibly have been, driven to a line of conduct, in my opinion, more reprehensible than a direct denial of the truth—the acting of a protracted and systematic falsehood. Having formerly belonged to the old Whig and Democratic parties, and not daring to excite suspicions, or to confirm those already entertained, of their belonging to the Know-Nothings, by separating themselves openly from their old friends, they still affect to retain their interest in party action and party success, allow themselves to be treated as members of their old parties, become possessed of information, which is given to them, as they well know, on the belief of their being still faithful to their former friends, and yet, while acting thus, they are under oaths which bind them to different parties, different principles, and different candidates.

That this is no idle supposition of my own, as some credulous persons, who think that such things cannot be in a free and manly country like our own, may be tempted to exclaim, I will quote from the resolves of a Know-Nothing Council in Brooklyn, New York. The preamble to those resolves declares that, "GOOD MEN and TRUE had already been nominated by the great political parties of the State, THE NOMINATION OF SOME OF WHOM WAS EFFECTED BY THE DIRECT ACTION OF THIS ORDER." If any man, Whig or Democrat, had smuggled himself into a meeting of the other party, by pretending to belong to it, the judgment of all men would reprobate the act as perfidious and disgraceful. The contempt of all honorable men would follow him like a curse. What rule of morals can tolerate in members of this order, that which is condemned in all other parties? Their first departure from sound principles in joining the order, involves subsequent delinquencies to conceal it, and make it effectual. If trade and commerce require good faith and sincerity in those who follow those callings, how much more are they indispensable among those who are acting for the public, and whose conduct may influence for years their country's welfare.

It is to be expected, with absolute certainty, that an institution thus organized, and pursuing such purposes, will be despotic, will trample all those sacred rights, which the contrivers of the order, and those who profit by the delusion, pretend it was established to secure. This is one of the wicked consequences which the most untutored sagacity could not fail to predict. But all that could be anticipated is more than realized by the declarations of the Brooklyn council, which I find in the New York Herald, a paper friendly to the order, and which treats the whole proceeding as authentic.

"Whereas the action of the Grand Council of the State of New York, at their late session in October last, in making an independent nomination for State officers without instructions to that effect from the subordinate councils of the State, and without giving them an opportunity to participate in the selection of such candidates, and when no necessity existed for such a course, inasmuch as GOOD MEN and TRUE had already been nominated by the great political parties of the State, the nomination of some of whom was effected by the direct action of this order, was a departure from the true interests and objects of this order, an unwarrantable assumption of power, and in direct violation of resolutions adopted by the same Grand Council in June last;

"And whereas the said Grand Council adopted resolutions presented by Chauncey Shaffer, puting an unwarrantable and *ex post facto* construction upon the obligations of the members of this order, thereby endeavoring to coerce and compel them, by THREATS and PENALTIES, to vote for the candidates so nominated by said Grand Council, in direct violation of the Constitution and laws of the land, and subversive of the genius and spirit of our republican institutions;

"And whereas the said Grand Council, at their recent session, adopted a resolution originally suggested by H. A. T. Granbury, requiring the members of this order, under certain pains and penalties, to CONFESS, under oath, how they voted at the recent election, in palpable violation of the rights and privileges secured to, and so highly prized by, every true American: Therefore,

"*Resolved*, That we repudiate and condemn the aforementioned action of the Grand Council as ANTI-AMERICAN, ANTI-REPUBLICAN, and the most UNWARRANTABLE, ABOMINABLE, and DANGEROUS ASSUMPTION of DESPOTIC POWER ever attempted in this Republic; in its CONFESSIONAL, PENANCE, and threats of EXCOMMUNICATION, only equaled by the holy INQUISITION OF SPAIN, and only worthy of imitation by the GRAND COUNCIL OF CARDINALS at ROME.

"*Resolved*, That any American, assenting or yielding obedience to such degrading and inquisitorial requisitions, inherits not the spirit of his revolutionary sires, and is unworthy the name of a son of '76, and descends to the level of an ignorant Papist.

"*Resolved*, That we recommend our brethren to pause and calmly reflect before they aid in centralizing so dangerous a power in the hands of a body who, however pure they may now be, may, at some future time, be composed of unprincipled men who, regardless of the public interests, will wield it for their own personal aggrandizement.

"C. J. SHEPARD, *President.*

"W. C. HEATON, *Secretary.*"

Thus, the council, not satisfied with the oath that required each member to vote for the nominee of the order, attempts to impose a new one, to discover whether the first was violated, with the penalty of disgraceful expulsion to each member who confesses that he voted any other than the regular ticket. Mark in what language the Brooklyn council describes the iniquitous interference with the rights of suffrage. See how it quotes the precedents of Roman Papish oppression to stigmatize their own brethren, united with themselves in a crusade against the freedom of suffrage, the freedom of conscience, and the equality of the citizens. If you, sir, or I, had used such terms, it might be said that we were denouncing what we did not understand, but coming from those who know the purposes and the system of the order, and who have smarted under the rod of its intolerance, who have tasted the first fruits of this graft of their own culture, it may be received as true.

It has been claimed, in support of the order, that both of the old parties are corrupt, and that it was necessary to form a new party, of purer principles and better material. An architect who should pronounce both of two buildings which he had examined, unsound and unsafe, in structure and detail, would hardly be thought reliable if he should attempt to construct another edifice of the brick and stone which he had just condemned as useless and unworthy. Yet this order assumes to form, out of the corrupt members of the old parties, a society of immaculate patriots. A few of the old partisans get together and rate themselves above reproach, and then adopt such other citizens, members of the old corrupt parties, as are willing to unite in asserting the knavery of all other men, and their own purity. This Pharisaical assumption of superiority is worthy of all rebuke and contempt. When I weigh the characters, when I ponder upon the course of those understood to be of this new faith, I confess I find little to mortify my self-esteem or extort my admiration. I find them to be but as other men, having like infirmities as ourselves, neither purer nor wiser, nor more patriotic, than their fellow-citizens. I discover in them quite as much lust of place and pelf, quite as much resignation in allowing the weight of office to be thrust upon themselves, and to the full as much of partisan and uncharitable feeling as others who affect a less degree of exemption from the ordinary frailties of their race. Those of this order supposed to be in this House, I must say, in all courtesy, I cannot rank one whit above the average of their fellow members, in the qualities of citizens or legislators. Self-canonized saints, and self-elected patriots, are of questionable stuff. There is a spontaneous distrust of the assumption that arrogates to itself a Benjamin's portion of the common stock of human virtue and excellence; and the claim of imposters is usually extensive in proportion as it is groundless.

In a free Government, I hold, sir, that there is no right in a portion of the people, whether a minority or a majority, to adopt a secret political policy, or pursue it by secret means. The Commonwealth is the joint product of the thoughts and wills of the people who compose it. They have risked their mutual interests in a common venture. Counsel and service are due from each to all. Whatever pertains to the common benefit is the proper subject of mutual deliberation. The thoughts and reflection of each are proper tribute to the common fund of knowledge; and when contributed and weighed, the deliberate judgment of the society becomes the rule of action to the members, both as to what purposes of common good they shall pursue, and how they shall accomplish it. I, as a member of society, may justly expect its protection in every right which the laws or the Constitution give me—protection not only against foreign invasion, but also against domestic violence; against the man who assaults my person, or wrests my property from me; but not a whit less against those who, by means of secret cabals, midnight assemblages, unnatural oaths, and malicious combinations, would peril, impair, or destroy any one of my civil or political rights. Society can only protect me, can only protect itself against the effects of these secret political associations, by extirpating them. They are the fruits and the offspring of revolution; they are the storm-birds that portend the tempest, and make it horrible; but putrid bodies which the thunder of anarchy lifts from the deep in which they slumbered.

All citizens, I think, sir, are under obligations of candor and sincerity towards each other in matters political. I think the very nature of a free Government requires it of them. The ballot of each voter is intended to be secret only so far as to protect him against violence, or any undue influence in preparing and casting it. This right to absolute freedom in performing this high civil act, is not clearer than the corresponding obligation of every other man to refrain from all attempts to disturb, oppress, or intimidate him in the exercise of it. But when the ballot is put into the box, it ceases to be a mere private act, and becomes a part of the public history. An attempt at concealment provokes inquiry, and justifies it. There can be but two reasons for keeping a vote secret—timidity, if we think ourselves right, or shame and conscious guilt, if we believe ourselves wrong. And a man must be deficient in some of the better qualities of citizenship, who is willing to assign either of them as an excuse for a secret vote. And the motives that prompt the vote, since he has no right to be influenced by any but those of the public good, are also proper subjects of inquiry, and *if the voter be a man, of free and truthful answer.* No man ever cast a secret vote, even if his purpose were as kindly a one as to avoid making a preference between rival friends, but felt his self-respect lowered, and that he had not acted up to the full dignity of citizenship. There is, and there should be, no penalty attached to the exercise of the right of voting, but the estimate which the public may attach to a man's character, according as he is thought to have used his privilege well or ill. It is simply an item going to make up the aggregate of character. Nor should there be laws compeling him to declare how he voted; in free countries, the great mass of men being independent, in fact, as well as name, will spurn concealment in the

matter; and I do not know, in all history, of more than one inquisitorial attempt, by an *ex post facto* law, to compel the citizen to declare for whom he had voted; and this attempt, so tyrannical, was made, not by foreigners, who, ignorant of the genius of republicanism, might, unconsciously, have violated its principles; nor by the old parties of the country who, immersed in senility and corruption, might be indifferent to the forms of liberty, but by the conclave of patriots who assembled in New-York as a Know Nothing Council, representatives of those who are to regenerate America; who, mourning the decay of public spirit, and the corruption of national virtue, have, by *self-election, and the imposition of their own hands*, set themselves apart for the work of reformation. I have said, and I repeat it, that I think there is the strongest obligation among *freemen* to be open and candid in all political matters. Among slaves, or those who approach the servile condition, even though they have the forms of freedom, secrecy is to be expected. But its use is an unwholesome regimen for the growth and nurture of the manly virtues. I am sure, sir, you would hardly be willing to continue a private partnership—and society has often, and not inaptly, in many important respects, been likened to one—in which you knew a portion of the partners had formed a secret league, in reference to partnership business, confirmed by oaths, guarded by mysterious ciphers, grips of the hand, passwords, signs of recognition, and all the machinery of secrecy by which the men of disorder have, from time immemorial, guarded their schemes against the peace and the welfare of society; I am sure you would be justified in the suspicion that your rights were very insecure, and in taking prompt steps for their preservation. And yet we, sir, the people of a free country, are told that there is a political association in our midst, secret as the grave, except when accident has betrayed it, and as inexorable in the proscription of all not connected with it. If your rights are safe from it today, will they be so to-morrow; or from some secret association to be formed next week? If the right to create such is recognized now, how can it be denied in future, when other isms will be seeking the aid of secrecy to accomplish their schemes, or wreak their revenge? Free Governments are controlled greatly by precedents and general rules, and if, for a temporary purpose, or a scanty good, you abandon wholesome principles, you have broken down the most effectual barriers against despotism.

Public opinion is one of the most efficient restraints on human action. The punishments of this world seem, with but too many, more terrible than the retribution of that which is to come. The criticism, the censure of men often restrain evil-disposed persons, and an enlightened public opinion guides and sustains the virtue of individuals. We find the action of political parties is purest when it is most under the public eye; and as the veil of secrecy is thrown about it, there is a culpable laxity of conduct. A private caucus, though there is no obligation of secrecy, is thought less free from corruption than a public convention. Meetings, of which there is no record but the unsafe memory of those present, are likely to be less judicious than those in which every thing is recorded and published. A railroad, or other corporation directory, which gives its proceedings no publicity in a twelvemonth, is the subject of distrust, and too often falls into downright knavery. These things we all see and know; and yet it is maintained that it is possible for an association, secret, irresponsible, its members unknown, and denying their connection with it, to select its candidates and elect them, and to control the Government of a great country without danger to the rights of the people, or of corruption among the members. Where this secrecy begins, freedom ends. When the streets of Paris streamed with blood; when the guillotine was the only engine whose activity was not palsied by the general terror that pervaded the land, the orders that plunged France into such frightful calamities issued from the midnight, secret, irresponsible association of the Jacobins. A career that begins in religious and political proscription may well end, like theirs, with the lamp-post and the guillotine.

These new political doctors object to the secrecy which prevails in an ordinary convention, yet secrecy is not the rule, but the exception, in such assemblies. They know that the corruption which attends them is proportioned to the privacy with which they are conducted; that men commit acts in the safety of midnight caucuses, which they would not dare in the light of day, and the remedy they offer is an association in which all is caucus, all secrecy, all irresponsibility. The evil *exception* which they denounce in others, they adopt as the *rule* of their own conduct. If a little secrecy works such harm in ordinary politics, what must the whole machinery of oaths, and grips, and pass words, do for this new association. I believe it will work everywhere, as it has wrought in the instance of the New York Council already quoted, its abundant harvest of tyranny, deceit, and perjury. The order employs more secrecy in a single night than is used in preparing and conducting both the national conventions of the Whigs and Democrats. How, then, can this terrible poison fail to work its natural effect of corruption on them. Perhaps, on the principle that one poison sometimes neutralizes another, the proscription and intolerance which they swear to practice are an antidote to the secrecy which is found necessary in accomplishing their purposes.

The first avowed purpose of the order which I shall discuss is the exclusion of foreigners from office. The pledge of the member on entering the order is, that "he will not vote, or give his influence, for any man for any office in the gift of the people, unless he be an American-born citizen." A judicious man, it seems to me, will hardly deny that it is equally criminal to do, by indirection, as to do openly, that which we are forbidden under the Constitution. That instrument provides that no man shall be a Senator in Congress who "shall not have attained to the age of thirty years, and been nine years a citizen of the United States," &c.; that no man shall be a Representative "who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States," &c., (art. 1, sec. 2 and 3) These clauses of the Constitution confer on alien-born citizens a complete eligibility to seats in the House of Representatives and Senate, when the respective periods of age and citizenship have been completed, as upon native-born citizens. No man will deny that Congress possesses no power to add, by law, to the age or period of citizenship fixed by the Constitution, and that such a law would be unconstitutional and void. Any attempt to do so would be an assault upon a right which the framers of the Constitution thought of sufficient importance to guard by a special provision, and I can see no distinction in justice between attempting to rob them of the rights by a law and by a secret association. The first is the bolder and manlier way of assault. The men who do the injury in that case are known and responsible; they hold themselves amenable to criticism, to discussion, and to the public judgment. They plant themselves upon the merit of their action, and not upon the force of numbers and the chances of escape from detection. All men admire candor and sincerity in political as well as other conduct. Until now all Americans despised secret political associations, midnight juggling, and the hatred that would strike, and yet fear to avow the blow.

There is no obligation, in my judgment, to vote for a foreigner to any office more than for any other citizen; but there is an obligation not to form a combination against him by which he is to be disfranchised, or stinted in the enjoyment of any constitutional right.

If it be true that foreigners are less fit for office than native citizens, it is a gross distrust of the national common sense to suppose the people will not act upon it, and a poor commentary upon public spirit, that special oaths, and the terrors of a secret inquisition are needed to urge them up to the discharge of an obvious duty. I cannot but believe that true policy and justice are, in this case, harmonious. These foreigners are in our midst; they have come under our invitation, and have trusted to the liberal spirit of the age, and the generous provisions of our laws and Constitution, and our purpose should be, by acting up to the full measure of good faith, to encourage them to the highest standard of republican citizenship. They are citizens, with the right to vote, and policy dictates that they should be so treated as soonest to nationalize them, that the peculiarities of their birth, education, language, and ideas may be lost in the character of our own people. There is no safety in a course that excludes them from any right which is theirs by the Constitution and laws, and which induces them, from wounded pride, to perpetuate the distinctions which separate them from the native-born citizens.

To a foreigner of just self-respect, the equality implied in voting, and the right to be elected to *every* office, even though he may never desire any, is one of the strongest ties that can bind him in love and interest to the fortunes of the Republic. And if, at any time, it becomes necessary to disfranchise him of either, in the name of manhood, and justice, and republicanism, let it be done in the open light of Heaven, let it be done with the forms, the sanction, and the solemnity of a national act, and let him not feel himself the victim of a nameless persecution, tried, condemned, and punished, unheard, in the hateful manner of the inquisition, by those who blush to avow their connection with the deed. Justice would teach us that foreigners should receive a share of offices proportioned to their number, if the subject becomes a matter of mathematical division; but it would be more fortunate for the peace of the country if the question of nativity and religion were never raised, and if selections to office were made according as Mr. Jefferson's strong questions are answered, "Is he honest? Is he competent? Is he faithful to the Constitution?"

Second. The extension of the term of natural ization to twenty-one years, or some other period longer than five years.

When our country was weak, and there was apprehension that we might be attacked by foreign Powers, anxiety was felt to secure an influx of immigration. The time for that apprehension is past. I, sir, as an individual, have never cherished or expressed the anxiety which I have witnessed in others, to see our country goaded into premature growth and population; though I have rejoiced to see those who came here, either from choice or to escape oppression, sitting, in due time, at the national board, and sharing equally the abundance of our unstinted hospitality. The vision of a splendid Government, which has such fascination for many, to me is without a charm. I know that its magnificence, the pomp of its officials, the number and equipment of its fleets and armies, are but so much wrung from the scanty subsistence of labor. Wherever I witness the reckless pageantry of wealth, I know that the gaunt shadow of poverty is near by. I doubt if our rapid increase in numbers, in wealth, and power, however gratifying to our pride, have been attended with a proportionate increase of those robust and homely virtues, on which alone permanent national greatness is founded. It is the effect of great and sudden prosperity to disturb the ordinary action of the public mind, and to introduce false and deceptive standards of conduct. The whole nature of man runs wild, in a variety of excesses, and this inundation of prosperity sweeps away many of the established and respected landmarks. Seasons, such as these, try the national character more than whole years of calamity. This has produced that exuberance of intellectual movement, that redundance of activity, that Egyptian fecundity of isms, which distinguish our country to-day. At such times, a recurrence to honored and established principles is the most wholesome regimen for the public mind.

I believe, sir, it had been better for us if we had never received, since our independence, more foreigners than could be readily assimilated to the general condition and character of our native-born population. I do not question that the intermingling of races here is one potent element of our growth and success. Those nations have been foremost in the world's history whose characters have been the amalgam of the greatest variety of the best races of the earth. A constant immigration of enough to produce variety, but not to perpetuate diversity, would, I believe, contribute to preserve and increase our vigor. But I wish to see no foreign settlements in our country; no papers, schools, and school-books in a foreign tongue; no regions of country in which a traveler might fancy himself on the banks of the Rhine, or

the green sward of Ireland. I desire our people to be homogenous in language and institutions; I would have the first generation of foreigners to be the last, their children I would have American in tongue, in education, in principle, and in law.

It is said that this extension is rendered necessary by the abuses of the present system.

These abuses are chiefly through false naturalization papers, and false swearing. They exist, I am inclined to think, less through any defect in the present laws than through the defect in their enforcement.* The use of false naturalization papers, illegal voting, and the perjury attendant upon both, are offenses against the laws of the State where they are committed; and it is to the State tribunals that the citizens must look for redress, and the vindication of their rights. There is no ground, none whatever, to believe that grand juries would be more active to find indictments under a new law than under the old one, nor that pettit juries would be more prompt to convict.

It is useless to cumber the statute-book with laws which there is not the public virtue to enforce. No law can execute itself; it must have the agency of man to administer it, and it is useless to attempt to make the barbarous severity of the statute atone for the apathy of the people. If it could be shown that the present law had been faithfully tried, and found inefficient, there would be ample reason to ask the enactment of new laws. But there is no such proof. On the contsary, it is known that if offenses are frequent, as is charged, indictments are few, and convictions still more unfrequent. If the evil exists in the magnitude described, if offenses are so many and punishments so rare, the root of the evil would seem to lie deeper than an imperfect statute. It cannot lie in the law merely, for that would be pointed out and remedied; nor in the officers of the law, the juries, the attorneys, and the judges, for a wholesome public opinion would impel them to the discharge of their duty; but it lies deeper; I fear it lies in a corrupted public sentiment. Individuals dislike the labor and inconvenience with which a prosecution is attended, and after an ebullition of temper, and a few newspaper paragraphs upon election frauds, the matter is allowed to drop. Another reason, perhaps, quite as effectual, is that both parties in the cities have been engaged in the disreputable work of procuring fraudulent votes, and each fears to provoke inquiry into its own conduct, by attempting to expose the crimes of the other. But even if all the illegal voting complained of were confined to foreigners, by whom is the temptation to commit the offense offered? Certainly by our own native citizens; and it seems strange that the whole indignation is visited upon the foreigner, who is denounced as "ignorant and corrupt," and scarcely a censure is bestowed upon the native who debauched him, and who, I suppose, by contrast, is to be regarded as "intelligent and virtuous."

But, Mr. Chairman, it seems to me that the cause of the evil, which is ascribed to the immigration of foreigners, may be justly sought for even further back than the condition of public sentiment where it exists. As a State becomes more refined and populous, the disparity in the condition of the people becomes greater. The inequalities of wealth and social advantages are more obvious; the rich become richer, and the poor poorer. If there be any method of preventing this result, political philosophy has not yet announced it; and the evil has begun to be felt in this country in our large cities. There is, in all of them, a portion of the community, happily for us yet small, who are sunk in vice and ignorance. As the population becomes denser, there will be accessions constantly to the number, and in due time there will exist a class in this country, as in the Old World, in which vice, and crime, and destitution will be the hereditary condition. It is from this class, and those who approach its condition, that the material for fraudulent voting is drawn. In agricultural regions, where the means of living are cheap and abundant, it is almost unknown; but, as a rule, I believe the evil will be found to increase in exact proportion with the density of the population. So far as this class exists in our midst, a large share of it, I believe, will be found among the foreign population; because they congregate about the cities, where the vice of proletarianism mainly flourishes, and because the native population, from its superior intelligence and familiarity with the mode of life here, has retained the more lucrative occupations, leaving to the foreigner the humbler and cheaper ones, and those which are first to suffer from revulsions in trade and commerce. Population and production march on closely together; there will not, for any great length of time, be a wide disparity between the supply of food and the number of people to consume it. And when the amount produced and that requisite for consumption are about equal, a slight decrease of the former, or of the supply of labor by which it is to be produced, results in poverty and starvation. Such is the state of things in the greater part of Europe. Such, in a mitigated form, is getting to be the condition of our larger cities. The accounts of the destitution now prevailing in some of them, among the honest and industrious, and the gloomy anticipations of the comingwinter, are heart-rending. Yet Government has not caused it; the tariff has not caused it; foreigners have not caused it; nor even the present war, though that event may have precipitated it. It is the effect of those mutations which are the inevitable condition of existence, and which are brought about by the whole variety of those perplexed causes which have produced that result which we call the "present state of things." Our very prosperity has been as effective in bringing it about, as any other cause. High excitements in the commercial world are always followed by periods of languor and depression, and the suggestions of quacks, and their still more dangerous remedies, are alike to be discarded. Republican institutions can protect us against unjust legislation, oppresive taxes, and guilty wars, but they cannot secure us against the inexorable laws of trade, commerce, and manufactures. It is, then, unjust to ascribe to transient causes evils which appear inseparable from the structure of civilized society.

But, sir, if all these evils were the result of fraudulent voting, how would the mischief be remedied by extending the period of probation from five to twenty-one years? If five years' delay is so irksome that the foreigner will risk the penalties of fraudulent voting and perjury to escape it, it seems to me the temptation would be multiplied fourfold by increasing the delay to twenty-one years.

So far as the extension of the period to twenty-one years is a sentiment, a mere gratification of a feeling, or a prejudice, it is either above or beneath reason, but as a statesman's remedy for an existing abuse, it seems entirely incompetent and unsatisfactory.

The laws of naturalization I regard as I do any other laws—justly open to revision and amendment. If defects of any importance exist, they ought to be remedied promptly; and I am ready to vote for all such changes as may be found expedient. I am satisfied, after listening to all that I can hear upon the subject, to let the period of five years remain in the statute; yet, I am not so wedded to that time that I would consider any change of it by Congress an outrage upon the rights of foreigners, or upon the Constitution. I am very ready to hear all argument upon the subject; but, so far as I have comprehended the evils under which we are said to labor, I find no adaptation in the remedy to the disease. The great evil of a foreign population is hardly noticed in the discussion, and the changes of the law proposed, and the persecuting creed of the Know-Nothings, are alike trivial when compared with it. The magnitude of the evil these midnight reformers see, perhaps, but fear to grapple with. The discussion of it is too portentous, too pregnant with the high philosophy of races, population, and government, to be handled by those whose whole political pharmacy is persecution, whose highest ambition the ejection of an Irish tide-waiter from his office, and the summit of their statesmanship to combine the "isms" that are *out* against the Democrats who are *in*. The real danger is, that foreigners will congregate in some States of the Union in such numbers, preserving the language, manners, and traditions of the Old World, as to root out the native population speaking the English tongue, and that we may come to be a Confederacy of States as foreign in origin, in language, customs, institutions, and religion, as are the several nations combined by force under the sway of the Emperor of Austria, or the Czar of Russia. Nothing can tend to accomplish this more speedily than proscription. If the foreigner finds himself one of a degraded caste while living among the native population, he will naturally seek those regions in which his own countrymen are numerous, and a little more concentration of the foreign population in some of the northwestern States will give them an absolute numerical majority, and insure the control there. In such an event, they would, of course, retaliate the proscription under which they had suffered; they would, perhaps, become even as intolerant as the Know-Nothings, and permit no native-born citizen, nor the son of a native, to vote or hold office; they would send naturalized foreigners to represent them here in both Houses, as they would have the constitutional right to do; they would have their relative weight in presidential elections, and the "foreign vote" would then be something distinct and palpable for politicians to intrigue after. No state of things could be more deplorable than the war of races, of which this order is the beginning, and if it be not crushed at once by the honesty and common sense of the people, it may give to our history a chapter as dark and bloody as that of the English revolutions, or of the religious wars of the Hugenots and Catholics in France. You know, sir, that this is the evil to be dreaded in the future, compared to which all German anti-Sabbath societies, Irish riots, illegal voting, and foreign military companies sink into utter insignificance, and before which, as remedies, the extension of the term of naturalization to twenty-one years, and the Know-Nothing remedy of exclusion from office, are but as bands of tow to devouring flames. Neither of these would diminish perceptibly the number of immigrants; and, while the annual supply continues, or increases, any law which tends to perpetuate the distinction of races will only make the ultimate danger more formidable.

The duty of excluding paupers, vagrants, convicts, and felons, is imperative; and if the evil be as great as is charged, the only surprise is, that we have allowed a public mischief of such gravity to exist so long. Laws, rigorous and effective, should be enacted, if such are not now on the statute-book; and every citizen who regards the public weal, should unite, heartily, in their enforcement.

The third remedy proposed is the repeal of the naturalization laws. Before the adoption of the Constitution, each State passed its own laws upon this subject, and, of course, there was great diversity. To obviate this, the power was given the Federal Government "to pass uniform naturalization laws." As the States were exercising the power to naturalize foreigners when they gave it up, that the law might be made "uniform," a failure to employ it by Congress would induce them to exercise all the rights they yet have, and which are very considerable, on that subject.

Under the Constitution, the foreign inhabitants, whether naturalized or not, are enumerated as a part of the basis of representation, and give additional power to the States where they reside.

The effect of naturalization is, to give all the rights of citizenship at once, with the three exceptions enumerated in the Constitution, and which I have already quoted.

Though the rights conferred are thus ample, it is competent for the States to bestow nearly all of them upon the unnaturalized foreigner, by virtue of their State sovereignty. He may be allowed to

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* Since the above was spoken I have seen a recent decision of Judge Dean, of the supreme court of New York, on the administration of the naturalization laws. He remarks: "Those courts, instead of administering this law, (of naturalization,) have, by their negligence and inattention, practically repealed it, admitting thousands to the rights of citizenship, who want all the requisites to entitle them to such admission; have been guilty of a gross violation of duty, and have made the law itself odious in public estimation."

"The man who would collect and embody in a single act, the operative portions of the various statutes on this subject, with such amendments as experience has shown are necessary to their due and faithful execution, would be a public benefactor."

"When that is done, and the laws are administered in their purity, it will be apparent that the faults have been far more in the administration than in the laws themselves."

vote in State and Federal elections, may be allowed to hold and to transmit real estate, and may be made eligible to any State office. But these rights would not be recognized in other States except by special action. In every State where similar laws had not been enacted, he would be in the position of an alien. A law of Congress is required to entitle him to the benefit of that provision of the Constitution contained in the first paragraph of article fourth, section second:

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Such a man would not be "a citizen" of the United States, though he might be enjoying nearly all the rights of citizenship in a particular State. The right to vote, which appears to be considered one of the privileges bestowed by naturalization, is derived from another source. Each State can fix the qualification of its own voters, can enlarge or contract that franchise at its pleasure; and if a State should deny the electoral franchise to all persons not natives of it, the right to do so, I presume, would be unquestioned.

Thus we discover that even the repeal of the naturalization laws would not protect us from the influx of foreigners, nor from the ill effects of their voting, in case any of the States see fit to bestow that right upon them; and if the naturalization laws should be repealed, or the term extended to twenty-one years, under the influence of a temporary excitement, the natural reaction of popular feeling would demand a restoration of the old law; or the right of voting, and other privileges of citizenship, would be conferred by the States upon their alien inhabitants. The power of each State, then, is ample over its own ballot-box, and it can be approached only by those on whom she confers the right. There is not a voter of the Union who derives his power from the Federal Government; he may be naturalized under a law of Congress, and possess all that such laws can bestow, yet never be permitted to cast a vote or hold a State office in the Union. This is fortunate, as the necessities of States are different. In some, the foreign population is so numerous as to require, perhaps, some State legislation; in others, there is so little that it is merged in the mass of the native-born people. The proportion of natives to foreigners in some States, is as one to eight or ten; in others—Mississippi for instance—as one to sixty of the native white population. It seems natural that States of such dissimilar conditions should have laws adapted to their peculiar necessities, and if abuses have arisen where the foreign population is dense, which require laws for their eradication, it is useless, not to say foolish, for States, where those abuses are unknown, to enact laws for their suppression.

The foreign population of Mississippi is reported in the census at five thousand; the entire white population three hundred thousand. These foreigners, for the most part, are peaceable, industrious, useful citizens. They keep up no separate schools, publish no papers in their native tongue, affect no interests distinct from those of the rest of the community, and are steadily being absorbed into the mass of the people. Nor have they, sir, done that which seems the unpardonable offense—obtained more than a share of public office.

Why, then, does Mississippi need to join in any persecution, open or covert, of her foreign population? Why should Congress enact any general law applicable to her, which she does not need, for the convenience of those States whose situation may, indeed, require it, but who have full power, in their State rights, to enact any law their exigencies demand? Our foreign population does us no injury which the laws of Congress can redress. The evil is local, so should the remedy be.

I am influenced by considerations of this kind, when I say that I am not fired with the prospect of a splendid Government, nor anxious to see our population swelled with a mighty influx of foreigners. In due season the time will arrive when the natural increase of our native people will spread over our territory, and at a more distant period the condition of a crowded and redundant population will be reached. As this condition is approached, there is less of happiness proportionably; at least there is a far more visible crying misery. The fortunate classes may enjoy more, but the poorer classes suffer more. Any course of action giving an artificial stimulus to the causes which will bring this state of things, is to be shunned. There are no new worlds on which the excess of population here can be poured. Europe and Asia will alike present barriers in their own crowded nations to any addition from these shores. The evil, when it comes to exist here, must find its solution at home. Highly colored pictures are often shown us of the myriad population that is to be poured upon us, and the measures I have been discussing are pointed to as remedies for that state of things. These I esteem utterly worthless for the purpose.

I do not deny, on the contrary I affirm, the right of a nation to impose such terms on the influx of foreigners as a due regard to her own interest and safety require. She is the sole judge of the evil and the remedy. If there were just reason to apprehend such an immigration from Europe or Asia, as would unduly crowd our people, impoverish our labor, or exhaust our soil, I should advocate a policy more prompt, and adapted to the emergency, than the ritual of the Know-Nothings, or their clumsy imitation of the secrecy and persecution of the Jesuits. We have the right, and I should favor its exercise in that extremity, to deny all foreigners admission, and I would, in that case, have our coast present an iron front to the tide of immigration as it does to the waves of the ocean, so long as the danger existed. But I would appeal to the manly, common sense of the people, and have our action, if any were taken, wear all the dignity of national justice and self-defence, and not the sinister aspect of a revengeful intrigue and midnight cabal. I do not believe the time for such action has come; and if it were now thick upon us, the remedies of Know-Nothingism are poor, flimsy—wholly inadequate.

It cannot be denied that the policy of our Government has been to encourage immigration. The vast amount of fertile unoccupied territory, the number of canals to be dug, of railroads to be built, and all the variety of labor required in a new country, induced our ancestors to solicit foreign aid. The surplus labor and capital of Europe found employment here. Most of the immigrants settled in the northern and northwestern States, and it is owing to this addition to their native population that their numbers have increased faster than the southern States. The natural growth of population at the South, is as rapid as in any part of the world. These foreigners not only brought their strength to increase our productive industry, but the aggregate of money they have introduced into the country, has been very large; many of them being inferior in education and social advantages to our native population, turned to those occupations which are almost solely physical, requiring vigor of muscle, and strength of constitution, leaving to the native population almost a monopoly of the more scientific and remunerative branches of industry. This population has furnished to the North a large increase of capital. It has supplied capital with a cheaper labor, by increasing the amount of it. It has given greater activity to manufacturers, by adding several millions to the number of consumers. It has strengthened the shipping interest, by an amount of passage money equal, it is said, to the whole export freights of the country. The North could not have completed one tenth of her improvements, and kept up her other interests to their present extent, without this foreign labor. Most of these improvements at the South have been made by the native labor, and without materially diminishing the annual supply of the staple productions of the country. As a section, the North has reaped the benefits of this immigration, and it will have to meet the consequences which flow from it. The question of the organization of labor, its rights and duties, is perhaps the most vexed one of all that disturb the body politic. By immigration we are perhaps fifty years in advance of what we should have been, had increase in numbers been natural only. The difficulties that attend our condition are not mainly attributable to the *foreign origin* of a part of the population, but to the number of the population. If every foreigner were this day removed from the country, and natives in equal numbers substituted, the difficulties which exist now would be as great then, and substantially the same. It matters not where the population is born, if there is not work for them to do, and they have no accumulations in store, there will be want, misery, and destitution. It results from the density of population, and not from its nativity. If the population of New York city were to-day wholly native, would the cessation of business, the partial suspension of manufactures, trade, and commerce, afflict them less sorely than it does the present mixed population? But yesterday, and there was labor for all, and, with labor, food and contentment; to-day there is a deficient supply, and at the same time a greater scarcity and dearness of the necessaries of life. If there be any way to prevent these fluctuations in business, and the suffering consequent upon them, it has never yet been made known.

I have alluded to these things, sir, not in the spirit of crimination—God forbid, sir—for the whole country lies too near my heart for me to feel anything but the warmest sympathy for any section whose happiness is impaired, but for the purpose of pointing out what seems to me the very root of the disorder complained of. And, I think, both of the great sections of the Union might find a practical argument for mutual charity in the fact, that the social condition of each has in it the germs of consequence which will give home occupation to their wisdom and philanthropy without either intermeddling in the affairs of the other. As soon as the population of the South becomes so dense that labor is not remunerated, and there are no new regions for it to occupy, its period of trouble will have arrived; and the same is true, equally true, of the North. So far as immigration may help to bring this state of things prematurely, so far the troubles consequent upon it are attributable to foreign population; but I repeat that it is *a question of numbers, not of race or nativity*

The last purpose to be achieved by the Know-Nothings, is the exclusion of all Catholics from office. That this is one object to be accomplished by the order, is evident from the oath taken by the members upon admission, and which I have already quoted. It is not to be denied that there is deversity of opinion among the brethren of different sections. The order seems already to have fallen into the most corrupt practice attributed to the old parties, and to the most corrupt class of the old politicians, that of varying its creed with every change of latitude. In the infancy of its existence, it is already mature in its vices, and with a most surprising harmony between the end and the means, it aims at political and religious intolerance by seizing on every prejudice and adopting every creed. The foreign Protestant is told that the order strikes only at Catholicism, and the native Catholic is assured that it interferes with no man's religion, but attempts to limit the influence of foreigners.

In Louisiana, Catholics are allowed to join the order, we are told—and why? because that denomination is too numerous there to be assailed openly. If the order throughout the Union is sincere in its hostility to Catholicism, then the Catholics of Louisiana and elsewhere, who are persuaded that their faith is not to be harmed, are deceived and betrayed; but if they are not thus deceived, all others who have joined with the hope of crushing the influence of that church, are imposed upon, and have sworn their oaths in vain. In either event there is deception, which compels us to distrust, and should teach us to shun, the order of the Know-Nothings.

It is something that will, I dare say, excite surprise through the civilized world, when it becomes known, that the people of this country, who have been first to practice, in its fullest extent, the great Christian doctrine of toleration, are engaged in discussing whether or not the Government is safe while it continues. England which, three centuries ago, disfranchised the Catholics, and has since, under the influence of our example, gradually relaxed the stringency of her laws, may well distrust her course, if our experiment demonstrates that even a Republic is endangered by religious freedom among its citizens. With what show of justice or consistency can we plead to the Catholic sovereigns of Europe for the toleration

of Protestantism in their dominions, while we disfranchise our fellow-citizens of the Catholic faith. How can we ask them to go forward in relaxing the fetters of opinion, while we are going backward? How dare we talk of freedom of conscience, when more than a million of our citizens are to be excluded from office for conscience sake.

Yesterday, to have argued in favor of religious toleration in this country, would have been absurd, for none could have been found to deny or question it. But to-day, there is a sect boasting that it can control the country, avowing the old papist and monarchical doctrine of political exclusion for religious opinions' sake. The arguments by which they sustain themselves, are those by which the Inquisition justified their probing the consciences, and burning the bodies of men five hundred year ago, and against which Protestantism has struggled since the days of Luther. You, sir, and I, and all of us, owe our own right to worship God according to our consciences, to that very doctrine which this new order abjures; and if the right of the Catholic is first assailed, and destroyed, you, sir, or another member who believes according to a different Protestant creed, may be excluded from this House, and from other preferment, because of your religious faith. The security of all citizens rests upon the same broad basis of universal right. Confederates who disfranchise one class of citizens soon turn upon each other; the strong argument of general right is destroyed by their united action, and the proscriptionist of yesterday is the proscribed of to-morrow. Human judgment has recognized the inexorable justice of the sentence which consigned Robespierré and his accomplices to the same guillotine to which they had condemned so many thousand better men.

No nation can content itself with a single act of persecution; either public intelligence will reject that as unworthy of itself, or public prejudice will add others to it. If the Catholic be untrustworthy as a citizen, and the public liberty is unsafe in his keeping, it is but a natural logical consequence that he shall not be permitted to disseminate a faith which is adjudged hostile to national independence; that he shall not be allowed to set the evil example of the practice of his religion before the public, that it shall not be preached from the pulpit, that it shall not be taught in the schools, and that, by all the energy of the law, it shall be utterly exterminated.

If this faith be incompatible with good citizenship, and you set about to discourage it, destroy it utterly, uproot it from the land. Petty persecution will but irritate a sect which the Know-Nothings denounce as so powerful and so dangerous. This was the course which England pursued when she entertained the same fears of the Catholics three hundred years ago, and which she has lived to see the absurdity of, and has removed almost, if not quite, every disability imposed. Perhaps, however, this new sect will not startle the public mind by proposing too much at once, and holds that it will be time enough to propose further and more minute persecution, when the national sentiment is debauched enough to entertain favorably this first great departure from the unbounded toleration of our fathers.

It is the experience of this country that persecution strengthens a new creed. The manhood of our nature, of all true, genuine men, clings more ardently to a faith which brings peril to the believer. Perhaps it is true of all times and countries. Christianity grew strongest under persecution—not merely the exclusion from office, which is the condemnation of the Know-Nothing conventicles, but when the faggots and the stake were the portion of the true believer. With the history of Protestantism so recent, and so fresh in our minds, its birth in the very bosom of the Romish Church, where the civil and ecclesiastical power were united to discourage and destroy every species of heresy; its growth amid every form of danger, obloquy, and persecution; its triumph, by the aid of truth and reason; and remembering how every effort to destroy it only planted it deeper in the hearts of the faithful, it is natural to believe that persecution will invigorate other creeds and sects. Whoever has the courage to bear the torture for conscience, will kindle more sympathy, and attract more converts, than the most eloquent tongue. In my judgment, this attempt at proscription will do more to spread Catholicism here than all the treasures of Rome, or all the Jesuitism of the Cardinals.

Now, sir, what is this movement at the North, and who are engaged in it? It is a combination of all the "isms" of that section. Abolitionism, Free-Soilism, Whigism, Woman-Rightism, Socialism, Anti-Rentism, gathered together from a thousand fretful rills, and mingling their currents in one common channel. Abolitionism and Know-Nothingism are akin; the first is a denial of the rights of a section of the Union, and an attempt to destroy them, because, in its wisdom, it has determined that those rights have not the proper moral sanction; the other is a denial of the rights of a class of citizens, regardless of section. One is a crusade against the rights of States; the other against the rights of individuals. The one openly spurns the Constitution; the other attempts a flimsy evasion of it. This daringly attempts a breach and an assault; that more cunningly adopts and prepares a surprise. The one almost commands respect for nefarious schemes by boldness and courage; the other would bring discredit on the best of causes, by evasion, circuity, and irresponsible assaults. In Massachusetts, when the sect made their own nominations, so far as I can learn the politics of those elected to Congress, all are ultra anti-slavery men. No man suspected of moderation was allowed to occupy a seat here. The candidate whom they elected Governor declared:

"It is not true that I am, or have ever been, in favor of the fugitive slave bill. I never voted for a man who favored it, knowing such to be his views; and I must very much change before I ever do. I never, by word, act, or vote, favored its passage, and I am an advocate of its essential modification, or, in lieu thereof, its UNCONDITIONAL REPEAL."

The following resolutions of a Know-Nothing convention, held in Norfolk, Massachusetts, show the sectionalism and intolerance of the order:

"*Resolved*, That in the present chaotic condition of parties in Massachusetts, the only star above the horizon is the love of human liberty and the abhorrence of slavery, and that it is the duty of anti-slavery men to rally around the Republican party as an organization which invites the united action of the people on the one transcending question of slave dominion, which now divides the Union.

"*Whereas*, Roman Catholicism *and slavery* being alike founded and supported on the basis of ignorance and tyranny; and being, therefore, natural allies in every warfare against liberty and enlightenment; therefore be it

"*Resolved*, That there can exist no real hostility to Roman Catholicism which does not embrace slavery, its natural coworker in opposition to freedom and republican institutions."

Those whom the order voted for, elsewhere in the North, are of the ultra stamp, almost without exception. To secure the vote of the Free-Soilers and Abolitionists of both the old parties, it was indispensable to have a candidate tinctured strongly with those heresies, and a flavor of Know-Nothingism was added to secure the coöperation of certain Democrats, whom unadulterated Whiggery and Abolitionism might have disgusted. It was a combination and a triumph of all that was ultra, and factious, and discontented, over all that was moderate, and judicious, and studious of the public peace.

Now that most of the elections at the North are over, a laborious attempt is made to persuade the South that the order is free of those Abolition tendencies which secured its triumph. The one great fact relied on is, that the order in New York is opposed to Seward. Let us inquire into this. There is a strife in that State between the Silver Grey or Fillmore Whigs and the Sewardites. It is, in the main, a personal strife, the rivalry of two ambitious men. Seward has taken ground against the Know-Nothings for two reasons, I suppose. He, in common with other Whigs of New York, had, in past years, committed himself upon certain questions designed to win favor with the foreign voters, and could not join in this new persecution without gross inconsistency. But, worse than that, he, in common with the Whigs of the Union, had supported General Scott, who had advocated in the canvass giving to any foreigner who served in the armies of the United States twelve months the right to vote. He had read without public dissent, as had the rest of the Whig party, General Scott's speeches on his western tour, in which there were warm eulogies of "the rich Irish brogue, with the illigant Jarmin accent," and if others are willing, in two years' time to pass from eulogists and suppliants of foreigners, to abusers and persecutors, it seems that he is not. He knows that judicious men will ask: Were you sincere, two years since, when you attempted to cajole the foreign vote, or are you sincere now? If you were in earnest then, what great events have occurred to change your views so completely? If you were not in earnest *then*, how shall we trust you *now*? Efforts were made to array all the prejudice of the Catholics against General Pierce. He was denounced for living in a State whose constitution excluded Catholics from office; though he was opposed to that clause of the Constitution, and had voted against it. For the first time, to my knowledge, the attempt was made to bring religion into the field of politics, in a presidential campaign, and it originated with those who are now active in getting up a furor of persecution against foreigners and Catholics. They had failed to win the united Catholic and foreign vote for General Scott, and they seem determined to be revenged on those whom they once so flatteringly besought. *It is natural to hate those before whom we have humiliated ourselves in vain.*

Mr. Seward, perhaps, has too much justice and consistency to join in so unrepublican a movement. It was he who assailed the Know-Nothings, and not they him. The natural affinity for Free-Soil, as shown in other States, satisfies me that they would have united with him had he not spurned the association. He first threw down the gauntlet to them, and has come off victor in the contest. The charm of Know-Nothing invincibility was broken by the triumph of both Whig and Democrat over them, and the order attempted to revenge itself by persecuting its own members. He can dictate his terms of accommodation with them, I have no doubt. The pretense that one great mission of the order is to put down anti-slavery, and especially William H. Seward, is sheer nonsense, and has been largely circulated, since the northern elections, to make the order popular in the South, and thus to foist into power there, as it has done in the North, the enemies of the Democratic party, and of this Democratic Administration. The Silver Greys of New York are anxious to defeat Seward to remove a rival of their own chief, even if they send a more dangerous man in his place.

Another reason of Mr. Seward's refusing to join the order, I doubt not, was that, with his sagacity, looking to ultimate success, he could not fail to see that the whole movement would be short-lived, and that when it ended, no political fact, not even membership of the Hartford Convention, with its secret proceedings, could be more destructive to the prospects of a public man than to have avowed the principles of the order. You, sir, and I, we all know, that it is the almost universal opinion in political circles here, that this thing will have a brief day. The most anxious wet-nurses of the bantling hardly expect it to live through the presidential canvass of 1856. There is everywhere the most feverish anxiety among the faithful to secure some little official crumb of comfort before it is forever too late. Each longs to be carried into the pool while the waters are troubled, for the time of the troubling, they know full well, will soon be past, and then, where shall they be healed? Evidences of premature decay are already visible. It will vanish as suddenly as it arose, and leave scarcely a wreck behind. They feel the sandy foundation slipping from beneath their feet. They feel their sentence is pronounced each time they hear repeated the wise and tolerant doctrines of our religion, and which are grafted upon our Constitution. Blank annihilation stares them in the face. They see indignation and distrust without, discord and rebellion within. Their secrecy is betrayed and mocked, their intolerance despised, and their prestige broken.

Towns in Massachusetts over which the storm swept in November, have since had municipal elections, and those opposed to the order were open in their denunciation of it and of its principles, and, banding against it as against a common enemy, have defeated it. The organization of the order is better understood; its intolerance, even to its members, has too plainly manifested itself, and others have not hesitated to apply to the

order those epithets bestowed upon the action of the New York council by the Brooklyn brethren, "ANTI-AMERICAN," "ANTI-REPUBLICAN," "MOST UNWARRANTABLE, ABOMINABLE, and DANGEROUS ASSUMPTION of DESPOTIC POWER," in its "CONFESSIONAL, PENANCE, and THREATS of EXCOMMUNICATION, only equaled by the holy INQUISITION of SPAIN, and only worthy of imitation by the GRAND COUNCIL OF CARDINALS AT ROME."

I can but believe that the Brooklyn insurgents have used language which the deliberate judgment of the American people will adopt as their opinion of the character, the purposes, and the merits of the order, and this opinion will soon be both verdict and epitaph

Were there no cause for the dissolution of the order in its principles, the discordant materials which compose it would soon precipitate its destruction. The ultra men already elected, agreeing in nothing but hostility to the South, to aliens, and to Catholics, can harmonize in no course of action, foreign or domestic, unless by the happening of a Whig majority in Congress, the tariff should be altered to suit the protectionist theory, or some other doctrine of that party be embodied in a law. If this order takes hold in the South, it will surprise both friends and opponents. It will be a matter of wonder why that section, suffering none of the hardships which are plead as an excuse for the order in the North, and from her institutions peculiarly averse to secret and irresponsible associations, should discard a long history of generous toleration to adopt the creed of proscription, and wear the name of an order which, in the northern States, has beaten down the defenders of the Constitution and State-rights, and inaugurated more fully than ever before, the era of consolidation and fanaticism.

In a crisis like the present, it becomes the Democratic party to remain steadfast to its old principles. In the "Act for establishing religious freedom," adopted in Virginia, in 1786, and originating in the benevolent mind of Mr. Jefferson, it was enacted that,

"No man shall be enforced, restrained, molested, or burdened, in his body or goods, nor shall he otherwise suffer on account of his religious opinions or belief, but that all men shall be free to profess, and by argument, to maintain, their opinions in matters of religion, and that the same SHALL IN NOWISE DIMINISH, ENLARGE, OR AFFECT THEIR CIVIL CAPACITIES."

On this tolerant principle the Democratic party, through all the variety of disaster and success, has stood from that day to this. It has been the guardian of every civil and political right, of every individual, and of every section. No error has been too gigantic for its assault, no right too insignificant for its protection. When the rights of the States were in peril during the Federal administration of the elder Adams, it was the champion of our faith, Mr. Jefferson, who was foremost in their defense, resting their security upon principles as wise and venerable as the Constitution itself, and triumphantly sustained by the Democratic party. It was during his administration that the "alien and sedition laws," so violative of personal right, were effaced from the statute-book by the votes of the same Democratic party which it is now attempted to seduce into heresies more abominable than those which it then abolished. This new ism is the old "alien law," under a thin disguise; and these two, with "Native Americanism," are bodies into which the old unlaid spirit of Federalism has insinuated itself, hoping, under these forms, to obtain a favor which was always denied it when recognized. It is like Petruchio's nether wedding garment, "a thrice-turned pair of old breeches," betraying the nakedness it was intended to conceal.

The integrity and respectability of the Democratic party have been sustained by adhering to the great constitutional doctrines which it inculcated, and refusing under all circumstances, to ally itself with the temporary isms, which the Whig party has so readily affiliated with, and which have resulted in its corruption, and almost in its destruction. Though defeated at the North, in the late elections, those who stood by their principles through that arduous struggle, are men whose devotion to truth is beyond suspicion, and who, aided by a few thousand of their old friends, whom the excitement and the deceptions of the hour have misled, will soon bear the ancient flag triumphant through that section, and reinstate their old principles, and their true men. Is it wiser for the South to trust this new organization, for the just interpretation of the Constitution, on which her rights, and those of the whole Union, depend, or that old party which, even when defeated by desperate factions, has always possessed a large body of faithful men, and who are now in a minority only because they are devoted to the Constitution and the rights of the States?

We know that this order is hostile to principles which the party have ever cherished. We know that it is a formidable machine in the hands of ambitious men to defeat this Administration, which stands as a bulwark for the just rights of the States, and the people, against every form of persecution and fanaticism. We know that under its banner are arrayed those who, for a quarter of a century, have been the enemies of the Constitution and national peace; that against it are opposed those whom we have ever cherished as our friends, and the true friends of the Union—whom fanaticism has reviled and persecuted, and who, under every adversity, have stood by the rights of the States and of the citizens of every State. It will create no surprise that we adhere to old friends who have proven faithful, rather than trust ancient enemies, who do not conceal their aversions even while they solicit our confidence.

PEACE MEDIATION.

SPEECH OF HON. T. L. CLINGMAN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

January 3, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. CLINGMAN said:

Mr. CHAIRMAN: I will ask the attention of the committee, not to the subject upon which my friend from South Carolina [Mr. KEITT] has so eloquently addressed the committee, for I should not like to attempt to glean in a field which he has reaped so carefully, but to another question which has some intrinsic merits, and which I hope to be able to present in the interval that will elapse prior to the usual time of adjournment.

It will be recollected that, at an early day of this session, I offered a proposition, suggesting the propriety of this Government offering its mediation to the belligerent Powers of Europe. The following is the proposition, as modified by me:

A Joint Resolution requesting the President to tender the mediation of the United States to the Powers engaged in the Eastern war.

Whereas, the people of the United States see, with regret, that several of the great Powers of Europe are engaged in a war which threatens to be of long duration, and disastrous in its consequences to the industrial and social interests of a large portion of the civilized world; and being, under the favor of Providence, in the full enjoyment of the blessings of peace, distant from the theater of conflict, disconnected with the causes of quarrel between the parties belligerent, and, as a nation, having no immediate interest in the contest, and no purpose to interfere, forcibly or in an unwelcome manner, nevertheless are of opinion that the controversy may be susceptible of pacific adjustment, through the interposition of a neutral and friendly Power: Therefore—

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we would view with satisfaction a tender to the belligerents of the mediation of the United States, provided it should be in accordance with the President's views of the public interests.

My object at that time was simply to get the subject before the Committee on Foreign Affairs, of which I am known to be a member, leaving it to the discretion of that committee to act upon it as to them might seem best. Since then, there has been a great deal of comment upon that subject by the press generally. The proposition has been assailed in some quarters and defended with ability in others. The course of remark has been such, that I desire to make a short explanation of my views in relation to this subject, and of the reasons which governed me in making the movement.

I do not propose to speak as a member of the Committee on Foreign Affairs now, because I have not the right, under the rules of the House, to refer to anything which occurs in the committee until it shall think proper to make a report to the House. I desire only to meet some of the objections which doubtless induced gentlemen to vote against the proposition at the time when it was first moved.

It is said, in the first place, by objectors, to be an intervention on our part with the affairs of foreign Governments. If it be *intervention*, it is precisely *such* intervention as this Government has practiced from its foundation. Every Minister sent abroad is sent to influence the action of some foreign Government, and to induce it so to regulate its action as to benefit, and not injure us. In point of fact, we have ourselves had several instances of mediation submitted to us, which we have accepted, thereby admitting that it was not such intervention as gentlemen would now exclude us from offering to foreign Governments. Our Ministers are instructed to interfere with the action of foreign Governments, so far as it may affect us, and no further; and hence they are not expected to look to the internal action of any Government, but merely to its external relations, because in these latter we ourselves have an interest. For example, if the Emperor of Russia should deprive us of the trade of the ports of the Black Sea, or Baltic, our Minister, Mr. Seymour, would be instructed to remonstrate against it. If that interruption should arise from a conflict between Russia and some other Power, why then we might appeal to both of the belligerent parties. In this particular instance, our trade is interrupted in those seas by the existing war, and our Government has a right to relieve us from such an injury, if it is practicable for it to do so.

A gentleman over the way said, the other day, when I first brought up this proposition, that he hoped that the war between Russia and the allied Powers would continue for fifty years. I take it for granted that he did not express this benevolent wish [a laugh] from any opinion that it was advantageous to the parties engaged in it; but he must have made the remark to carry the impression that the United States would derive some advantage from it. It will be conceded, on all hands, that it will give us no glory and no additional territory. If we are to be benefited, therefore, it must be in a pecuniary point of view, either by increasing our exports, that is to say, exhancing the value of what we have to sell, or diminishing the price of what we have to import or purchase.

Let us examine this matter briefly, at the outset of the argument, first with reference to what we have to sell.

Our principal article of export is cotton; and now, in the face of two short crops, it is down to less than eight cents. My own opinion is, and I say it with deference to the opinions of other gentlemen, that but for the war, cotton would probably be now worth eleven or twelve cents, as it was in 1850 and 1851. I say so, because the recent supplies do not, I think, bear a greater ratio to the present demand of the world than did the crops in the years referred to. If so, the loss on this article alone, will make a difference of at least forty millions of dollars in the value of our exports; and, in point of fact, I have no doubt that the war makes a difference of twenty-five to forty millions in this respect alone, besides losses in tobacco and other articles. Gentlemen will say to me, perhaps, that breadstuffs are increasing in value, but they forget that the drought of last year so destroyed the crops in most of the grain-growing States, that we shall have nothing to spare for the next twelve months. We have then to take the chances of deriving an advantage two years hence; if we should then happen to have produce to sell, as a set-off to the large and heavy losses that are falling on us.

But, in point of fact, it is the ability of Europe to purchase that determines the demand for and price of breadstuffs. I took occasion some years ago to examine the reports made by committees of the British Parliament in relation to the condition of the laboring population of England. It appeared that during periods of distress and famine the laboring classes were compelled to give up in succession, as the pressure increased, such articles as were not indispensable; and that, for example, they first gave up sugar, then meat, after using it for a time only once a week, then bread, and finally they relied upon the potato alone. It appeared,

from the investigation made at that time, that there was a disposition to consume a large amount of provisions if they had had the ability to obtain them. Necessity was the sole measure of their purchases. If the war goes on in Europe, with its heavy taxation diminishing the wealth and means of the people there, I doubt very much whether they will have the ability, to any great extent, to pay for our produce, even if we should have a large surplus. But even if it should prove otherwise, it is not probable that this additional demand will make up for the loss upon the other articles to which I have alluded.

Again, specie is being rapidly drawn abroad from this country to satisfy the demands of the belligerents. There is, by consequence, an extraordinary pressure in the eastern cities, and extending itself into the interior of the country, so as seriously to cripple all business transactions, and produce heavy losses to the community. Stocks of all kinds have also greatly fallen in value, to the detriment of many of the States, as well as of individuals. Besides all this, the shipping interest has suffered, and is suffering extremely.

During the great wars in Napoleon's time, owing to the fact that Great Britain was excluded from most of the continental ports, our ships had the carrying trade. Such, however, is not now the case; but there are, in fact, nearly as many foreign ships engaged in trade as before the war began, owing to the fact that Russia has not the means of molesting the Allies on the sea. In fact, while the number of carriers remains about the same, the absolute value of freights is likely to be diminished, so that really the whole shipping interest is languishing, and the value of ships is twenty or thirty per cent. less than it was a few months ago. A gentleman behind me, from the maritime region, says that it has diminished fifty per cent. Doubtless he is right on this point.

It is also probable, if the war continues for years, we shall suffer as purchasers. It is true that certain kinds of manufactures seem to have fallen in value. It must be remembered, however, that the present supply was created for a state of peace. One of the effects of a fall of prices is to diminish the amount produced. It will also follow, that if laborers are forced to serve in the armies—and on this account, and also by reason of exorbitant taxation, manufacturing establishments are broken up—there must be a corresponding rise in the value of articles produced. These are not new opinions with me; for in 1850, I contended, while discussing the tariff, that one of the reasons why manufactures were so cheap, was that a long peace in Europe had caused the wealth and labor, formerly expended in wars, to be employed in production, and thus brought down the prices of articles, and put them in the reach of a larger number. If this was a sound argument, as I still think, then the reverse, viz: withdrawing labor and capital from production, and expending it in war, will tend to raise prices in those commodities.

I refer to all these matters to show that our interests are sufferimg from the effects of this war; how much it is not easy to determine. My own opinion is from fifty to a hundred millions of dollars a year. I have no doubt that it is largely more than the expenses of this Government. Now, if this be so, is it not worth while to see if any measures can be devised to remove the cause of such a loss?

But it may be said that this is only temporary, and that matters will soon get right. On the contrary, it strikes me that these evils must continue and be permanent. England and France have already sent more than one hundred and fifty thousand men to the East. Now if they cost the Allies as much per man as our soldiers did in Mexico, it will be upwards of one thousand dollars per man for a campaign; and this, in the aggregate, amounts to one hundred and fifty millions. Besides this, they have already made an enormous expenditure of money for the naval armaments, both for the Baltic and the Black seas. So that the whole expenditure may be nearly twice that sum. From the English papers, I observe that the British Government is about building a hundred and twenty steam gun boats, at a cost of $250,000 each. That item alone will amount to $30,000,000. The Russian and Turkish expenditures are also very large, so that the entire war expenses must reach several hundred millions.

Now the money expended in this manner is as completely lost to the world as that invested in the Arctic when she went down into the waters of the deep sea.

It is supposed that the Allies have lost forty or fifty thousand men, including those who have been slain in battle, died of disease, or have been permanently disabled. The Russian loss is greater, especially if we take into account the campaign on the Danube. The same is probably true of the Turks. The loss of all must exceed one hundred thousand men. Now, North Carolina is an average-sized State, in population, and she has only one hundred thousand voters. There has then been a number of men destroyed as great or greater than all the voting population of my State—men in the prime of life, men selected for their bodily vigor, and many of whom were men of intellect and education. All these are swept away. The effect of the war is far more disastrous than an epidemic disease which sweeps over a country, and takes away a like number of men, women, and children, indiscriminately.

My object in making these remarks is to show that an immense amount of the wealth of the world, and a very large number of producers, as well as consumers of the products of our labors, are annihilated. I hold that such a loss is injurious to the commercial interests of every civilized country in the world, and especially to that of the United States.

To prove the truth of this proposition, let us suppose the United States to be the only civilized country in the world, and all the rest to be filled with savages, we should have then no exports and no imports. This is evident as soon as stated. As in that contingency, all our surplus productions would perish on our hands, I need not argue that this state of things would be immensely injurious to us. I maintain that, as you destroy the wealth of the civilized world to any great extent, you approximate that condition to which I have alluded. For instance, suppose that other nations were thrown back to the condition of things which existed twenty-five years ago. We then sold less than thirty millions of dollars worth of cotton. If Europe were in the same condition as at that time, and we had now a hundred millions to sell, but could find a market for only thirty millions, where should we find ourselves? The extra amount of seventy millions would rot on our hands. But I take the further position, that even if this war, or any other cause, should keep the rest of the world stationary for the next ten years, we should be greatly losers, because we are constantly increasing our productions; and hence, if there should not be a proportionate increase in the markets of the world, we should be losers.

I think, therefore, that the proposition can be maintained as a sound one in political economy, that you cannot destroy a large amount of the wealth of the world, without injury to us as a great commercial nation. There may be exceptions to this rule here and there, but as a general proposition, it holds good. If, then, the war be injurious to us, financially and commercially, will it benefit us politically? In reference to the question of the balance of power in Europe, it is true that it is not a matter for us to interfere with. But I may say that you could not change that balance of power without prejudicing us. For example, if Russia becomes omnipotent, and crushes the western commercial nations, though the Czar might himself be as just and as moderate as our own Washington, his successors might not be so, and it is easy to see that their conduct could change things to our injury. If the Allies, on the other hand, should prove decidedly victorious, their ascendancy might give them, not only greater power, but also greater inclination to interfere with us on this side of the globe. Looking, therefore, to the mere question of the balance of power in Europe, you cannot change it without putting us in a worse condition than we now are. I hope it will remain evenly balanced, so that each Power may be able to hold others in check, and prevent mischief.

But having barely adverted to these topics to show that this war is an evil to us, I pass now to the consideration of the other great question. Is there anything in the attendant circumstances of a character to induce a belief that our country might exert an influence to bring the war to a close? This, Mr. Chairman, is a question of great delicacy, as it involves an examination of the grounds of the war itself. If I were to enter into a discussion of its causes, I should speak of things which persons in Europe, perhaps, understand better than I can do here. In the next place, I might get up such a debate as would lead to a discussion of the merits of the several contending parties, and put ourselves in a position which neutrals ought not to occupy. I therefore feel the full force of the caution given by the old Roman poet, to those who tread on ashes that may conceal fires underneath. Nevertheless, I desire to make a suggestion or two on this point.

The war originally rested upon a very narrow basis, so small that the parties themselves did not expect it to produce a war. This is clear from their procrastination and tardiness in making adequate preparations for so great a contest. In fact, it was supposed, at one time, that they had settled the difficulty. The Czar himself is represented to have said that the war is one "for which, judged by its apparent grounds, there is no reason; and it is contrary to the moral, industrial, and commercial interests of the entire world." It is true, that he goes on to charge that the purpose of the Allies is to limit the power of Russia. Well, if that be their purpose, of course any offer of mediation from us would most probably lead to no favorable result. But I do not understand that the Allies have planted themselves upon that ground as yet. And even if they have for a moment entertained such notions, the formidable resistance they have met with when attacking what was supposed to be the exposed point of the Czar's dominions, will go far to satisfy them that it is not an easy matter so to change the map of Europe as to deprive Russia of any portion of her territory. I do not believe they will persist in any such purpose. They are governed by wise and sagacious statesmen; and, in view of the difficulties which present themselves, I do not think they entertain the idea that, without a longer struggle than either of these Governments are willing to make, they can materially diminish the power of Russia.

All history shows that the apparent strength of alliances is deceptive. Where all the parties are acting in good faith, and with equal zeal, it very frequently happens that, from the want of proper concert of action, they fail to accomplish their object. All Europe at one time assailed France unsuccessfully, and Napoleon himself, at a later day, carried most of the European nations with him against Russia, but his reverses caused Austria and other Powers to secede and join his enemies, so that he was in the end overwhelmed. I take it for granted, therefore, that these sagacious statesmen will not rely so fully on this alliance, powerful as it seems to be, as to press the matter to the extreme I have alluded to.

It does not strike me, Mr. Chairman, that it is the interest of either of these Powers to desire a prolongation of the war. England is a commercial nation. The English people are brave, and energetic, and patient, and so long as their Government tells them it is necessary to carry on the war they will submit to sacrifices. But England can have no hope of acquiring territory, so as to compensate her for these sacrifices. This remark applies equally to France. Her Emperor seems to have been directing his energies of late very much to the improvement of the interior of his own country, in all respects, and to the beautifying of Paris, its magnificent capital. I do not, therefore, believe that the Allies will at present desire to prolong the war. And very clearly it cannot be the interest of Russia to have war rather than peace. The Emperor of Russia has a territory twice as large as that of the United States. It is but thinly settled, and the facilities of communication between the different parts of it are not such as they should be. He marches men a thousand miles from Moscow to the Black Sea or the Danube, and they are decimated two or three times over by disease and fatigue, ere they reach the point of action. Now, you and I know very well, sir, that railroads from Moscow and St. Petersburgh to the Danube, the Crimea, and the Caspian, would

make Russia stronger now than she would be with the whole Turkish empire annexed, without these facilities. I take it for granted that a sagacious ruler, like the Czar, would rather improve the condition of his country, in this respect, than prolong such a war. Great Britain is just the reverse of Russia in this respect; and by reason of her compactness, insular position, and maritime supremacy, she is a formidable antagonist to any country under the sun, having one league of sea coast.

But, Mr. Chairman, I have no doubt that there were some mistakes made originally. I think it highly probable that the parties took the successive steps that led them into this war without foreseeing where they would carry them. The Emperor of Russia may not have expected such an alliance when he took possession of the Principalities, and the Allies probably thought he would recede when they made their demonstration. But, sir, they have now placed themselves in a position where neither can well make the first move towards a settlement, without a sacrifice of pride, and perhaps of prestige. Their condition is well described by Vattel, in a few sentences, which I will read to the committee. He says:

"Two nations, though equally weary of war, often continue it merely from the fear of making the first advances to an accommodation, as these might be imputed to weakness, or they persist in it from animosity, and against their own interests. *Then* common friends effectually interpose, offering themselves as mediators. And there cannot be a more beneficent office than that of reconciling two nations at war, and thus putting a stop to the effusion of blood. This is an indispensable duty to those who are possessed of the means of succeeding in it."

These sentences, Mr. Chairman, express fully what I would say on this point. But if the contest be not terminated now, it must soon become a general European war. It will next year probably get into Germany and Italy, and be more destructive than the wars of Napoleon, because the means of aggression and destruction are greater at this time than they were in his day. When the tri-colored flag is on the Danube, or the Vistula, the impetuous glory-loving Frenchman will have brought back vividly the recollections of Marengo, and Jena, and Austerlitz, and Wagram. All Europe will be in a blaze, and the war will fall with destructive and crushing force on the industrial and lower classes, who, in such times, are always the greatest sufferers.

There are some who look with hope and pleasure to this condition of things. They say that the Governments will be overthrown, and the cause of liberty advanced. I have no doubt but that some of the existing Governments will be put down, but I do not concur in the opinion that republicanism will gain. You may see one tyrannical Government overthrown, and another, stronger and more tyrannical, erected in its stead. The only liberty which is worth preserving, is that which is founded upon law. And from the days of Julius Cæsar down to the present time, "arms and laws have not flourished together." On the contrary, during military struggles, despotism raises its head and dominates over the land amidst the clangor of arms. To protect life and property, power must be given to the existing Governments. The greater the perils which surround them, the higher the powers with which they must be invested. Men will submit to any exactions, therefore, to support vast military armaments. But let there be peace and security, and these very armaments, being no longer necessary to the safety of the State, soon become intolerable and will be discarded.

Sir, the history of modern Europe sustains this position. It was after a period of peace that the first French revolution exhibited itself, and at the close of the long and desolating wars to which it gave rise—I mean when the Congress of Vienna sat—liberty lay low all over Europe. It was after a long period of peace that the revolution of 1830 shook down the French monarchy, and extended its vibrations into distant Poland. It was after another long period of peace that the revolution of 1848 blazed out in France, illuminating Lombardy, Italy and Hungary, until its light was dimmed and extinguished by the smoke of battle.

Sir, our neighbor, Mexico, has had war enough in the last fifty years to have made her people the freest on earth, and yet, though many tyrannical Governments have been put down there, the cause of civil liberty has not advanced. Nor has it in the South American States; nor in the world generally, during hostile struggles. What I mean to say is, not that war may not be sometimes necessary to protect liberty, but I affirm that liberty does not usually spring out of war; that where you have one case of that kind, I can point to a hundred of a contrary tendency. Looking, therefore, simply to the interest, of the masses of Europe, I would rather have peace than war. In peace you have the railroad and telegraph and the newspaper. Every newspaper, and letter, and message is an atom thrown on the side of liberty. You will find that as men become wealthier they will become more intelligent and more tenacious of their political and personal rights.

These views, Mr. Chairman, accord with our own political system. We have the smallest army and navy of any of the great nations, and our policy has been that of peace, in the main, from the days of Washington. There are, too, passages in our own history, which render it imperative that we should make the movement which I have indicated. It is well known that during our revolutionary struggle, France interfered on our side, and ultimately became our ally, and aided us until the end of the struggle. But for that intervention it is highly probable that the assembly which I am addressing to-day would not exist. And, sir, while alluding to this, I find myself unexpectedly in the presence of one who calls up recollections; I cannot see, at this moment, without emotions, the gentleman on my left. [Mr. Clingman looked at M. Lafayette, who was sitting near him.]

A Voice. "Who is it?"

It is, (said Mr. Clingman, continuing,) he whose grandsire is pictured on that tapestry, (pointing to the full length portrait of the Marquis de Lafayette, on the left of the Speaker.) When we remember the past, made vivid by the sight of that picture and this living representative, is there one who can doubt but that we owe a deep debt of gratitude to France. While I would not pretend that we ought, under the circumstances, to take part, by force, on her side, I nevertheless maintain that we are under the highest obligations to do everything consistently with our own interest, to relieve France from danger or difficulty.

At a later period in our history, when we were at war with England, in 1812, Russia tendered her mediation. That mediation was, in the language of Mr. Monroe, the Secretary of State, "willingly accepted" by our Government. Great Britain declined it, but subsequently, and after she had triumphed over her great adversary in Europe, and was prepared to turn all her forces against the United States, and thus give the war a much more serious and formidable character, it is well known that the interference of Alexander of Russia contributed, in a powerful manner, towards the pacification which took place. Russia, too, it appears, then, has strong claims to any good offices we can render her.

Still later in our progress as a nation there is an incident, and a precedent more striking and conclusive in its character. In 1835, when this Government, under the administration of General Jackson was in imminent danger of being involved in war with France, Great Britain tendered her mediation. It was accepted, both by us and by the King of France, and a pacification between the two Governments was the result. Upon this point I cannot do better than to read a few sentences from the work of the distinguished gentleman from Missouri, [Mr. Benton.] After alluding to the state of things which then existed—the exhaustion of negotiations and the preparatory armaments on both sides, he refers to the fact that General Jackson sent in a message to Congress, announcing his acceptance of the mediation, and uses the following language:

"In communicating the offer of the British mediation the President expressed his high appreciation of the 'elevated and disinterested motives of that offer.' The motives were, in fact, both elevated and disinterested; and presents one of those noble spectacles in the conduct of nations on which history loves to dwell. France and the United States had fought together against Great Britain; now Great Britain steps between France and the United States to prevent them from fighting each other. George the Third received the combined attacks of French and Americans; his son, William the Fourth, interposes to prevent their arms from being turned against each other. It was a noble intervention, and a just return for the good work of the Emperor Alexander in offering his mediation between the United States and Great Britain—good works these peace mediations, and as nearly divine as humanity can reach;—worthy of all praises of long remembrance, and continual imitation;—the more so in this case of the British mediation when the event to be prevented would have been so favorable to British interest—would have thrown the commerce of the United States and of France into her hands, and enriched her at the expense of both. Happily the progress of the age which, in cultivating good will among nations, elevates great Powers above all selfishness, and permits no unfriendly recollection—no selfish calculation—to balk the impulsions of a noble philanthropy.

These, Mr. Chairman, are just and noble sentiments in themselves, and concisely and handsomely expressed. Andrew Jackson, then at the head of our Government, was not a man likely to succumb to an adversary, or to admit improper interference from a foreign quarter. Nor did any man in these Halls, or in the country, censure his acceptance of the mediation. Every one knew that that *iron will*, before which the veteran columns of England were broken to pieces at New Orleans, would have been not less strikingly exhibited in defense of any right that could claim the protection of our flag.

It thus appears that each one of these three great Powers has, in periods of trial or danger to us, interfered for our relief; and shall we not reciprocate their good offices? Shall we be always ready to receive benefits, and never to return them? Shall we fold our arms, and coolly look on, while our former friends are struggling in the midst of perils? Above all, shall we refuse to act because we hope to take benefits from their misfortunes? Is a great Government like ours to occupy the position of the wrecker, who stands upon the sea-beach during the storm, praying that navies may be stranded, that he may seize upon the floating fragments? Shall we imitate the kite and the vulture that follow armies to prey upon the slain, or the sharks that collect around the sinking ship to devour the drowning inmates? If any gentleman here has such feelings, I envy him not their enjoyment.

If we were, as a nation, too feeble to protect ourselves, we might, upon the plea of necessity, justify being thus contemptible. We might then have an excuse for wishing that others might be crippled lest they should hurt us. But while in a war with any great maritime Power our commerce would seriously suffer, there is no nation in less danger of conquest or mutilation. We can, therefore, afford to be just and honorable, yea, even magnanimous.

There is another reason, Mr. Chairman, which operates with great force on my mind as an argument for my proposition. The impression prevails in Europe, or, at all events, has been sought to be created there, that we are a grasping and a rapacious people. I do not, for a moment, admit the justice of this charge against us. On the contrary, I think the United States have shown, from their earliest history, a commendable moderation. I recollect very well being told by a gentleman who had just returned from Europe, whilst the Texas annexation was pending, that the veteran statesman Metternich said to him, there was not a Government in Europe that would have hesitated a moment to take Texas on the terms on which she offered herself. In fact, while England has been taking kingdom after kingdom in Asia, and France has been extending her conquests over Africa; and the other European Governments have been taking all the territory they could acquire without peril to themselves, we may well challenge a comparison with them.

I may say, further, in order that no gentleman may misunderstand the feelings with which I make these remarks, that I belong to what is called the party of progress, or to Young America. I am in favor of the acquisition of territory under proper circumstances. Nevertheless, while I entertain these opinions, and believe that injustice has been done to our country abroad, it is impossible to conceal the fact that the impression prevails in Europe that we desire this war to continue, in order that we may get an opportunity to seize upon our neighbor's territory. Now, by making this movement we shall truthfully, and at the same time, gracefully remove any such impression. Besides, sir, it would be a declaration of neutrality in the most emphatic form. It would not only be a declaration that our Government

intended to stand neutral, but that it did not desire that the war should continue to the injury of the parties themselves. If the movement were to be successful—if we were to be instrumental in relieving these belligerents from their present difficulties, it would give us the greatest consideration, not only with the Governments, but also with the masses of the people.

I maintain that if our country and its Government becomes popular with the people of Great Britain and France, and with the other nations of Europe, the monarchs would not like to quarrel with us in opposition to the wishes of their subjects. But where there is ill-feeling between countries, a single spark will sometimes light the flames of war.

I have, Mr. Chairman, discussed this question mainly upon the narrow ground of our interests as a nation. This, however, is not the mode to do full justice to the subject. To do this will require a much wider range of thought and investigation. Independently of all calculations of interest, considerations of humanity rise up and force themselves upon the mind. The earth was given to man for his dominion and control. But it is only in our times that men are beginning to assert that right in its full extent. I do not mean to say that in former ages men have not been spread over the earth, but it is only in our day that they have begun to turn its great natural agents to account. This war will stop the progress of humanity. It will destroy the greatest and best works of man, and throw him back upon the barbarism of the past.

Besides, it is a war between the different branches of the great Caucasian family—the white races of men, who have shown by their superior mental and moral endowments, their right to control the world and regulate its destinies. It is also a war, in the main, between Christian nations; and we are impelled, therefore, by considerations of humanity, of race, and of religion, to interpose, if our interposition can avail anything. If the movement is to be made, it should begin here. We represent the feelings, the very heart of the American people; hence our sanction will give greater force and consideration to the movement. But to the Executive, who has the charge of conducting the foreign affairs of the country, it belongs properly to decide when and how the step should be taken. If there be not a fitting occasion just now, it may be otherwise a few months hence.

Entertaining these feelings, my original object was to bring the subject before the Committee on Foreign Affairs, and let that committee determine whether such a movement was advisable, if it were, to let it begin with Congress, but leave to the Executive the mode and manner of conducting it. The President, of course, has an acquaintance with the condition of things which nobody else can possess, and to him, therefore, would I leave it to determine whether the movement should be made now or at some future day, and whether the offer of mediation should be tendered through the foreign ministers here or through our ministers abroad, or in any other mode that he might regard as best calculated to effect the object. Whenever he should think proper to act, he would then move in the matter with all the authority of the Government to sustain him. If the movement shall be made, I have no doubt but that it would be sanctioned and approved by our constituents.

FINANCIAL AND TERRITORIAL POLICY OF THE ADMINISTRATION.

SPEECH OF HON. S. MAYALL,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

January 2, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. MAYALL said:

Mr. CHAIRMAN: I desire to make a few remarks, first, in relation to the financial policy of the Administration, and secondly in regard to its territorial policy.

Before entering upon a general discussion of the financial policy of the Administration, I will read that portion of the President's message relating to the treaty which was made between the North American British Provinces upon the one part, and the United States of America upon the other, during the last session of Congress:

"Since the adjournment of Congress, the ratifications of the treaty between the United States and Great Britain, relative to coast fisheries, and to reciprocal trade with the British North American provinces, have been exchanged, and some of its anticipated advantages are already enjoyed by us, although its full execution was to abide certain acts of legislation not yet fully performed. So soon as it was ratified, Great Britain opened to our commerce the free navigation of the river St. Lawrence, and to our fishermen unmolested access to the shores and bays, from which they had been previously excluded, on the coasts of her North American provinces; in return for which, she asked for the introduction, free of duty, into the ports of the United States, of the fish caught on the same coast by British fishermen. This being the compensation, stipulated in the treaty, for privileges of the highest importance and value to the United States, which were thus voluntarily yielded before it became effective, the request seemed to me to be a reasonable one; but it could not be acceded to, from want of authority to suspend our laws imposing duties upon all foreign fish.

"In the mean time, the Treasury Department issued a regulation, for ascertaining the duties paid or secured by bonds on fish caught on the coasts of the British provinces, and brought to our markets by British subjects, after the fishing grounds had been made fully accessible to the citizens of the United States. I recommend to your favorable consideration a proposition, which will be submitted to you, for authority to refund the duties and cancel the bonds thus received. The provinces of Canada and New Brunswick have also anticipated the full operation of the treaty, by legislative arrangements, respectively, to admit, free of duty, the products of the United States mentioned in the free list of the treaty; and an arrangement, similar to that regarding British fish, has been made for duties now chargeable on the products of those provinces enumerated in the same free list, and introduced therefrom into the United States; a proposition for refunding which will, in my judgment, be in like manner entitled to your favorable consideration."

Although my views do not comport with the views expressed by the President in relation to the reciprocity treaty, I would not have any one infer, therefore, that I am opposed to free trade between the North American British Provinces, on the one hand, and the United States on the other. I have been long of the opinion that a free, mutual, and independent reciprocation of the agricultural productions and manufactured articles in both countries would result alike advantageously to the interests of both. Upon an examination of the articles imported in 1851 and 1852, named in the schedule of the treaty, I find the balance of trade in these articles is more than five hundred per centum against us. Hence I am decidedly of the opinion that the treaty, as it now stands, in its practical effect and operation, has resulted advantageously to the interests of the British Provinces, and, upon the other hand, to the destruction of American interests.

In order to explain my meaning in relation to this point, I will suppose, for instance, that the United States propose and enter into a treaty with Great Britain, in certain specific articles raised here in our own country, and that we are to have reciprocity of trade with Great Britain in cotton, rice, tobacco, corn, flour, beef, pork, butter, cheese—a system which would, in fact, include all the agricultural productions of the United States which are articles of exportation. Take it for granted that Great Britain enters into a treaty with the Government of the United States in relation to these articles. Here would be a treaty resulting directly for the interests of the United States, and against those of Great Britain. The treaty between the Provinces and the United States produces precisely the same effects in relation to the interests of this country. I propose to avoid the evils resulting from such a treaty, to a great extent. I have prepared a bill, providing for full and legitimate free trade between the Canadas and the States.

The bill which I intend to introduce provides, that whenever the Government of Great Britain shall agree with that of the United States to admit certain articles of American produce or manufacture therein enumerated, duty free, into the British Provinces, the same articles produced or manufactured by the British Provinces shall be admitted into this country also duty free. The articles enumerated consist of manufactures from grass, straw, whalebone, hair, hemp, iron, and all other metals, cotton, flax, silk, wool, leather, marble, paper, papier maché, wood, &c., also prepared meats, vegetables, animal oils, paints, glass, &c.; so that there will be an equal encouragement given to the manufactures of this country as to the farming interests of the Provinces—making it to the interest of those Provinces to take our manufactures in return for their agricultural productions, and thus making the commercial intercourse truly reciprocal, and not merely nominally so.

If the provisions of this bill are much longer resisted by statute, they will triumph in spite of statute. The relative position of the two countries—their business connections—necessarily compel the practice of free trade. The steam car, swifter than the fabled messenger of ancient commerce, is gradually and steadily accomplishing this great desideratum. Already lines of railway penetrate the heart of the Provinces, from Maine, Massachusetts, and New York, and still other lines are in progress or contemplation, which, when completed, will have a direct tendency, and, in fact, will superinduce reciprocity, in spite of all the artificial barriers that unwise legislation can pile up to thwart its peaceful and beneficent progress. The provisions of this bill will then be carried into practical effect. The effect of unrestricted commerce between this country and these Provinces, will be immeasurably to increase the business and enhance the profits of the railway lines in question, a result which will redound more largely to the benefit of our own citizens than to that of our neighbors, because, in the first place, our pecuniary interest in those lines is greater, and because, also, the established and unalterable current of trade must make the Provinces tributary to us, rather than ourselves tributary to them.

No State in the Union is so vitally interested in the question of free trade as Maine. She is equally interested with several other States, on account of the railway connections with the Provinces. She is also more deeply interested from another consideration, being a border State of the Union. With the barriers of commercial restriction kept up between her and the Provinces, her position is isolated, and, like all border States, less favorable to commerce than those States more centrally situated. The establishment of commercial reciprocity, either by treaty or statute, between the United States and the British Provinces, will change the face of affairs, and give to Maine a more central position in the world of commerce, augmenting her influence and her power, and thereby securing a larger share of the trade of the world than she can now possibly command. When the great system of railways is completed, which is to strike out a new and shorter path from the commercial metropolis of the United States to that of Great Britain, running through the whole extent of her frontier, Maine will become an essential and eminently central portion of this vast international highway of commerce, and will, consequently, derive all the advantages that her new position will confer upon her, which must be incalculably great and valuable.

The idea that reciprocity will affect unfavorably the shipping and building interests of this country, and especially of Maine, is, in my opinion, founded in error—in a total misapprehension of the effect of reciprocity on one of those branches of industry in which Maine is more largely interested than any other State in the Union. Such an apprehension, I repeat, is grounded in false notions of political economy, and of the effects of commercial freedom. They are precisely the fears expressed by the protectionists of the North, in respect to the effect of reciprocal free trade in navigation between the United States and Great Britain. It was said that that great step towards commercial emancipation would be the ruin of our foreign trade, and drive our ships from the ocean in a very short period. Yet, instead of witnessing the predicted calamity, we behold our commerce expanding, our sails whitening every sea, and every part of the earth is made to contribute to the convenience and luxury of this highly favored nation; our ships engaging in trade in which they never before shared, and successfully competing with those of Great Britain in markets from which they were before wholly excluded.

Then, I say, in view of the successful effects of

this system in the history of the past, where is the individual who is so completely destitute of every principle of patriotic pride as not to rejoice at the strides of our commercial freedom, and to welcome the approaching proximity of that glorious maxim of "*Free trade and sailors' rights?*" Nobody would now consent to return to the old restrictive system in navigation; the same will be found to be the case with free trade with the Provinces. Instead of crippling our commerce, and injuring ship-building, it will enlarge the circle of the one, and stimulate the energies of the other. In this day, when new, and almost illimitable fields of commerce are being opened to the enterprising and adventurous, giving employment to more shipping than the industry of all now engaged in that work can supply, it is idle, it is preposterous to talk of ship-building in, or the freighting business of, the State of Maine being ruined, or even injured, in the slightest degree, by all the additions which the concentrated labor of all the Provinces employed in ship-building can make to the common stock of the world.

And how much better is the objection based on the hypothesis that reciprocity is to injure the lumbering business in which Maine is so deeply interested? Not a whit; not a whit. It is an erroneous idea which some have entertained, that facilities for transportation of the productions of the interior to the sea-coast, or that any evils extended to any branch of business whereby competition is created, will injuriously affect the price of those productions, or that branch of business thus brought into competition. The experience of all practical business men proves the fallacy of this opinion. All the competition which reciprocal trade with the Provinces will create in the lumbering or the ship-building business of Maine, will but tend to the benefit and profit of those branches of trade. There is no danger that an ample market will not be found for all the lumber which Maine and the Provinces can produce. The danger is rather that both together cannot much longer supply the rapidly increasing demand. The change which reciprocity would lead to in this particular, as respects Maine, would be but slight. Already the lumber regions of the State have been reduced to the St. John and its tributaries. The amount remaining on the Saco, the Androscoggin, and the Kennebec, is scarcely sufficient to supply the rapidly increasing demand for home consumption. The same remark is fast becoming true of the Penobscot; at any rate, there is little danger that a ready market and adequate prices cannot be found for all the lumber that can be manufactured on its waters.

The lumber regions of Maine at this time—all, at any rate, that need protection—are, therefore, on the St. John and its tributaries. What was the condition of the lumbering interest there before the reciprocity treaty? Worse, infinitely worse, than it can possibly be with reciprocity. The St. John is the only outlet. This river, or the mouth of it, is within foreign jurisdiction. Our lumber has to pass out of this river. In its transit it was subject to all manner of delays and pecuniary exactions, so that lumber on the Maine side of the St. John was not regarded as worth more than one half as much as the same amount on the Penobscot. Let reciprocity of trade be established, under which we shall acquire the privilege of carrying our manufactured articles into the Provinces, and the advantages resulting to the United States will be incalculably great and valuable. It will furnish the manufacturers with a new and additional market for almost every article manufactured in the United States, and thereby give an impetus to that branch of industry in which the New England States are so deeply interested. Under this Elgin treaty we are deprived of equality in trade. The Provinces can bring all their productions to us, and we cannot carry anything in return to pay for them, which their trade demands, without paying duty thereon.

The very able report made by Mr. Andrews on colonial and lake trade, in 1852, furnishes an abundance of evidence to prove this fact. From this report I quote the following list of exports from Canada to the United States, giving the principal articles and values, for the year 1851:

Ashes	$65,992
Lumber	766,628
Shingles	20,732
Cattle of all kinds and sizes	$140,176
Horses	185,848
Wool	41,896
Wheat	491,760
Flour	1,181,484
Barley and rye	75,596
Beans and peas	41,588
Oats	135,703
Butter	38,004
Eggs	38,008
Unenumerated	1,705,664
Total	$4,929,084

As can be seen by referring to table No. 9, in Canadian returns, the dutiable and free goods are thus stated for the year 1851:

Dutiable imports into Canada from the United States	$7,971,380
Free imports into Canada from the United States	1,147,388
Total	$9,118,768

Total quantity imported into the United States from Canada, for the year ending on the 30th June, 1852:

Wheat, (bushels)	870,889	value,	$609,681
Flour, (cwt.)	496,201	"	1,008,998
Rye, oats, &c., &c.		"	203,570
Total			$1,802,179

The above table proves conclusively that all the articles which the Provinces export come in free of duty; for all the articles are named in the schedule of the treaty, viz: "Grain, flour, and breadstuffs of all kinds; animals of all kinds; fresh, smoked, and salt meats; fish of all kinds; hides, furs, and skins; pelts, wool, coal, firewood; fish oil, butter, cheese, tallow, unmanufactured tobacco," &c., &c. I would prefer the Elgin treaty to none for the State of Maine, because Maine has to buy largely, for her own consumption, such articles as are exported from the Provinces. But I think I have proved conclusively that it operates against the interest of the United States, as a whole; therefore, I have called the attention of the House to the subject, and prepared a bill, the provisions of which, if carried out, will result more advantageously to the interests of both countries, and place the United States on an equal footing with the Provinces.

The next movement to which I desire to call attention is, the repeal of the Missouri prohibition of slavery from Kansas and Nebraska. It was a compact rendered sacred by the circumstances under which it was entered into, by time, and by the faithful observance of all statesmen of the past and the present generation, up to the commencement of the present Congress.

At the last session of the previous Congress, a bill was reported to this House by the Committee on Territories, for organizing a government there. It made no allusion to the Missouri compromise, leaving it in full force. The question was publicly asked of the committee, or a member of it, why the Wilmot proviso was not embodied in the bill? The answer was then made to the House, and the country, that slavery had been excluded by the Missouri compromise, and that no repetition of such exclusion would render it more valid. Sir, no Democrat, no Whig then dreamed that this exclusion of slavery was unjust or unconstitutional. No man, at that time, dreamed that "popular sovereignty," of which we have heard so much, consisted in the privilege of holding a certain laboring portion of the population of this country in bondage—in the power to buy and sell persons who happened to be unable to defend themselves from such treatment. The bill passed this body without opposition or objection on this point; and when it came up in the Senate, the Vice President declared his hostility to the bill on account of the territory to which it applied being free by reason of this Missouri prohibition, but declared, that so far as that objection was concerned, the bill might as well pass then as at any future day, for that prohibition of slavery *could never be repealed*. The Senate heard these remarks, and assented to their correctness, so far as "silence gives consent;" for not a member expressed the least doubt of their perfect accuracy. Those grave and reverend Senators, who have since reasoned so profoundly upon "popular sovereignty," had not then discovered that it consisted in the privilege of owning the bodies of their fellow creatures, born on the same soil; children, perhaps, of the same father; and nursed, it might be, by the same hands; but now, the right to buy and sell human flesh is called "*popular sovereignty.*"

But, sir, it would appear that the Administration were not remiss in looking into the question of popular sovereignty. The bill repealing the prohibition of slavery, was brought forward by the friends of the Administration. It was urged upon the Senate and the House by the leaders of the President's party. (I will not call them "Democrats.") The President's organ in this city, was constant and unceasing in its exhortations to pass that bill, promising, that if once passed, it would quiet all agitation, and give peace to the country. The people of the free States became alarmed; sent in their petitions; called on their Representatives to oppose the repudiation of this time-honored compromise—rendered sacred by its associations with the best men and greatest statesmen, and patriots of our nation. But the popular mind of the North was regarded with contempt; the will of the people was spurned by the Administration, and these sincere advocates of "popular sovereignty," and the repeal of the Missouri compromise was insisted on. Here, in this Hall, we were told that the President desired the passage of that measure, and Representatives were threatened with political excommunication if they did not aid the Administration in carrying out this policy. The object was attained; the bill passed; slavery was admitted into Kansas and Nebraska.

Mr. Chairman, had the repeal of the Missouri compromise been fairly placed before the people, the result would have been widely different. It was smuggled through Congress in a most unjustifiable manner. Had it been known that Mr. Pierce was in favor of the repeal, he would not now have been an occupant of the White House. He had my cordial support, and I exulted with thousands of others in his triumphant election; but the passage of that bill has scattered the party that sustained him to the four winds. His opposers grasped this new issue with avidity, and they will follow it up to the last extremity. The excitement on the slavery question had begun to subside. The East, the West, the North, and the South, were at peace on that subject. None desired to revive an agitation so detrimental to commerce, and to the peaceful pursuits of industry. The President's promises in his inaugural had given hope that this quiet would be preserved throughout the continuance of his administration in power. The hatred of slavery, naturally strong in the northern mind, was in repose when this firebrand was thrown into combustibles that would otherwise have remained inert, and it has kindled a fire that cannot now be extinguished. And this was done by the immediate friends, and with not only the marked approval, but also with the strenuous efforts of the present Administration.

There was no immediate call for the establishment of a territorial government in Kansas and Nebraska. Events have shown since, that the object of the abettors of that bill was to avail themselves of the then condition of Congress, that they might pass through the repeal for the purpose of introducing slavery into that immense territory. A more impolitic course could not have been pursued, even by the South. In all probability there never will be another slave State admitted into this Union. If a compromise that had stood for a third of a century, that had become sacred by age, that the people looked upon as permanent, could be so easily set aside, is it reasonable to suppose that there will ever be another? Such faithless, unprincipled combinations are not to be trusted. Why do the people of the South wish to extend their "peculiar institution" into free territory? They, themselves, are not so disingenious as to deny that it is an evil—and a great evil—and yet they not only refuse to rid themselves of it, but show an intemperate zeal to extend the evil to others. The institution of slavery, they say, is handed down from their ancestors. They find themselves entrammeled with it, and cannot safely extricate themselves from it at once. The gentleman says his finer sensibility does not reproach him, as it is an evil that did not originate in him-

self; that he does not sin *per se*, (of himself,) though he holds human beings in bondage. Well for them that they have something to console them, and ease the upbraidings of their consciences! Let us suppose the gentleman to possess a hereditary contagious disease. This may be said to be a misfortune, but no crime. But, supposing he is zealous and active in communicating this distemper to others, can it then be said that he does not sin *per se*?

The immortal Washington and Jefferson did not desire the extension of slavery. The framers of our Constitution were aware that the institution was incompatible with the declaration of rights. I am sorry to say there is a change for the worse since their day. Many who pretend to be the admirers of those illustrious characters, are now striving not only to have the baneful institution established *in perpetuo*, but to extend it as far as possible. God deliver us from such spurious Democracy! These men threaten to dissolve the Union if they are prevented from carrying out their base designs. Our Executive possesses almost unlimited power to arrest their effecting so nefarious a purpose. They dare not, they cannot do it. Look at the inevitable consequences of their forming a separate Confederacy. Such an event would not only be the means of liberating their slaves, but the very lives of the leaders of so foolish a project would be sacrificed. The Union will, at all hazards, be preserved. Greece might have given laws to the whole eastern world, but she wasted her energies in civil strife. The monarchs of the Old World are expecting us to accomplish what they cannot effect. They will be disappointed in their hopes. An attempt to separate this Union will be crushed in the bud. I have no fears on that ground. Northern statesmen have too long succumbed to the unreasonable demands of southern politicians. The time has arrived to stop them in their encroachments.

Look at the fugitive slave law—a law that cannot be enforced, except by resorting to the most desperate means. I cannot go into the merits, or rather the demerits, of this law. The fourth article, third section, of the Constitution, gives no countenance to this arbitrary law. The great city of Boston came nigh being deluged in blood in the case of the rendition of Burns. Let the slave States adopt some means of keeping their slaves, or liberate them. It certainly is not reasonable to make slave-catchers of the people of the East and West; and to repeal the fugitive slave act will be the work of the next Congress.

Sir, the complaint which I make of the Administration is this: that it should pursue a line of policy, and recommend measures to Congress, which every one must know are perfectly obnoxious and contrary to the sentiments of the people, and then call upon the Democratic party in Congress to pass them through without a consultation. If the repeal of the Missouri compromise was to be forced through the House as a party measure, the Democratic members of Congress who were to take the responsibility between the Administration and the people, should have been called together in caucus, and the subject fully and fairly discussed; and every Democratic member, however humble, was entitled to have a hearing in relation to a measure on which would turn his political success or defeat. We all knew it was the members of this House "on whom the tower in Siloam" was to fall. Hence we were the most vitally interested. If the Administration was determined to destroy itself, it had no right to make a slaughter-house of the whole Democratic party. There were some members on this floor who did not desire to be beheaded by the effect of unwise and impolitic measures, forced upon us by the Administration against our own consent. The effect has been, and will be, that two thirds of the Democratic members on this floor are prostrated, politically, and, perhaps, forever. Who is responsible for the defeat of so many Democratic members, and the destruction of the Democratic party? No earthly power but the Administration; and no man can deny it.

My friend near me says I fought against the repeal severely, and he would like to know why I was not again returned. No matter for that, Mr. Chairman. It was "death in the pot" to a Democrat, whether he voted for or against that repeal. It is true, I fought against the repeal of the Missouri compromise, assiduously, night and day. I spoke against it; I voted against it. I afterwards voted to suspend the rules to enable the gentleman from Massachusetts [Mr. ELIOT] to introduce his bill for the repeal of the fugitive slave law. I also voted to abolish the rations of spiritous liquors in the Navy. In all three of these positions which I took, and votes which I gave, I am confident I am sustained by the approval of my constituents. The leading men of the Democratic party proper, treated me very handsomely, and were willing to place my name before the people, but I did not desire a nomination. I thought that "discretion was the better part of valor," and that I would stand aloof from the present fused and confused state of political affairs.

It is true, we all feel the force of the remarks made daily upon this floor, "that the Nebraska and Kansas question was no test in our congressional elections. If it had been, all the anti-Nebraska members would have been returned." My only reply to this is, my position is sustained if I am not returned.

It is too apt to be the case, and is an evil which ought to be corrected, that the people of the North do not stand by those Representatives and Senators who firmly stand by them. If the people would have their sentiments carried out in Congress, they should sustain the men who have the firmness and fixedness of purpose to carry them out. Let me say on this floor, it matters not to me if I am never returned to this Hall again, or if I never hold another political office in my life; I will act in conformity to my own honest conviction of right and duty on all questions, independent of consequences and "the opinion of all mankind." If I am charged with having deserted the ranks of the Democratic party, I reply I have stood firm to the principles of Democracy as I have always understood them; and if the leaders of the Democratic party and the Administration have proved themselves recreant to those principles, as I am certain they have, I throw back the charge of desertion, and declare that it is they who have been unfaithful to the trust reposed in them by a confiding people; unfaithful to the principles on which they were elected; unfaithful to the great principles of human rights, on which all true Democracy is founded; unfaithful to the promises made on their coming into office, and, as I have remained true in all these particulars, there is, necessarily, a separation for which they alone are responsible.

Mr. Chairman, having answered the gentleman, I trust to his satisfaction, I will now return to my point. There never was an Administration that came into office under more favorable circumstances than the present. It does seem to me hat it was the part of wisdom for the Administration to have pursued a line of policy consistent with its professed principles, reflecting, in their system of legislation, the will of the great American people, which would have rendered it one of the most popular Administrations since the organization of the Government. Then the Democratic members on this floor would have been returned to the Thirty-Fourth Congress, and the Democratic party would have been the great absorbing party of the Union.

Had the southern delegation on this floor followed the judicious advice and noble example of some of its most distinguished members—the gentleman from Missouri, [Mr. BENTON;] the gentleman from Louisiana, [Mr. HUNT;] the gentlemen from Tennessee, [Messrs. CULLOM and ETHERIDGE;] and the gentleman from Virginia, [Mr. MILLSON]—by whose wise and patriotic course they have stamped their characters upon the age in which they live, and have erected enduring monuments in the hearts of the American people, they would have taken a bold stand against this unwise policy of the Administration, and they would have maintained the Missouri compromise as a compact with the North. Had they done this, they would have perpetuated the confidence in the honor and integrity of the South which then existed; the repeal of the fugitive slave act would not have been contemplated; and all parts of this Union would have been cemented together as becometh one people—one nation. But they did not do this. It is now too late! The mere reënactment of the Missouri compromise will not appease the righteous indignation of the northern people. They have lost all faith in compromises with slavery and slaveholders, and nothing short of repealing the fugitive slave act; the removal of slavery from the District of Columbia; the entire dissolution of the Federal Government from all connection with slavery;—will restore that unanimity of feeling which existed in this country previous to the repeal of the Missouri compromise.

Every effort was made to avoid the responsibility of thus opening these Territories to slavery. The people were told that slavery would not be carried there if the prohibition were repealed. After the deed was done, during the late canvass in various northern States, the friends of the Administration endeavored to carry out their pretensions in favor of liberty by insisting that there would be no slavery there. This appears to have been a suitable finale of the deception. Even while these pretensions were being put forth, we saw, published in the newspapers, the prices of certain laborers, mechanics, and other inhabitants of these newly organized Territories. By the aid of the Administration, the slave-dealers were then trafficing in a defenseless part of the population. The excitement on the slave question has increased and swallowed up all others. It now wholly absorbs the popular mind. In these attempts to silence agitation, the President has shown himself wholly incompetent to judge of the popular feeling, and the people no longer confide in his ability to conduct the Government.

Now, sir, the North has taken its position. You have repealed the Missouri compromise. It was the basis of all legislative compromises. With it, all others fall; and so far as the free States are concerned, they are under no obligation whatever to retain any act of Congress passed for the benefit of slavery. Indeed, every moral obligation now rests upon them to repeal immediately so much of the statute of 1807 as authorizes the coastwise slave trade. As the South have refused to permit freedom to exist in Kansas and Nebraska, will they insist, or have they the effrontery to ask, northern men to protect their traffic in our common humanity? "Non-intervention," was the cry of the Administration and the South last year; and shall not the next Congress reiterate the watchword when asked to withdraw the protection of our flag to that revolting trade? Will any one contend that we are bound to protect this traffic on the high seas, and discard all protection to freedom in our Territories? No, sir. The cry of "popular sovereignty" will be repeated in the next Congress, when the proposition to repeal the statute authorizing the coastwise slave trade shall come up for consideration. Let the people who are shipped on board our vessels for the slave markets of the South, shape their own domestic institutions. Congress ought not to interfere. Let them cast the slave-traders into the briny deep; Congress will not legislate slavery on board American vessels. Will not the North hold the chalice of "non-intervention" and "popular sovereignty" to southern lips? I am aware that the withdrawal of our protection from this unhallowed commerce will seriously affect the vital interests of the slave-growing States. Their principal commerce consists in buying and selling human beings. These are their principal productions, their staple commodities, on which their prosperity depends. I think we are now prepared to adopt the doctrine of "non-intervention," so far as that commerce is concerned. Let those people be invested with the rights of "popular sovereignty;" and, while on board our ships upon the high seas, we will permit them to go voluntarily to the barracoons of the South, or to take possession of the slave-dealers and carry them to the slave marts of Africa. Let them enslave and sell their masters, or submit to be sold by them.

When the proposition comes up to repeal those laws of the United States which authorize, encourage, or sustain the slave trade and slavery in the District of Columbia, will the South interpose any objection? Will they repudiate the doctrine of "non-intervention?" Shall we withdraw

the protection of Congress to freedom in Nebraska and Kansas, and continue protection to the slave trade and slavery in the District of Columbia? Has this motto of "non-intervention" a local application, suited to particular degrees of longitude? Shall we support oppression and the raising of human beings for market in this city, and withdraw our protection of liberty in Kansas and Nebraska?

Mr. Chairman, the people of the free States are aroused. They have shaken off the lethargy which has so long rested upon them. They are prepared to grapple with this question of slavery, and to wipe away the stain from the Federal Government. No magic wand will again pass over them, lulling them to quiet repose, while southern oppression shall wind its meshes about the limbs of the northern giant. Our Sampson will not be seduced to sleep on the lap of effeminate servility, while she shaves from him the locks in which his great strength lies. No sir; this Federal Government must be divorced from all support of the "peculiar institution." We will wash our hands from the stains of oppression, purify ourselves from its iniquities, and lend our influence, our moral and political power, to the maintenance of liberty, so far as we possess the constitutional right.

The people of the North will take good care to send members here who hold to their doctrines. The time is near at hand when no man can be elected from any free State who hesitates in supporting the principles of freedom.

Then, too, we shall eschew all connection with new slave States. Should Kansas apply for admission with a slaveholding constitution, she will not be admitted to this political copartnership. We will not receive her into our firm. Should she ask us to admit her with the advantages over us of having three votes for every five slaves; or, in other words, should she ask us to receive her into the Union, giving to the holder of five slaves the same influence and power in the Government which four of our intelligent lovers of liberty possess, we will discard and repudiate the dishonorable proposition. No, sir; if she enters this Union she must come with the same rights which we ourselves possess. We will not degrade ourselves by admitting her with superior advantages which would dishonor and degrade every freeman of the North. Our motto shall be non-intervention in favor of slavery; popular sovereignty for the North as well as the South; and we intend this popular sovereignty shall be exerted by the North and acknowledged by the South.

This, then, is our position. We have been driven to it by the Administration. We have been compelled to take it in order to our self-defense—to protect our own honor, our own rights. From my early manhood I have been connected with the Democratic party. It was my pride and my pleasure to act with them while they acted upon Democratic principles; but when, under the leadership of Mr. Pierce, they turned their efforts, and prostituted their influence to extend slavery, to increase its evils, to open up slave markets on soil which, for more than a generation, had been consecrated expressly to freedom, I could not, I *would* not go with them. They set at defiance the popular will, repudiated the doctrines of our fathers, who declared all men to be endowed with inalienable rights to life, liberty, and the pursuit of happiness; and instead of wielding the powers of Government to secure these rights, the present Administration have wielded those powers to remove that security which had been thrown around the people of Nebraska and Kansas by the Congress of 1820.

The people of the whole North, and of the South, also, if true to constitutional liberty, true to themselves, true to the progressive sentiments of the age in which we live, will hereafter see that the powers of this Federal Government shall be wielded for freedom—to promote the objects for which it was originally intended—the happiness and progress of mankind. We shall, if true to these objects, make no more *compromises*. We will carry out the Constitution, giving to all its parts such construction as will "promote union, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to *all* the people" under our exclusive jurisdiction.

AMERICAN POLITICS.

SPEECH OF HON. L. M. KEITT,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

January 3, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. KEITT said:

Mr. CHAIRMAN: Strange things are happening around us. A *crevasse* seems to have broken from the main stream of party excitement, and the waters are flowing in a new direction. The country has been recently amazed by the successes of a novel political organization, which, in my judgment, disparages the dignity of the American character by threatening it with subjection to a secret order. Upon this phenomenon in political life I propose to submit a few reflections.

Names, sir, die; *principles* never. The one is an accident, the other an essence. It is a shallow philosophy which concludes that, in a Republic, any party which is founded upon a specific system of construing the fundamental compact will or can perish. True, the *organization* of the *National* Whig party is *effete*, but that party still survives in principle.

In a federative organization, founded upon a written charter, there will be different constructions of the grant of power. Mental dissimilarities, abetted by the absorbing nature of power, whether in individuals or sections, and the encroachments of material interests not identical, develop types of thought. The exigencies of society originate systems of measures, and these systems correspond to types of thought. A party, then, which is founded upon a type of thought, is as inextinguishable as thought itself. That the Whig party is thus founded, that it is the representative of a specific mode of construing the fundamental compact, no candid man will deny. It is a shallow philosophy, then, which concludes that it will or can perish.

There are, there will be, and there can be, in this Republic, while it lasts, but two *essential* parties. They may not be called by the names of Whig and Democratic parties, but they must be founded upon the same types of thought. And their elementary principles must be the same, a strict and free construction of the Constitution, States rights, and consolidation. Each of these parties has committed violent aberrations from its cardinal principles, but each, by a natural law, speedily returned to its normal state. A great and sudden upheaving of society, or a violent jostling of the machinery of Government, may produce new and strange combinations; but as they are the birth of the moment, they will live only for the moment. The agitations of the political and social elements at the North have recently produced a nondescript thing, which, with a premortuary illumination of its barren history, has baptized itself "Know-Nothing."

Sir, I said "Know-Nothingism" is a nondescript thing. Is it not? Scarcely more and more variant elements were mingled together by the great dramatist in the witches' cauldron, than have been fused together in this "Know-Nothing" organization. If it ever has consistency, it will be the fiery consistency of Abolitionism. I will not discuss its birth-place, but I will examine it in its "early breathings," and also when its stature was grown, and the baptismal water had been poured upon its brow.

I think, Mr. Chairman, it is an error to suppose that "Know-Nothingism" is a mere eruption upon the surface. It penetrates, sir, to the very core of northern society. It is united with the love of power and the struggles of labor to adjust and protect its relations with society.

The Almighty has planted the love of power in every human breast. The struggles of ambition have shaken down the oldest institutions, and often subverted the organic forms of social existence. Anarchy has been its offspring, and the sword has entered to destroy it, for men prefer despotism to anarchy—gradation of ranks, or difference of races, it would seem, are essential to the peace of society. Be this, however, as it may, the ambition to be masters, the resolve to have inferiors beside them, is an element of the northern "Know-Nothing" organization. They have not the race which Heaven has appointed to occupy this position, and therefore they would trample those of their own race into the status of inferiors. They are too pure, too philanthropic, too holy to deny citizenship to the black man; but they will disfranchise the white man. The Ethiopian shall not be an alien among the snow-drifts of the North; but the descendants of those gallant men who left home and its sanctities to struggle for strangers in a strange land, and who survived covered with wounds, or fell upon the field with your bloody flag wrapped around them, shall be made pariahs. Black slaves you will not have; white ones you would make.

I believe, then, that the love of power, the ambition to be masters without the patriarchal relation, without the unselfish antagonism of races, have much to do with this recent organization at the North. But there is also something of a social character implicated in it. The heavings of the social strata in Europe, the rupture and chaos of the industrial relations, and the armed collisions of Governments have swollen vastly the current of emigration to this country. There, war, famine, and the pressure of population against the wall of subsistence have pauperized labor. From the Pennsylvania coal miner comes the cry, "Do not repeal the duty on coal;" from the navigation interest, "Do not repeal the navigation laws;" from the spinners and weavers, "Do not reduce the tariff." Why this cry? They say that northern free labor must be saved from competition with the pauperized labor of Europe, or it must itself be pauperized. One section has been long and oppressively taxed to shield the other from this competition; but even that shield is about to be pierced through. The labor market in Europe is choked almost to strangulation, and the wages of the laborer is the merest pittance. The greatly increased emigration to the United States is crowding all the pursuits of industry in the cities. The capital, enterprise, and business of the country have not expanded in the ratio of emigration to it, and hence competition threatens to pauperize labor here. It is against this prophetic danger that labor is rising up, and gnashing in hate and blindness. Aye, sir, a social problem of mighty import is beginning to force itself upon the northern mind, and grimly demands solution. Labor, blind and staggering, is lifting its hand against capital, and demanding a remodeling of the industrial machinery, and a readjustment of the relations between them. There is, in truth, something of social philosophy in this "Know-Nothing" organization. It is, to some extent, labor suing in the form of proscription and fanaticism, to escape suing *in forma pauperis*. While I say this, I am the friend of the laborer. I would protect his rights and aid his honorable enterprise and industry. But I cannot revolutionize Government, and remodel the organic forms of society to establish an Utopia.

Sir, there is compensation in the scheme of Providence, and punishment for wrong, both in motive and deed. The history of the formation of the Constitution discloses this memorable fact, that even then it was believed and conceded that the northern States were to be cultivated by white labor, and the southern States by African or slave labor. By 1808 it was thought a sufficient supply of white labor would enter the United States by "migration" to supply the wants of northern cultivation, and a sufficient supply of African labor, by "importation" to meet the wants of the South. Hence the clause in the Constitution:

"The migration or importation of such persons as any of the States, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808."

Migration has been uninterrupted, while importation has been abolished. The northern supply of labor has been constant; the southern supply has been cut off. The North has not only used the labor of the emigrants to achieve her miracles of enterprise—to throw bridges across her mountains, hang roads over the clouds, and burst lakes into canals; but she encouraged emigration that she might possess herself of the Federal Government, and acquire political dominion over the South. Even now she will only disfranchise, not prohibit immigrants. She will

disfranchise, because she cannot subsidize them to be hirelings of fanaticism; but she will not prohibit them, because she wants their numbers to swell the census of her population, and strengthen her dominion over the South. Thus, sir, the social philosophy of this organization has been worked up, by ambidexterous arts, into the purposes of the politician.

I do not mean now to discuss the slavery topics which have been thrust into this Hall by various gentlemen. The camp fires lighted by my friend from Georgia, [Mr. STEPHENS,] in his proud march along this subject, still flash upon us. But I will call the attention of the country to a remarkable spectacle. Scarce twelve months ago this Hall rang with hozannas to freedom and free labor. Its Free-Soil champions told us that free labor fertilized industry, and scattered all over the North the monuments of material greatness; while slave labor blighted the South, and dried up the well-springs of her prosperity. They avouched the superiority of their social system, and prophesied its triumph over ours when brought together. How fares the case? Abolition emigrant societies stretched their arms all over Europe to subsidize the foreigner into a crusade against slavery; cupidity and fanaticism tasked their last efforts to appropriate the new Territories—and how fares it with them? The member from Indiana [Mr. MACE] and his compeer, [Mr. CAMPBELL,] strangling their hosannas to freedom and free labor, and stifling the very agony of their Free-Soil rapture, with rude hands tear from her pedestal the goddess of their idolatry, and bring her into this Hall, all bedraggled and bemired, and with disheveled locks, to whine out, "Pity the sorrows of a poor old woman," while her sobs are broken by the shrieks of the member from Massachusetts, [Mr. BANKS,] "northern white slavery; northern white slavery;" "free labor trampled into the mire by banded capital." What hosannas then, and what a palinode now! Then they shook with the convulsions of the sibyl in the birth-pang of prophecy; now they heave with the broken sobbings of the sibyl prostrate, and with her inspirations proved a juggle.

Sir, I repeat it, I will not discuss the question of slavery now with these gentlemen. I will let the Old North State, as she has spoken through her Legislature, speak for me upon it. That gallant old State has never yet learned how to retreat. She has been called Rip Van Winkle; but if she is such, in her slumber all fanatical isms passed over her, and she has now woke up upon the principles of the Revolution, and with the spirit of old Mecklenburg in her bosom.

I will now proceed, Mr. Chairman, to submit a few reflections: First, upon the causes of the astonishing success of this new order; secondly, upon its supposed principles; thirdly, upon its organization; and, fourthly, upon its application and bearing upon the South.

The causes of the rapid progress of this new order I conceive to be, mainly, the disbandment of the National Whig organization, and the lethargy and errors of the Democratic party. The National Whig connection is broken off, and the northern fragments of the wreck are floating on the waters, with an invincible appetency to coalesce with any isms which can carry it into power. They have suffered long enough Spanish martyrdom, (exclusion from the Treasury,) and are ready to seize any elements which can secure success. The northern Whig ground lay fallow, and ready to receive any seed, however rank and poisonous. The lethargy and errors of the Democratic party also contributed to it. It has not appreciated the present conjuncture. It sees not yet that its old opponent has retired from the field, and that most of the old issues have been settled. It is now a stricken Polyphemus, dealing, in blindness, powerful blows. In this social and political crisis it must raise new issues, corresponding to the exigency, and which are now locked up in our destinies, or it must bend to the storm. Public opinion labors, like the priestess upon her tripod, with the prophecy of great events. The world now stirs with tremendous changes, and the Democratic party must shake slumber from it, leave the "dead past to bury its dead," and, catching up the spirit of a new period, chasten it, and move on in its conquering career, or it must be prostrated. That there have been also errors in foreign appointments, which have stimulated the Native American feeling, is not worth disputing.

Thus the disbandment of the National Whig party, and the lethargy and errors, and even the successes of the Democratic party, have aided the progress of this new order. In it there are many men, good and true, wise, honest, and patriotic; but it is, nevertheless, an amalgam of isms and discontents. Its paramount political philosophy is, *whatever is, is wrong*. In every party there are camp-followers, who hover about the field to plunder the dead and rifle the baggage—men who flit from party to party, in the spirit of those who shouted hosannas to Christ, and then poured vinegar upon his lips. In times of trial, such men are flung from party like *scoriæ*, for they follow it only with the motive of those Jews who followed Christ, not because he healed the sick, and gave sight to the blind, but because of his power to multiply the "loaves and fishes." Such men *barnacle* themselves around a new party which promises success. Thus Know-Nothingism has become a sanctuary for malcontents, and a hospital for changelings.

I proceed, in the second place, to discuss the supposed principles of this new order: First, the extension of the naturalization laws; secondly, the exclusion of foreigners from all places of trust and honor; and, thirdly, the proscription of the Catholic religion.

Now, what is the object in extending the naturalization laws? It surely is not to cut off immigration, which is the only way of relieving the labor market from threatened pauperism; it is only to affect the right of suffrage. In discussing the policy of extending the laws of naturalization, I waive the question whether citizenship is necessary to suffrage. I will not discuss whether inter-State comity—whether good faith between the States, contracting for certain purposes as independent and sovereign parties, do not impose moral obligations in prescribing the constituency. In this aspect, I reserve my opinion until the question arises. I propose now to discuss it merely in the view of affecting a state regulation through the agency of a national organization, by binding the people of a State to adapt their regulations to the opinions of the people of other States. It may be useful, however, to examine the power of Congress, under the Constitution, to interfere with the elective franchise within the limits of a State. To do this Congress must either possess some specific grant of power, or it must be incident to some such grant. Is there any specific grant of power in the Constitution? It cannot be found. The Constitution prescribes the qualifications of the *functionaries* of Government, but it nowhere prescribes the qualifications of the constituency. In section two, article one, "And the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature;" the Constitution defines the constituency, but does not prescribe its qualifications. It prescribes the qualifications of the *functionaries* of Government, as, "No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President," &c.; but it in no instance prescribes the qualification of the constituency, *expressio unius, exclusio alterius*. Is it incident to any grant of power to Congress? Clearly not; for the Constitution, in its express grants of power, conveys none whatever, as to the constituency, or the right to regulate suffrage; and, of course, as there is no grant of power upon the subject at all, there can be no power incident to it. Thus, I have examined, in connection with the clauses in the Constitution, the question which meets us at the threshold of this subject, viz: Whether the States yielded up or retained the right to regulate suffrage within their own limits?

Again, is there any difference between the right of a State to regulate suffrage for State offices and Federal offices? Where can it be found? Dare this Government look above, below, or behind the forms of State authority? Can it hold intercourse with the people of a State as moleculae? Can it pass by, supersede, or trample down the forms of a State, and contract with its inhabitants? In fact, can it, or dare it, look into the interior operations of a State? If it can, it is a consolidated, not a federative Government. What danger, too, in the power in Congress to prescribe the qualifications of its electors? Could not the Federal Government expand or contract the constituency to suit its own purposes? Could it not in this way subsidize and enslave the States? People is a term for an organized community; not for a mass, or monster, to which garbage is to be thrown.

It may be argued, however, that the power to "establish a uniform rule of naturalization" enables Congress to regulate the constituency. Is this power deducible from the clause vesting in Congress the right to "establish a uniform rule of naturalization." For what does Congress make a citizen of the United States? This inquiry is expounded by the meaning of the second section, fourth article of the Constitution, which says: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Do "privileges and immunities" relate to the elective franchise? Has not each State a right to affix a property qualification to suffrage? Have not many States done so? Is not a certain period of residence required in all the States? If so, how can "privileges and immunities" relate to the right to vote? They refer to rights of property, and not of suffrage; to personal, as contradistinguished from political rights. The power to "establish a uniform rule of naturalization," is the power to make citizens of the United States—that is, citizens invested with personal rights. The right to regulate suffrage, to prescribe the constituency, is a vital attribute of sovereignty, and in a federative Government, essential to the States.

To remove this question from the field of dialectics, as far as we may, let us consult the debates in the convention which framed the Constitution. In the draft of the Constitution referred to the convention for final action, we find the following clause:

"The qualifications of electors—for members of the House of Representatives—shall be the same, from time to time, as those of the electors in the several States of the most numerous branch of their own Legislatures."

When this clause was under discussion, (Madison Papers, vol. iii., p. 1249,) Mr. Gouverneur Morris moved to strike out all after the words "qualifications of electors," that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Mr. Wilson said: "It was difficult to form any uniform rule of qualifications for all the States."

Mr. Morris said: "An objection against the clause, as it stands, is, *that it makes the qualifications of the National Legislature depend on the will of the States.*"

Mr. Ellsworth thought "the people will not readily subscribe to the National Constitution, if it should subject them to be disfranchised. The *States* are the best judges of the circumstances and temper of their people."

Colonel Mason said: "Eight or nine States have extended the right of suffrage beyond the freeholders. What will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the Legislature."

Thus, it will be seen, no "uniform rule of qualifications" of the electors was adopted, but as different qualifications prevailed in different States, and the power itself was a dangerous one in the hands of the Federal Legislature, the whole subject was turned over to the States. In other words, it was left to the States to regulate the right of suffrage; or, as Mr. Morris expresses it, "the *qualifications of the National Legislature depend on the will of the States.*"

Let us examine, now, the second principle of this new order—the exclusion of foreigners from all places of honor, profit, and trust. What has been our policy in this respect? In 1774, the Continental Congress, while preparing resistance to Great Britain, issued an address to the Catholic inhabitants of Upper Canada. It desired to enlist them in a common struggle against the mother country. In this address, Congress, adopting the words of Montesquieu, says:

"In a free State, every man who is supposed a free agent *ought to be concerned in his own government*; therefore, the legislative should reside in the whole body of the *people*, or their *representatives*."

It also invites them "to unite with us in one social

compact," and to "choose delegates to represent them in the Continental Congress."

In 1776 Congress appointed a Commission to repair to Canada, and strive to effect a union between it and the United Colonies. It instructed the Commissioners, in the strongest terms, to assure them (the people of Canada) "that it is our earnest desire to adopt them into our Union as a sister colony, and to secure the same general system of mild and equal laws for them and for ourselves." The next development . policy, in relation to foreigners, is found in the Declaration of Independence, which recites, among other wrongs of the King, that "he has endeavored to prevent the population of these States, for that purpose obstructing the laws for naturalization of foreigners," &c. The Constitution next provides for immigration to the United States. Thus far the policy of the country has been in favor of immigration. The first departure from it was the "alien and sedition laws." The alien law was founded upon suspicion and dislike to the immigrant and imposed odious discriminations upon him. These laws were soon trampled from the statute-book, amid the fierce execrations of the people. The next blow aimed at the immigrant is years after, and under far different circumstances. The country was engaged in a second war; doubt, distress, darkness hung over our arms, and our existence as a country was upon a trembling equilibrium. The unsparing enemy, with more than Cossack barbarism, had sacked and burned our common Capitol, and, in ashes, had scattered our archives to the winds. His cruisers then darkened our coasts, and his legions were tracked by pillage and conflagration. In this hour of portent, peril, and dismay, a convention met in an eastern State; and for what? "To withhold the resources of New England, and make a separate peace!" Yes, in this troublous and tremendous moment, while the foe was spreading devastation on every side, was marching on by the light of burning villages, and was threatening to blot us from the very map of nations, a convention met in an eastern State to humble our power, and plot our overthrow. What was one of the resolutions of that convention? I will read it to you:

"No person who shall hereafter be naturalized, shall be eligible as a member of the Senate or House of Representatives of the United States; nor capable of holding any civil office under the authority of the United States."

Yes, this is a leading resolution of this convention. Need I tell you what convention this is? Others have met, but none other to paralyze the arm of Government, when our soil was dishonored by the tread of a foreign foe, and our common flag struck at, both on the land and on the water. This is the Hartford Convention, which is "incarnidined" by public scorn in the pages of our history, like the "blood spot" upon the "robe." Well comes this warfare upon naturalized citizens into this Hall, borne in by the m mber from Massachusetts, [Mr. BANKS.] It began with Adams, it festered in the counsels of the Hartford Convention, and it should not enter here, borne in by "unlineal hands." Sir, this fact reads us an instructive lesson. The finger of history has moved round the dial plate, and is resting where it rested forty years ago.

The third principle is proscription of the Catholic religion. Is not the imposition of disability and disfranchisement a proscription? Why disfranchise the Catholic? Do you expect to affect his conviction, and change his religion? Can you dig down to the conscience, lay bare its subtlest chords, and remodel the spiritual substance? This you cannot do. Are Catholics under civil subjection to the Pope, as the member from Massachusetts [Mr. BANKS] intimated? What is there in the Catholic creed to warrant this imputation? In 1789 Mr. Pitt, then Prime Minister of England, before he would relax the disabilities of the Irish Catholics, propounded to the great Catholic Universities the following inquiries:

"1. Has the Pope, or Cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or preëminence whatsoever, within the realm of England?

"2. Can the Pope, or Cardinals, or any body of men, or any individuals of the Church of Rome, absolve or dispense with his Majesty's subjects, from their oath of allegiance upon any pretext whatsoever?

"3. Is there any principle in the tenets of the Catholic faith, by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction, either of a public or a private nature?"

The Universities of Paris, Lourain, Alcala, Douay, Salamanca, and Valadolid declare that neither the Pope, Cardinals, nor any individuals in the Catholic Church have any civil authority; nor can they dispense with an oath; nor are Catholics justified in not keeping faith in any transaction, either of a public or a private nature.

Thus it will be seen that all the universities promptly and unequivocally declared that Catholics were under no civil or temporal subjection to the Pope. The Catholic bishops in Great Britain, in the year 1826, declared that "no power in any Pope, or council, or in any individual, or body of men, invested with authority in the Catholic Church, can dispense with any oath by which a Catholic has confirmed his duty of allegiance to his sovereign, or any obligation of duty or justice to a third person."

The following is one of the curses of the Catholic Church: "Cursed be all Catholics who will not obey the lawful commands of all Protestant authorities, (spiritual matters excepted,) or who will not fulfill their duty, in every respect, to their lawful Protestant King and country." These facts I find in the works of Bishop England, a man of splendid intellect, stainless honor, and royal scholarship.

The archbishop and bishops of the United States, in provincial council assembled, at Baltimore, May, 1843, thus wrote to Pope Gregory XVI:

"It must not be concealed that most bitter enemies of the name of Christ, and alas! they are many, endeavor, with all their ability, to overturn the citadel of faith and destroy it entirely. To succeed in this, they cast suspicions against us among the people, * * * that we, their Catholic fellow-citizens, although our forefathers poured out their blood as water to assert our liberty against a non-Catholic oppressor, in order to make us suspected by the Government and obnoxious to it, lie under political and civil subjection to a foreign prince, namely, the Roman Pontiff, and are, therefore, faithless to the Republic, because, *as they* (our enemies) *falsely assert*, we are reduced under this subjection."

Gregory XVI., in reply, by letter of December 2, 1843, expresses warmly the pleasure the letter, of which the above is an extract, afforded him, and approves its contents.

How long is it since we thought the Catholics unfit for citizenship? Surely the Continental Congress did not think so, when they instructed the Commissioners to Upper Canada to declare to the inhabitants "that we hold sacred the rights of conscience, and promise to the whole people solemnly the free and undisturbed exercise of their religion; and to the clergy the full, perfect, and peaceable possession and enjoyment of all their estates;" and also advised them to "deliberate concerning the establishment of a form of government, and a union with the United Colonies," upon terms, too, "similar to those upon which the other Colonies unite." The Continental Congress surely did not think so, when, in an address to the Catholic inhabitants of Upper Canada, they said:

"We are too well acquainted with the liberality of sentiment distinguishing your nation, to imagine that difference of religion will prejudice you against a hearty amity with us. You know that the transcendent nature of freedom elevates those who unite in the cause, above all such low-minded infirmities. The Swiss cantons furnish a memorable proof of this truth. Their Union is composed of Catholic and Protestant States, living in the utmost concord and peace with one another, and thereby enabled, ever since they bravely vindicated their freedom, to defy and defeat every foe that has invaded them."

Has the nature of freedom become less transcendent, or are we more discerning than the grand old patriots of the Revolution?

But it is said [Mr. BANKS] that the Pope has not renounced his claim to temporal allegiance from all Catholics. And pray, has England done so? How many princes in Europe have renounced the doctrine of perpetual citizenship? Are we to select a class to war upon, because of a despotic and impotent claim, applicable to most other classes? Have not Catholic soldiers carried their monarchs into the very Vatican, and compelled the Pope to anoint and crown them? Have not Catholic soldiers borne the flags of Protestant rulers to victory? Have Irishmen done no deeds of chivalry in the cause of Protestant England? Spread out the pages of English history, and show me a single battle field where empire has been won, or her meteoric flag has floated in victory, and I will tell you where Irish blood has flowed, and Irish valor triumphed.

I proceed now to the organization of this secret order. My friend from Massachusetts [Mr. BANKS] says they "have the right to secrecy." That associations of men for political purposes have the legal right to secrecy is indisputable; but the moral aspect of the question is at least debatable. There are two kinds of right, the legal and ethical. The former looks to the peace of society; the latter to morals. The pampered capitalist has a legal right to refuse a penny to the wretch starving upon his door-sill; but is there no obligation of charity upon him? Are there no duties beyond the reach of law? In a state of isolation, each one possesses rights unqualified by artificial restraints. Government is established for great and indispensable purposes; and necessary to it is the possession of certain powers. Each one, therefore, divests himself of certain portions of his natural rights and power, and bestows them upon Government. The forms of Government are numerous, but each form has some great and vital requirement. The requirement of a Republic is *publicity*. Suffrage is its life-blood; and to give health to the body-politic, it should be not only free, but intelligent and discriminating. How can this be, when measures are planned in secret, and withheld from investigation? I ask, again, is there no public duty beyond the empire of mere law? I have the legal right to cast my vote for the most ignorant and corrupt, but have I the moral right? We have established a political organization which affects us all, and have I the moral right to commit it to those who will use it to the injury of the others? The interests of all are affected by the measures of Government, and does not good faith require that those measures should be subjected to public examination? In society we cannot absolutely individualize ourselves; we must look out beyond self. There is a difference between associated and individual action.

Having premised thus much upon the moral right of secrecy, I submit to the committee three objections to the Know-Nothing organization.

1st. It tends to break down the rights of the States.

2d. It attacks the character of the American people.

3d. It invades the sanctities of social life.

1st. It tends to break down the rights of the States. Does it not profess to extend all over the Union? What are some of its objects? To regulate the right of suffrage, and exclude foreigners from all offices. Does not the subject of suffrage belong exclusively to the States? If so, is not this interference in the interior affairs of a State? Is not this attempt to control suffrage, digging at the very foundation of the State structures, and claiming a power to recast their deepest foundations? Are not the States foreign to each other, except so far as they have contracted together? Are they not foreign as to the right to regulate suffrage? If so, is not this an attempt to consolidate them together in a vital matter, in which they are distinct and foreign by their organic constitutions? Is not consolidation the breaking down of State rights? The social condition of Massachusetts blends with that of South Carolina, and both simmering and seething together, a *tertium quid* is evolved which is to be the rule of Government for both.

Again, "no foreigner shall hold an office of honor or trust." Is not this intruding into the domestic affairs of a State? Proscription must go into everything—into police institutions, into private corporations, into municipal affairs, into the charity of the hospital, and into the garbage of the gutter. If this foreign interference with, and control of, the purely domestic affairs of a State does not break down State rights, I am at a loss to conceive what will. What is consolidation? Is it not a crushing of the States into one whole, so that the inhabitants of each portion may interfere in the management of the domestic affairs of the others? Is not this such an interference? What interior interest is free from its grasp? It controls the municipal council, and clutches at the ermine and jury box. It prescribes the sexton, and lays its hand upon the watchman's rattle. Other national organizations have connected themselves

only with national interests. They professed to take cognizance only of such matters as were common to all by the stipulations of the Constitution; this organization glides along beneath the very foundations of the States, and mangles them, interior, federal, and foreign, into one totality. Its members are secret, are silent, are Know-Nothings! Sir, their designation is aptly chosen, for if they succeed, *they are mutes in the funeral procession of the Republic.*

Sir, I object sternly to this new order, because its march is over the ruins of the States. State sovereignty is the corner-stone of our Federal Temple, and upon it rest our destinies. Consolidate this Government, and no human power can save you from despotism. Can we, dare we, trifle with this great principle? The cause of State sovereignty is a grand and sacred one. Escorted by the memories of the past and the hopes of the future, and crowned, too, with all the royalties of intellect, comes it to us. It has been won through too much blood, and hallowed by sacrifices too august and too tremendous to be shattered by the hand of tyranny. I will not give aught of encouragement to any association which flings even a shadow over the integrity of this principle.

I object, in the second place, to this secret organization, because it attacks the character of the American people. Their character has ever been frank, manly, and magnanimous. They have never paltered with principle upon flimsy subtleties, nor stifled the voice of public faith upon petifogging technicalities. They have not stooped to sophims and subterfuges to vindicate an equivocal honesty, nor have they "hidden in misty generalities their violations of chartered rights." No, they have been proud even in error, and brave even in wrong. God forbid that the manhood of the American character should sicken and disappear under the poison of trickery and insincerity. Evasions and sophisms are an ethical poison, and corrode the best character.

This order requires evasion as the sacrament of admission into it, and under the sophism of individuality, it cleaves down, in secret, the rights of others. It avows not its principles in public, and courts not the light, but it plots at midnight, and strikes under a mask. The elements of manly character are not nursed in secret, and matured upon subterfuges. Against this secret organization the common manhood of the country rises up, for it insidiously attacks the very foundations of magnanimity and frankness in the character of the American people. Private worth is the foundation of public greatness; strike down the one and you destroy the other.

In the third place, I object to it, because it invades the sanctity of society. Does it not invade the relations of life, and corrupt the faith between man and man? If it does not preach, does it not connive at a morality which permits you to betray a friend and deceive an enemy? Will not political treachery, even if it does not fasten upon the character, at least produce chronic and incurable distrust, alienation, and selfishness? Have not men belonged to this secret order while they occupied high places under their old party organization, and thus betrayed their old allegiance? Have not associations of men accepted the candidates of their former party, and carried them with hosannas from hustings to hustings, while they were active members of the new order, and working for its success? Sir, if these things be true—and they are affirmed—do they not poison all the relations of men? What deadlier wrong can you inflict upon society than to obliterate all confidence, and blast fidelity between man and man? Do this, and how know you that the hand you grasp in political fellowship, is not the hand of a political enemy? that the man you shelter is not a spy? Infuse infidelity into your relations, and how know you that treason clings not around your hearth-stone, and stoops not over the couch of friendship? Are great principles to be thus achieved? and can the car of party only be rolled on over the softest charities of the heart, and the sacred ordinances of society?

I now crave the indulgence of the committee while I examine, in the fourth place, the application and bearing of the new organization upon the South. Why should the South encourage it? Is her system of labor threatened with pauperism, or does *she* want to build up castes among the whites? Have not her institutions been assailed, and by those who originated this new order? Sir, what an awful spectacle did the member from Massachusetts [Mr. BANKS] reveal, in his description of the social condition of that State? Two thirds of the population of Massachusetts pressed into the gutter by selfish capital, disowning their manhood, and compelled, in the dark hours of the night, to flit along subterranean paths, and conspire in secret against their own Government. Sir, only insurgent slaves hide from their masters, and conspire at midnight. Are these men, who are the slaves of capital, and who are compelled to plot in secret against their wealthy lords, the men to reform *our* institutions, and brand us with inferiority? Eighty thousand *freemen* in a republic conspiring, in under ground ways, to vindicate their rights at the ballot-box against forty thousand! Is this freedom? Is this free labor society?

Sir, often nominal freedom is practical slavery; and nominal slavery practical freedom. There are two modifications of social existence; the one a corelation of mutual obligation, *i. e.*, inseparability between capital and labor; the other, the dissolution of continuity, *i. e.*, independence between capital and labor. In the former the elective franchise is limited to a portion of the community; but there is no starvation. In the other it is unqualified; but in crowded civic populations ten per cent. die of starvation, directly or indirectly, through typhus fever, insufficient food, imperfect shelter, and all the accompaniments of pauperism. Take you, now, slavery and safety, or free labor, with paper rights and starvation. What remedy, let me ask, is proposed for these evils of your civic population? Socialism! Yes, socialism you prescribe. Your French socialist teachers tell you the evils of society spring from the freedom of society. Labor, through competition, enslaves itself, they say. To guard against this, *labor must be organized.* What means this organization of labor? Why, it means social slavery. Laborers shall not compete, they shall not dispose of their own time and strength—socialism is social slavery. Will the South, then, go into this new organization because it is pauperism enlisted against wealth and charters, and the establishment of a system of social slavery? Will she go into it because of its Abolition tendencies? Do they not exist? Has not the National Whig party disunited because of the Abolition tendencies of its northern wing? Will this wing have less Abolition feeling under a new organization? Will those northern Democrats, who abandoned their party because they said it was allied with slavery, be more moderate Abolitionists in the new party? Do not such materials make up the northern "Know-Nothing" party? Is not its object power and place? Will it not, then, seize upon all elements of strength which can carry it into power? and are not the elements floating about at the North, and eager for coalition, the Abolition and Free-Soil element? They have been strong enough to shatter an old and powerful organization, and will they lose their virus and purpose in a new one?

What, too, have been the practical results of this new party? In Massachusetts alone it has been victorious through its own strength; and what see we there? Is not the Abolition and Free-Soil flag the only one flying? How stand its members elect? I read an extract from the correspondent of the National Era (an Abolition paper) of November 23, 1853. The writer is stated to be John G. Whittier, coeditor, I believe, of the Era, and a distinguished Abolitionist of Massachusetts, who, as much as any man, is booked up in reference to its politics, particularly Free-Soil:

"C. L. Knapp, of the eighth district, is an old liberty man, true as steel. DEWITT in the Worcester district, Trafton in the eleventh, Comins in the fourth, Damrell in the third, and Burlingame in the fifth district, are also Free-Soilers. N. P. BANKS, jr., is triumphantly reelected from the seventh district, against the combined opposition of the Pierce Democracy and the Whigs. He goes back to Washington an Anti-Administration Fusionist. Buffington, of the second district, and Morris, of the tenth, are reliable Anti-Slavery Whigs. Of Davis, of the sixth, and Hall, of the first, we have no very definite knowledge.

"Gardner, the Governor elect, stands openly pledged against the Nebraska fraud and the fugitive slave law. His past history has been evidently that of a Pro-Slavery Whig, but we speak now only of his present position. Brown, Lieutenant Governor, is a Free-Soil Democrat and Fusionist. Of the Senators and Representatives elected, enough is known to be tolerably certain that a reliable man will be chosen to the United States Senate, and effectual provision made for protecting the inhabitants of the State against the fugitive slave hunt."

Thus have *acted* the Know-Nothings of Massachusetts. How spoke they? I will read the resolutions of a Know-Nothing convention in Norfolk, Massachusetts:

"*Resolved*, That we hail with hope and joy the recent brilliant successes of the Republican party in the States of Maine, Iowa, Indiana, Pennsylvania, and Ohio, and we trust those victories are a foreshadow of others soon to come, by which the free States shall present one solid phalanx of opposition to the aggressions of slavery.

"*Resolved*, That in the present chaotic condition of parties in Massachusetts, the only star above the horizon is the love of human liberty and the abhorrence of slavery, and that it is the duty of anti-slavery men to rally around the Republican party as an organization which invites the united action of the people on the one transcending question of slave dominion which now divides the Union."

"Whereas, Roman Catholicism *and slavery* being alike founded and supported on the basis of ignorance and tyranny, and being, therefore, natural allies in every warfare against liberty and enlightenment: Therefore be it

"*Resolved*, That there can exist no real hostility to Roman Catholicism which does not embrace slavery, its natural co-worker in opposition to freedom and republican institutions."

How spoke Gardner, their Governor elect, in reply to the charge that he had aided in the rendition of Burns? He says, in a letter to Mr. Wilson, a Free-Soil leader:

"Were the same charge made against yourself, it could not be more groundless than it is against me. The power of language does not permit me to express the utter loathing I have for the conduct attributed to me. Far sooner would I be the poor quivering wretch on the road again to the agony of bondage, than a volunteer guard to aid in his return. He who invented the charge grossly slandered me; they who repeat it, or believe it, do not know me.

"It is not true that I am, or have ever been, in favor of the fugitive slave bill. I never voted for a man who favored it, knowing such to be his views, and I must very much change before I ever do. I never, by word, act, or vote, favored its passage, and I am an advocate of its essential modification, or in lieu thereof, its unconditional repeal. Returning from Canada last June, I read in the cars that there was a petition for its repeal at the Exchange news room, and, on my arrival, before even going to my place of business, I hastened to the Exchange, and signed the petition."

Is this unbroken testimony of deed and speech nothing? Will the South unite with this northern Know-Nothing movement, animated with the sentiments of Socialism and Abolitionism? Will the South enlist in a crusade of Socialism and Abolitionism that she may exclude from our councils men who, like Gaston, wove laurels in the history of North Carolina, or who, like Porter, whom Louisiana loved to honor, graced the Senate Hall? Will the Whig party of the South go into it? I ask the Whigs of the South, why did you break up your old party organization? Did you not do it because the northern wing of it was too much abolitionized? Did not the northern members of it say to you, "let us agree to disagree upon the question of slavery," and sooner than agree to this, did you not break it up? Will you now enter into a new organization with these men, and agree to disagree upon the same subject? If your devotion to the Constitution and the South made you break up your old party organization, will you trample upon that devotion in joining a new one? I now ask the Whigs of the South—and they are gallant men—whether they will abandon and break up their old party, with its saints, its confessors, and its whole army of martyrs, and fall abject and helpless into the clutches of this new order, with its past of pauperism, and its future of ablitionism and consolidation? Will the Democracy of the South go into this order? Will they abandon their old cause of State rights and the Constitution? Will they desert their old flag which they have waved so often in the breach and over the field, and have illumined even in defeat, and ferment in this new order? The member from Massachusetts, [Mr. BANKS,] the champion of the Know-Nothings here, abandoned the Democratic party because it was not Free-Soil. Has he become pro-slavery? or will the South become anti-slavery? Shall the South contract this alliance? What a picture rises up. There stands the sculptured genius of socialism and proscription, grinning hate against the South—with the saturnalia of emancipation in the front—while the member from Massachusetts is seen in the back-ground, flying wildly in abhorrence from the "black hearse of slavery," his footsteps lighted up

with the lurid glare of a burning convent in Charlestown. If this picture be real, will the South be dragged into it? Is there a southern man who wants a place in it? If such there be, I pray God that the painter may do, in charity, what the painter of the sacrifice of Iphigenia did in skill, throw a mantle over the features of the victim.

Mr. Chairman, I have discussed this new organization with as much impartiality as I could bring to bear upon it. I wish to wound no one; but I would save the South and the character of our people from danger and demoralization. Sir, socialism does not threaten us. Capital and labor are in no antagonism at the South; nor is our society shaken with the strife of classes. Sir, this Know-Nothing prescription, even for the North, as I understand it, scarcely has even the virtue of the nostrum of the quack. If your labor system is in danger, you can only protect it by abolishing immigration. If this is meant, I can understand and appreciate the policy, and the South will take her position. If your population is too crowded, the palladium of your republican liberty is *land, land*. Paper rights, or the elective franchise, are worth but little to a starving man. Sir, the pressure of population against the wall of subsistence will bring deadly peril to this Government, if it last so long.

Sir, I am a Protestant in every feeling, pulsation, and sentiment, but I would proscribe the proscription of any religious creed. If there be persons bound by allegiance to a foreign Power, they are not worthy to occupy civil or political offices, and should be excluded. But I must have proof of this, not allegation merely. If the ballot-box is polluted, the laws of the States must cleanse and protect it. We ask no aid of other and foreign communities to purify and protect it for us. If we combine to defend our rights of suffrage, we will not ask or receive the interference of distant and alien communities.

Sir, this Know-Nothing movement looks to the consolidation of this Government. Its advocates say they wish to preserve the Union. Sir, if this Union is consolidated, is it worth preserving? Consolidate it, and will not the fire of Republican liberty consume it? Consolidate the Union, and the Constitution will be but the silver upon the coffin lid, bright and glittering, but covering that which is rank, foul, and decomposing. Sir, those who would consolidate the Government in order to preserve it, are the harpies defending the feast which the harpies would fain devour.

POLICY OF THE ADMINISTRATION—KNOW-NOTHINGISM—SLAVERY.

SPEECH OF HON. L. M. COX,

OF KENTUCKY,

In the House of Representatives,

January 11, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. COX said:

Mr. Chairman: I have, during the short time I have served in this House, consumed very little time in speaking, and have contented myself by giving a silent vote on such subjects as have come up for action; and now a slight departure from my former practice, I am sure, will not be considered improper by this committee. Several reasons have induced me to pursue a silent course, each of which I deemed sufficient to justify me before my constituents. In the first place, my opinions upon most, if not all, subjects agitated in Congress were known to the people of my district, and I did not deem it necessary to reiterate them here. In the second place, I believe that debate in this, as in all other legislative assemblies, should be confined to the subject before the body, and that, in the discussion of subjects, the reasons in support and opposition of each particular measure, in this day of enlightened civilization, are all that good taste or duty requires.

One other consideration has restrained me from making any observations upon most of the subjects of legislation. In the political complexion of this House I am in a very small minority. According to the usages of party, the organization of the House places the members of the majority in the position to introduce measures, and direct the course of business. Those gentlemen, thus situated, have the means of informing themselves of the views of committees, and of the course which the majority wish to pursue, which knowledge is often concealed from the minority until the action of the House discloses the scheme. It is, therefore, under peculiar disadvantage that a minority member enters the arena of discussion. Besides, it may appear officious and presumptuous to some, if, placed in such circumstances, a gentleman of the minority should obtrude his opinions upon the House, particularly if they should interrupt the plans and purposes of a majority. These considerations have led me to wait the development of the views of the committees, and to cast my vote with reference alone to the constitutionality and expediency of the measures proposed. And if the majority had pursued the course indicated by the exigency of each occasion, I should, perhaps, have continued silent to the close of the session.

But, sir, we have introduced into the debates in this House subjects of a general character, and partaking of but little affinity to the questions under consideration. And in the range of discussion which gentlemen have taken, efforts have been made to give direction to public opinion, and to prepare the people for a course of action suited to the views of party, and promotive of the success of men more than measures. The state of the public mind has been examined, and appliances made, which, if left to operate without counteracting influences, may lead to the establishment of principles subversive of the notions for which I feel great and sincere attachment. For these reasons I have thought proper to express my views on some of the questions under discussion—questions introduced for discussion, and not for action; not to carry out the will of the people in the shape of legislative acts, but to mould public opinion into such a shape as to secure the triumph of future elections and the emoluments of official station. It may be sometimes proper for public men to deliver disquisitions on the principles of Government, and the bases of the social system. But it would seem to be required only when the people have forgotten their true features, or failed to appreciate their value.

In times like the present, when nearly every man in the nation is inspired with sentiments of national patriotism, and the social structure so well understood as to present the most harmonious unity of opinion among the people, there can be but little danger of convulsions which will upheave the social substrata, and overthrow the whole fabric. Gentlemen seem to think, however, they discover in the political horizon indications of a social storm, which threatens the safety and welfare of the Commonwealth. They may be right; but their power of prognosticating is superior to mine, and their sagacity extraordinary, if there are any other signs discoverable than the threatenings of a discontented people with the manner in which the public trust has been discharged by those whom they have elevated to political stations, and to whom they, for a time, confided the direction of public affairs. And if the storm should arise, and sweep from place every incumbent, and fill it with men in whom the people confide, I imagine no serious injury would be done to the principles of republican liberty, or the social structure.

The first point which has attracted the notice of gentlemen, is the condition of the Whig party. It has been said here, repeatedly, that that great, and once united, party is dissolved and disbanded. This assertion has been made in Democratic newspapers throughout the land, and is now repeated here, probably, for the purpose of fixing such a momentous fact in the minds of the people, so that, in any future contest, the idea of rallying the fragmentary and fugitive bands of discomfited Whigs would be a forlorn hope too desperate for the enterprise and intrepidity of the boldest political leader. And, sir, if this oft-repeated assertion should go forth uncontradicted upon the wings of the lightning to every quarter of this wide-spread Republic, much would be gained in promoting the objects and purposes of those who desire to destroy this great conservative party, and share, unresisted, the emoluments and splendors of official station. It is my intention to examine a little into this declaration, and ascertain whether or not it is well founded, or whether it is but the hopeful boast of a party whose triumphs are about to result in miserable and overwhelming ruin.

Sir, what are the evidences of the dissolution of the Whig party? It is true that the Democratic party succeeded in electing the present Chief Magistrate, in 1852. It is true that the Democratic party has a large majority in both branches of the National Legislature—and these facts, in a national point of view, prove the defeat of the Whig party, and place it in a minority. Whilst in a minority, that party, true to the elementary principles upon which it was founded, have not banded together as factionists, and resisted the action of the majority in power, with blind and desperate opposition. The members of that party have not coalesced on a principle of opposition to the powers that be; but, as true and loyal subjects to the Government, and faithful guardians of the public weal, have acted the part of patriotic freemen, and not of enthusiastic partisans. They have given calm and dispassionate consideration to every measure proposed by the majority, and in no instance attempted, by association or caucus, to influence the action of each other in the discharge of their public duties. The Administration has been left unembarrassed in the plenitude of its power, in every department of the Government, to pursue the course dictated by its wisdom, and prompted by its patriotism. And whilst thus free from factious, or even hostile or banded opposition, it has run a course of wrangling, distraction, and domestic strife. The Whigs have stood aloof from its domestic disturbances, and have never sought to augment its troubles, by adhering to any portion of its malcontents.

This generous and magnanimous conduct on the part of the Whigs has been attributed to their imbecility, and their refusal to play the part of blind partisans or malevolent factionists, has been received as proof positive of the death and burial of their party. But, sir, let not gentlemen deceive themselves; nor, shall the country be deceived, if I can prevent it, by these erroneous conclusions and deceptive declarations. The time is approaching when the people will again be called upon to renew the charter of the present party, or to grant the control of public affairs to another body of men. Then the Whig party, not in the spirit of faction, but under the promptings of conservative patriotism, will rise in its strength, and arrest the hand that now holds the scepter, and consign it to men who will wield it for the public good. The union of the Whigs with the discontented Democrats, would now turn the scale of numbers and exhibit this Administration in a pitiful minority. This union is dreaded as the great future evil which may befall the party in power, and daily efforts are made to prevent it, by attaching odious principles of the past to the whole Whig party, and implicating, at present, a large section of it in schemes of unpopular and detestable machinations.

Gentlemen have a peculiar desire to keep the southern wing of the Whig party pure, and hope by detaching it entirely from the North, to win another triumph before the people. The Whigs will take care of themselves; and I trust there is not one of them so blind and deluded as to attach his fortunes to the sinking struggles of a doomed Administration. They will never either unite with factionists or fanatics for the sake of momentary success. But, under the broad ægis of the Constitution, they will invite all conservative patriots to aid them in placing the Government in the hands of men of conservative, definite, and consistent principles, whose Administration shall give safety and permanency to the welfare of the whole Confederacy. It was said by the gentleman from South Carolina [Mr. Keitt] that measures may cease to be expedient, and men pass from the political stage, but that principles are immutable and eternal; and whilst he asserted the dissolution of the Whig party, and the desperate condition of the Democratic party, he maintained that a fundamental difference of construction of the Federal Constitution existed between the parties; and that,

in the reorganization of political forces, they would be based upon this difference, and thus prevent a coalescence. His idea is that the Democratic party is founded upon a strict construction of that instrument, and the Whig party upon a liberal construction. This is no doubt the difference between that gentleman and some gentlemen of the Whig party. But that the Democratic party can claim by its public acts such a distinction, is a proposition which would be more difficult to prove than to assert.

Let us for a moment inquire into the existence, condition, and position of the Democratic party. Where can it be found? In the present Administration and its recommendations? In the acts of Congress approved by the President, or in the acts rejected and vetoed? Does it exist merely in the fact that the offices of the Government are filled by Democrats, or men professing to be of that faith? And if so, where is the embodiment—at the White House, or in the Halls of Congress? If at the White House, what are the evidences that a strict construction of the Constitution is its characteristic feature? What acts or recommendations emanating from that source will sustain this idea? The Cabinet, I suppose, ought to be considered a part of the Executive branch of the Government, and, as a unit, we are to look upon the action of the Chief Magistrate and his advisers as representing the Democratic idea of strict construction. On the subject of roads, we find two members of the Cabinet, in the presence of the President, declaring in favor of the construction of a railroad from the Mississippi valley to the Pacific ocean. But in a short time a message is received from the President himself, discountenancing Government aid to such an undertaking, and leaving the impression that it should be left to private enterprise. So obscure, however, are the declarations, that, to this day, I believe, the precise position of his Excellency is not understood. On the subject of the public lands, the great national inheritance, we find the Executive of opinion that there is no constitutional power to divide the proceeds of their sale equally among the people of all the States, the legal beneficiaries. But, at the same time, he finds power to grant millions of acres to corporations without any direct compensation—relying, for reimbursement, upon the consequential advantages arising by improvements to the residue of the public lands by enhancing their value. Thus, you have no power directly to bestow the lands on the people. But indirectly you can increase their value to the people by directly giving large portions of them to corporations, by which speculators become enriched, and the lands left for the people increased in value, so they have to pay double price to make up the loss to themselves. Add to this the practice, approved by the President, of granting to the States in which the lands lie, millions of acres of swamp lands, on the mere pretext of improving the residue, and of every thirty-sixth section for purposes of education, and of other portions for founding universities and high schools, and you have the scheme of the land policy, not based upon a strict construction of the Constitution, but tending to secure the favor of the new States in political contests for power and place.

Can this principle of strict construction be discovered in the tariff recommendations of the President? It is now, after the close of a year of excessive importation, and exportation of the specie of the nation to pay a foreign debt, when pecuniary distress is felt throughout the land, banks closed, and heavy failures indicating a disastrous withdrawal of the precious metals from the country, proposed to reduce the tariff, not on the strict construction principle, for that allows no discrimination for protection, but simply to the revenue standard for the wants of the Government; that is the aggregate revenue, not to exceed the wants of the Government. The principle of discrimination, however, is kept up, and the tariff proposed would certainly afford protection to some interests. The reduction is not, therefore, for the sake of attaining and confining the tariff to a revenue standard on each article, but merely to arrive at the exact amount of receipts needed for expenditure. And this is recommended under the circumstances in which the country is now placed. The reduction of the tariff may greatly increase the importations; the drain of the precious metals will augment in volume; wages will be reduced in the manufacturing districts; banks suspend payments, and ruin and disaster cover the land, all for the sake of adjusting the sum to be received at the Treasury. There is no evidence of strict construction in this which will commend itself to the devotees of constitutional Government. No, sir, the country wants certainty and permanency in the course of public policy. It does not comport with the interests of a great nation, embracing every variety of soil, climate, and production, and all the varied pursuits of civilized industry, to change the laws affecting so deeply the vital interests of the country, to meet the fluctuations of receipts at the Treasury Board. And now, sir, above all others, is the time when there is danger to the country in tampering with the tariff.

Perhaps the only evidence of strict construction which can be found in the action of the President is in his veto of the bill to improve rivers and harbors. That document is a labored effort to sustain the doctrine of strict construction; and yet it fails, by yielding some points, to make good the whole, and overthrows itself. Power is found to build light-houses, and erect beacons and buoys on the sea-board to guide the home-bound mariner, and enable him to enter safely with his cargo of merchandise. But no power can be discovered by which the thousands of lives and millions of treasure, which float upon the great rivers of the West, may be guided in the dense fogs, and enabled to pass over sand bars and snags in safety. At the last session of Congress a bill passed, and was approved by the President, making an appropriation of $120,000 to remove obstructions in Cape Fear river. This, it was said, was constitutional, because the Government had put the obstruction there. Thus, in order to get power, the Government need not look to the charter from the States delegating it, but merely retrospect its own action; and, whenever any act has resulted injuriously, the power arises to legislate by means not named in the Constitution for remedy. To what subterfuges are men driven to maintain a doctrine which the interests of the people and the influence of sections compel them to violate.

But, sir, there is one other act of the President which cannot be claimed as emanating from notions of strict construction of the Constitution. I allude to the triumphant war with Greytown. The framers of the Constitution had seen the wretchedness to which a people could be reduced by being involved in the desolation and expense of war by the act of their rulers. They, therefore, declared that Congress should have power to declare war, thereby prohibiting all other powers in the Government from declaring or making war. For it would have been useless to say the President shall not declare war, and, at the same time, give him power to make war by acts. War can be begun without any declaration, and when the sword is drawn, and bathed in the blood of an adversary, the nation is at war and must be responsible for the consequences. Where, then, was the power found to demolish Greytown? It is said th were a "nest of pirates." If so, why did we send a commercial agent to reside with them; and furthermore, why not capture them and execute them according to law? I am not attempting to justify the people of Greytown. They may have, and probably did, deserve their fate. But I want to know under what clause of the Constitution the power is found to enable the President to judge the case, pass sentence, and execute it himself?

I will not dwell longer upon the Executive branch of the Government, but turn my attention for a moment to the legislative, and I could triumphantly ask any gentleman of the Democratic party to point out to me in the acts of this Congress the measures which prove a strict construction of the Constitution to be a cardinal tenet in the Democratic creed. You have passed a bill giving portions of the public lands to States, to enable them to provide for the insane, which the President vetoed. You have passed an act making large appropriations for the improvement of rivers and harbors, which the President vetoed. You passed a bill making appropriations for removing obstructions in the Cape Fear river, which the President approved and signed. If the President is a strict constructionist, his Democratic Congress is liberal, and even latitudinarian. Do you claim to be economists, and to retrench the expenses of Government? You have increased the salaries of a large portion of office-holders, and expended more money, than has ever been expended by an Administration, in time of peace, since the commencement of the Government. Upon what, then, do your claims rest, of being Democrats of the strict construction school? Upon nothing but the empty assertion. You have not administered the Government on this principle; and the people will require at your hands an account of your acts and doings, notwithstanding your words.

Having said thus much about parties, it, perhaps, would be proper to say a few words as to my own opinions of the Constitution. I believe the Federal Government is a Government of delegated powers; and over the subjects delegated and the means necessary and proper to execute them, that it is supreme and exclusive. And when a controversy arises as to the constitutionality of a law, the Supreme Court was instituted to expound the Constitution; not politically, but so as to effect the rights of the people under the law. And when that tribunal decides the law, the only remedy is repeal—and resistance to its execution is revolution—a remedy unknown to the Constitution, and never to be resorted to until the Constitution itself loses its attraction, and the people have ceased to have virtue enough to apply the remedy of the ballot-box. With these views of the Constitution, I understand the Whig party to agree. And I trust they will rally, as *constitutionalists*, and preserve the people from the miserable uncertainty of temporary expedients, applied only to localities and particular exigencies.

The gentleman from Mississippi, [Mr. BARRY,] and the gentleman from South Carolina, [Mr. KEITT,] have discovered, in the movements of the people, a dangerous conspiracy against the true spirit of the Constitution and the liberties of the people. Wonderful, indeed, that the people should plot their own destruction, and secretly determine to overthrow the fair fabric of freedom. A mysterious political association has arisen in the land, which has, in silence and without strife, triumphantly discomfited every political leader whom they deemed unfitted for the station he filled or sought; and this mighty agency at the ballot-box has produced terror and consternation in the hearts of thousands of aspiring politicians. Their objects are said to be proscriptive, unholy, and unconstitutional. If so, they ought to be put down. But I have yet to see the proof of the charges brought against them; and, as they are Americans born, it seems to me they ought to have a fair trial, and be confronted with the witnesses against them. What have they done? Voted for the man of their choice in every election in which they have been called to select a public functionary. This they had an indisputable right to do. But they have met in secret conclave, and have declined to disclose their choice till the result disclosed him. Well, there is no obligation upon any man to make known his intentions as to how he intends to vote; nor is there any prohibition, in law or morals, which prevents men from secretly meeting and maturing their plans of political action. All this they have a right to do; and it is the constant practice of political parties, both in office and out of office. The great political success of the Democratic party, in an early day, as I understand, was owing to the introduction of clubs, similar to those which originated in Paris. They are not proved guilty by any overt act. But it is said they intend evil, and ought to be discountenanced. Now, we cannot punish men for what we think they intend to do. Intention is not cognizable in a court of law or morals—at least until the intention is declared; and then a well adjusted system of law only provides for preventive, and not for retributive justice.

The gentlemen, in their zeal for liberty, outstrip the objects of their condemnation in the race of proscription. For while they denounce the Know-Nothings for proscribing Catholics and foreigners, whose principles are known, they proscribe the Know-Nothings, whose principles, they say, are not known. They condemn a native-born American for conspiracy against liberty, because, the native-born American concerts with his fellow-citizens to preserve his liberty. They do not so

much condemn his acts as his motives and objects. This thing of condemning men for intention is more dangerous to liberty than all the Native American orders in the land.

In the day of monarchical tyranny in England, the law punished with drawing and quartering any person who imagined the death of the King. This law contains the very essence of the principles of the gentlemen's speeches against the Know-Nothings. They imagine the political death of office-holders, and must be condemned. One poor fellow was executed under that law for wishing a buck, horns and all, in the King's belly; and under the same spirit the whole native American tribe would dangle in the air, for wishing a similar fate either to his Excellency the President, or the Irish nation. Our fathers guarded us against such indefinite and tyrannical laws, and as if they foresaw that a time might arrive when constructive treasons would be useful to men, even in this country, they provided in the Constitution that "treason should only consist in levying war against the United States or adhering to her enemies, giving them aid and comfort." Now, if waging a political war against office-holders at the ballot-box is levying war against the United States, then, I presume, the Know-Nothings would be guilty of treason.

I did not, however, intend to defend the Know-Nothings; but to speak of abstract principles of right appertaining alike to every American citizen. I cannot subscribe to the doctrine that freemen are to be condemned because they choose to exercise their freedom in their own way.

But it is said that the objects of the Know-Nothings are to proscribe Catholics and foreigners. If the Know-Nothings propose to establish, by law or Constitution, a religious test as a qualification for office, I am not with them, for I would not make a man's faith, which is often the result of circumstances over which he has no control, either a qualification for, or exclusion from, public trust. But if the Know-Nothings only intend to vote for Protestants, in preference to Catholics, I see no reason to complain, as they have the right to do so; and it is a right which has been rigorously exercised by Whigs and Democrats towards each other for many years. I presume the Protestant who places his suffrage upon this ground, does so because he believes there is a political sentiment lurking in the Catholic faith, which is not in harmony with his notions of popular rights and free Government. It is not on the ground of a difference of religious faith that he rejects the Catholic, but on the ground that the Catholic entertains a politico-religious faith not in harmony with his sentiments, and which may be called into action if occasion should require. Now, this may be an error of Protestants, and no such sentiment or faith may be possessed by Catholics. If so, the Catholics must convince their Protestant brethren of the utter groundlessness of the charge, and there will be no longer any want of harmony in politics between native Catholics and Protestants.

The next grave charge is that the Know-Nothings intend to proscribe foreigners. I do not understand that they wish to deprive them of a single right they possess; but that they will require a longer probation before they will share with them the priceless inheritance derived from their fathers. If the introduction of large numbers of laborers annually into the country tends to depress the wages of the native laborer, is it strange that he should desire to prevent their coming? If the elections in particular sections of the country are controlled by men unenlightened by the free principles of civil liberty, is it surprising that the native Americans should be discontented, and anxious to curb that influence? The foreigner has no right to participate in the privileges and franchises of the Government, until the authorities of the country confer it upon him, and if the people think proper to withhold that right until they are fully satisfied of his intelligence and loyalty, they do him no injustice. They only decline that which belongs to them. It is only a question of generosity. One that gives after twenty years is not so generous as one that would give in five, yet both are generous in giving such privileges at all.

The gentleman from South Carolina [Mr. KEITT] said this American party in the North was allied with the Abolitionists. Abolitionism is odious in the South; and if this assertion were proved, it would do much to discredit the mysterious order. What are his proofs of this charge? That in the recent elections in Massachusetts they had returned Abolitionists to office. Why, sir, by this kind of proof I can fix the charge of Abolitionism on the Democratic party, of Ohio and Massachusetts both. For Democratic Legislatures or unions of Democrats and Abolitionists elected Democratic Abolition Senators from both those States. His proof only amounts to this: that the Know-Nothings of Massachusetts voted for Abolitionists. Well, sir, the Democrats of Massachusetts and Ohio did the same; and a recent Democratic convention, assembled for the State of Ohio, adopted resolutions denouncing the Know-Nothings, and slavery. If, therefore, the gentleman's proof fixes the taint of Abolitionism on the Know-Nothings of Massachusetts, the proof is equally clear that the Democratic parties in Ohio and Massachusetts are abolitionized to the core. I will say this to the gentleman, if any party of men should propose an Abolitionist to me for my suffrage he would not receive it.

But, I do not feel convinced that the Know-Nothings have anything to do with Abolitionism in their organization. If men in Massachusetts who feel impelled by duty to their own laboring classes to entertain a strong American sentiment, so much so as to unite to prevent the evils of immigration from foreign countries, and still vote for Abolitionists for office in Massachusetts, it by no means follows that this American party have adopted Abolitionism as one of their articles of faith. It is all a bugbear, held out to frighten southern men, and force them into a different political direction from that which they have long pursued.

The gentleman from South Carolina [Mr. KEITT] made another discovery. The progenitor of Know-Nothingism was the Hartford Convention, which assembled in 1814. This convention declared hostility to foreigners. He had stated before that the North had invited immigration, and now rudely turns against the foreigner. How many foreigners had the North got by her invitations up to 1814, when she turned against them? How many were then her factory slaves? Her factories were not established, and very few foreigners were then in New England. Her factories commenced about the time of the close of the war. Before that she lived by commerce. Hence the distress she felt under the restrictions of commerce which preceded and accompanied the war. So the gentleman is mistaken in this conclusion, although he may find some proclamation of a New England Governor inviting foreigners from Canada.

By way of completing the relationship of Know-Nothingism to every odious sentiment and measure in the history of the nation, the gentleman said it was the same in principle as the alien and sedition laws of the elder Adams's administration. I wondered that he did not connect it with Shay's Rebellion, the Whisky Insurrection, and the modern battle of Chepactul under the lead of the late Governor Dorr. Opposition to foreigners, he said, was the principle of the alien law. No, sir, the gentleman has mistaken, I think, the history of the times. What induced the alien law? A foreign minister organized and established his secret clubs in this country, in which he concocted and was preparing his scheme of involving this, then infant republic, in the great vortex of European war. Not content with receiving the sympathy of his own fraternity of clubs, he thought proper to commence commissioning persons to cruise upon the high seas, against our friends, in vessels fitted out and supplied in our peaceful ports, and against proclaimed neutrality by the Father of his Country. He was ordered to desist from his unlawful schemes, and had the impudence and audacity, under that French idea that a citizen of one free Government is a citizen of every other, to tell General Washington that he did not understand the Constitution of his country, and if he persisted in his purpose to arrest his movements, he would appeal to the American people to aid him, in defiance of the President. Well, sir, happily for the country, Washington was at the head of affairs; he taught the foreign gentleman a lesson, and blighted all his prospects of embroiling this nation in war. Many foreigners, then lately come to the country, united in this unlawful project, and became so pestiferous in a few years, as to lead to the enactment of the alien law. I say nothing in praise of that law, but I have stated the provoking causes which led to its enactment; not abstract hostility to foreigners, but efforts to prevent scheming foreigners from plunging us into a war which might have resulted in the destruction of our liberties.

I can perceive a forcible reason why the North should be particularly anxious to prevent the introduction of foreigners. They compete directly with their native laborers; and by increasing the number asking employment, reduce the price of labor.

It may be said, that if labor is reduced in price, articles of manufacture will be produced for less cost, and likewise be sold for less prices; and, to a small extent, this effect might be felt; but it would be very slight on the agricultural and consuming classes, and would produce misery and want among the operatives directly under its influence. I am not willing to sanction a policy which will reduce the amount of the laboring man's reward. In the southern States, where slave labor is chiefly employed, immigration, confined to the free States, may not materially affect the value of labor. Nor does the free native laborer of the North, in my judgment, compete with the slave labor of the South. The cotton-producing States feel, perhaps, more sensibly than any other section of the country, the effect of discriminating tariffs, and protection to manufacturing labor; and I would be unwilling to establish a policy which would depress the interests of that section. But the burdens of the Government must be borne; and, in adjusting them, reference should be had to every section and interest, so as to equalize them as nearly as possible. The western agricultural States are deeply interested in maintaining the price of American labor at a reasonable compensation; for, while the prices keep thousands engaged in manufactures, the productions of these States are required to feed them, thus sustaining the laborer, the mechanic, and agriculturist at the same time, by a system whose burdens are scarcely perceptible in the costs and expenses of domestic life.

I will, before I sit down, allude to one other subject, which has, unhappily, been the subject of long and continual strife between the northern and southern sections of the Confederacy—the subject of slavery. I had hoped that, after the great struggle of last session, the people of all parts of the nation would acquiesce in the settlement of that question upon the principle of almost universal approbation, abstractly considered, that the States and Territories should hereafter be left to regulate this subject, without appeals to, or interference by, Congress. This is a practical mode of adjustment, and precludes the necessity of moral arguments on the abstract right of slavery, or constitutional disquisitions as to the power of Congress over the subject. The voice of the whole country, I hope, would say the subject has been remanded to the people, there let it stay forever; and he that again revives the agitation in Congress, let him be *anathema maranatha*. These hopes have been somewhat shaken, but I still believe such will be the end of the controversy.

I want to say to my northern Whig friends, that I have too much faith in their love of country, their desire to perpetuate this glorious Union of States, and preserve the inestimable blessings of civil freedom, to believe that they will countenance a further agitation of this subject. Let the past be buried in oblivion. Let us not waste our strength in vain and fruitless strife about questions affecting other sections of the Union in their domestic affairs. Let us, as we have reached a point where we can agree, if we will but sacrifice the heated recollections of a former struggle, drop forever a subject which has been the bane of all our councils, which has divided us and delivered us, bound hand and foot, to our political adversaries, and, as constitutionalists, move forward in the cause of peaceful conservatism, looking alone to the preservation of our liberties, and the advancement of the happiness of the whole people.

PACIFIC RAILROAD.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

January 16, 1855,

On the physical geography of the country between the States of Missouri and California, with a view to show its adaptation to settlement, and to the construction of a railroad.

The House being in the Committee of the Whole on the state of the Union, on the Pacific railroad bill—

Mr. BENTON said:

Mr. CHAIRMAN: I have desired for some time past to change the plan of making this road—to withdraw it from legislative authority, where political and sectional interests must always interpose—and leave it to a company of business men, where business considerations could only prevail, for this is a case in which private interest and public interest would go hand in hand, that which would be best for one being best for the other; and so insuring the selection of a route which would be most national, because most suitable to the greatest number. With this view I have turned my attention to private enterprise, and have found solid men who are willing to take the preliminary steps now, preparatory to the final assumption of the work—Congress granting the necessary authority, and conferring the right of way through its territories, one mile wide on each side of the road. No military protection—no alternate sections—no gift of money—no aid but the right of way, and payment for transportation of mails, troops, and munitions, according to a plan not yet matured. Telegraphic lines to be established or permitted, and transportation to begin before the road is finished, by using stage coaches for the remainder, according to a plan which may be agreed upon. No exclusive privilege, except in two degrees on each side of the road, to keep off competition, leaving all the rest of the country open to other roads. The substitute bill which I propose contains the names of some of these citizens, and with whom other solid men will deem it a privilege to be associated—not that all will be expected to be millionaires, but only good for what they promise: for it is not intended that straw-men or wind-men shall get control of this undertaking. The consent of those in the bill will be necessary to the admission of every new associate; but after the act shall be accepted, books of subscription are to be opened in every State of the Union, and the stock divided into convenient shares, to suit short as well as long purses.

Congress has ordered surveys of routes: they are not ready: but that is no impediment to the adoption of my substitute, which fixes no route; but leaves it to the company to choose their own: and no company, using their own money, will act upon any surveys but their own. Such a company will look before it leaps: and if it did not, it would not leap long. It will send out its own surveyors—practical engineers and road-makers—to report upon every mile of the way, and under every aspect of cost and feasibility. To such a company the Government surveys are not wanted, even if ready, and made properly, in winter as well as summer: and, in fact, they were not intended for a company, but for Congress—intended to enable Congress to fix the route itself—a consummation which it is now found to be impossible to attain. I would have preferred that Congress should have made the road, as a national work, on a scale commensurate to its grandeur, and let out the use of it to companies, who would fetch and carry on the best terms for the people and the Government. But that hope has vanished, and the organization of Kansas having opened up the country to settlement, and placed it under law, and carried it into conjunction with Utah and New Mexico, a private company has become the resource and the preference. I embrace it as such, utterly scouting all plans for making private roads at national expense—of paying for the use of roads built with our land and money—of bargaining with corporators or individuals for the use of what we give them—a species of bargaining in which my observation informs me that the Government gets about as badly cheated as Moses Primrose was when he sold the colt which had been in the family nine years; and as much worse as his father was when he undertook to help out the matter by selling Blackberry. I presume every member knows how that was: for I would be sorry to suppose that any one, possessed of the English language, had lived to man's estate without enjoying the luxury of reading the Vicar of Wakefield. For my part, I have been reading it since I was five years old, and with augmented enjoyment every time, and especially since they have got to putting pictures in it, and above all that picture of Moses selling the colt for a gross of green spectacles with silver rims and shagreen cases: a picture for which the United States sit every time Congress undertakes to make a bargain for the public. I eschew all such bargains, and all private roads made at public expense; but am willing to have as many as any one pleases upon the same terms as contained in my substitute—and there will be room for several such; but I do not think another will be built in our day.

I prefer the central route: the Administration eschews that route, and lays out its strength in favor of frontier routes, by Canada and Mexico. It sent a surveying party on the central, but only to go a part of the way, and turn round—leaving the essential section between the Little Salt Lake and the valley of the San Joaquin unexamined. Mr. Frēmont supplied that omission last winter, exploring a new and direct route between those points, and through the Sierra Nevada—completing all that was wanting in that quarter. This new route cut off the elbow to the southwest made by the old Los Angeles trail, avoided the desert which it crossed, and left far to the south those excitable sand fields, in which no number of horses can leave a track—in which what is a hillock to-day is a hole in the ground to-morrow—where, under a gentle breeze the sands creep like an army of insects—where the traveler who lies down to sleep during the night in a light wind, must rise and shake himself often to avoid being buried in the sand: and where, during a high wind, the air is filled with a driving tempest of silicious particles, very cutting to the skin and eyes, very suffocating to the throat, very dangerous to men who are not tall and swift—where men and animals fly for their lives when they feel the wind rising, and where this Administration would carry the road. Frēmont's new discovery avoided all that; but without conciliating our Administration. Frontier and foreign routes monopolize their affection, and engross their cares, involving, in my opinion, at least in one instance, a misapplication of the appropriation for the survey of routes. I allude to the Puget Sound route, skirting the British line all the way, going where nobody travels, where nobody lives, and where nobody can now want a road except the British fur company, and a certain chartered company, of which Mr. Robert J. Walker and Mr. James Duane Doty are the heads; and which route the debates in Congress show was not within the contemplation of the law when the appropriation was made. I nominated it a British road from the time the survey was ordered, but did not expect to have any other evidence of it than what the case itself afforded; but I now have other evidence, and produce it. Here it is! [holding up a document;] and I proceed to read from it, and first, of the title, which runs thus:

"CANADA. 1st session, 5th Parliament, 18 Victoria, 1854. Petition of the Hon. Augustus N. Morin, and others, praying for a charter by the name of the "Northern Pacific Railway Company," &c., &c. Ordered by the Legislative Assembly to be printed, November 30, 1854. Presented by the Hon. Mr. Young. Quebec: Printed by Lovell & Lamoreux, Mountain street. Reprinted by Ira Berry, Portland, Maine."

I give the whole title, but only a part of the contents, beginning at page 4—thus:

"From information furnished, by the report of His Excellency Governor Stevens, we entertain no doubt, not only that a practicable route exists in this direction from the head of Lake Superior to Puget's Sound, and the mouth of the Columbia river; but that this is by far the best, if not the only possible, route for a railway to the Pacific, north of El Paso, near the thirty-second parallel of north latitude. It is also believed that, after crossing the Rocky mountain summit, a favorable and direct route may be found to San Francisco. Assuming the correctness of the foregoing propositions, it will be perceived, at a glance, that at some point or place in the valley of the Missouri river, not far from the great bend of that river, there will be found a focal point to which all the railways of the continent, east of the Rocky mountains, reaching westward toward the Pacific, will naturally converge, as to a common point of junction and intersection."

Thus, it was Governor Stevens's survey which put this Canadian company on the scent of a North Pacific railway, by the head of Lake Superior, to Puget's Sound; and, as the Administration sent this Governor on that survey, *ergo* the Administration put this company on that scent. All that is clear enough. We see where the impulsion comes from. But not quite so visible the source of the next proposition, which outlaws all the country for a road north of El Paso, in latitude thirty-two, clear out to the Puget Sound route, in (near) latitude forty-nine. They do not tell where they get that information, which nullifies seventeen degrees of latitude for a road, including the only latitudes on which people travel voluntarily, and over which some ten, twenty, fifty thousand people travel every year, with flocks and herds, and all sorts of vehicles, from a road wagon to a wheelbarrow. The source of this information is invisible; but it corresponds with official notions here, and also with the bill under consideration, as it stood when first reported, providing for one road south of thirty-seven and one north of forty-seven—leaving the ten intermediate degrees, and which cover all the voluntary traveling, to remain destitute of a Federal road. There is, however, consolation in the declaration that it is "believed" that there is favorable ground for a direct road to San Francisco after crossing the mountains on the Puget Sound line; and also in the prospect of finding a focal point at the north bend of the Missouri, in north latitude near forty-nine, and west longitude one hundred and five from London; where all the railroads of the continent, east of the Rocky mountains, can have their conjunction and intersection.

We proceed to another reading, at page 5—thus:

"From this point eastward, along the southern shore of Lake Superior, to the Sault St. Mary, crossing the river at that point, and continuing along the northern shore of Lake Huron, till the valley of the Ottawa is reached, it is believed that an uninterrupted, practicable, and favorable route for a railway may be found; from the bend of the Missouri to Montreal; which is already connected by railway with the Atlantic ocean at Portland."

Montreal! That is to be the eastern terminus of this American-British road, which is to run half way on one side of 49°, and half way on the other—and which is to have a branch to the Atlantic ocean at Portland, in Maine. Now, leaving out all other considerations, I would wish to know who is to have the use of this road in the case of war with Great Britain? Whether it is to be used in common, to carry on hostilities against each other, or whether each nation is to be confined to his own half, and neither be so naughty as to interrupt the other? That is a question for West Point to answer! Let us read on, same page:

"We deem it quite unnecessary in this connection to enter into any argument showing the value or the necessity of such an undertaking as a railway to the Pacific. It is enough to justify us in a movement in this direction to know that similar efforts are now making at several points in other parts of the United States, for which charters have been granted, and considerable progress made to carry them into effect."

That is the inducement to this Northern Pacific Atlantic railway. Other chartered companies, in other parts of the United States, making efforts in favor of similar roads, and considerable progress made in carrying them into effect. I know but one such chartered company, and that is twin sister to the British route, and as far to the south as the other is to the north; and of which Robert J. Walker, Samuel Jaudon, and Thomas Butler King are leading corporators. Nor do I know of any progress they have made, except in the ten million purchase of a tract for them by the United States. Nor do I know of any progress they can make, unless they get hold of Texas land or United States land. Still the notice is kind, and shows that the British road has a fellow-feeling and a sympathy for the Santa Anna road. One other reading, and we finish:

"That magnificent domain of the United States, drained by the head waters of the Mississippi, the Missouri, and the Red river of the north, lying north of the 44th parallel of latitude, would find in this route its easiest and most direct outlet to the Atlantic sea shore. From Fort Mandan, or from the Great Bend of the Missouri, to the Atlantic

ocean at Portland, the distance would be less by hundreds of miles, than by following the Missouri and Mississippi rivers to their common mouth at New Orleans. If the waters of these mighty rivers could be turned into Lake Superior, and be, at the same time, navigable for steamboats, so that the magnificent chain of inland seas which now finds outlet through the St. Lawrence, extended, unbroken, westward to the bases of the Rocky mountains, we might form some idea of the value and importance to all who dwell within the St. Lawrence basin, of the plan herein proposed. The extension of such a line of railway across the continent, over the route proposed, would, as we believe, confer upon Canada and the northern States of the Union, a degree of commercial and political importance beyond our present power to describe or even to conceive."

Certainly this looks like annexing a slip of our Union to Canada, five degrees wide, for the political and commercial benefit of the aforesaid Canada and the northern States. Not only make a British road, but turn our great rivers into Queen Victoria's dominions—a thing more practical than speculative, as may be seen by observing the equilibrium of the British and American waters above the Falls of Saint Anthony, and at the turning point in the Great Bend of the Missouri. Certainly it would be a relief to the Missouri and Mississippi to be so turned, as they could rest one half the year in the torpidity of congelation; whereas, if they continue going to the Gulf of Mexico, they will have no such chance of rest, and must remain running all the time. But whence this conception, so new and so striking? It smells of science—West Point science: but the Administration must stand father for it, as the diversion of the rivers is certainly a derivation from the road; and the road is a derivation from the Administration: *ergo*, the Administration is father, or, at all events, grandfather, to this proposed alienation of our rivers—pride and glory of the Great West. This is too bad. It was bad enough to sell the snag-boats, and render impossible any speedy removal of the snags, even under an act confined to great rivers—to those which are kings of floods; but to give them to the British, that is too bad! and we of the West must insist on keeping them, snags and all! and trust to swimming and luck to save lives when a hole is knocked in the bottom of the boat, and the boat itself descends to the bottom of the river.

Then follow the signatures, eighteen in number, and divided like a jury *de medietate linguæ*, to try a foreigner for his life, half and half—the Canadians on one side and the Americans on the other, thus:

A. N. MACNAB, M. P. P.,	JOHN A. POOR,
A. N. MORIN, M. P. P.,	ST. JOHN SMITH,
JACOB DEWITT, M. P. P.,	J. B. BROWN,
A. T. GALT, M. P. P.,	ELIPHALET GREELY,
HENRY SMITH, M. P. P.,	CHARLES Q. CLAPP,
J. CHABOT, M. P. P.,	WILLIAM W. THOMAS,
JOHN YOUNG, M. P. P.,	J. M. WOOD,
JOHN EGAN, M. P. P.,	A. W. H. CLAPP,
IRA GOULD.	JOHN MUSSEY.

I dismiss this British route, with the remark that the execution of the survey was in keeping with the misapplication of the funds which made it—as abortive and costly as the object itself was useless and anti-national.

The Mexican route is the next great favorite of this Administration, and this they have purchased from Santa Anna for ten millions of Federal dollars, when Mr. Robert J. Walker publishes that he was purchasing the same from the same character, for six thousand five hundred dollars in money and half a million in Texas railroad stock. This route passes through Chihuahua and Sonora, and may well be called the Mexican road; and is intended to go to New San Diego, which is south of Old San Diego, in the southwest corner of California, and where a crew of official speculators have laid off a town, and built government houses—by what authority I know not—and where, reaching the Pacific five hundred miles short of San Francisco, it is intended there shall be a virtual, if not an actual termination of the road, and San Francisco superseded by New San Diego as the commercial emporium of the American Pacific coast. If things have not miscarried, this road was to fall into the hands of the company, the leading member of which (Mr. Robert J. Walker) is also in the charter for the British road; and whose brother-in-law, (Mr. Emory, of the Topographical Corps,) is at the head of the survey department of these routes, and is out at present on the Mexican line, fixing the boundary for the new route through Sonora and Chihuahua.

I assume this Mexican route to be the favorite of the Administration, and that the surveys on the Central route, on the New Mexico route, and the Gila route, were only "tubs to the whale," to amuse the spouting fish, while they were preparing for the real game; and my reason for that assumption is this—*that they bought it pending these surveys!* which must stand for proof that they rejected the other routes, and meant to have this, cost what it might! and actually contracted for it at twenty millions of dollars, which the Senate reduced to ten—thus balancing the British road in the north, by a Mexican one in the south—forcing travel to go where no man goes voluntarily—and outlawing the whole intermediate country where alone all the traveling is.

Mr. Chairman, in a speech on this subject at the last session, I stated that it was said that this Mr. Emory was interested "*in*" the city of New San Diego. He contradicted the statement promptly, rudely, and truly. My informant immediately apprised me that I had committed a mistake in using the preposition "*in*"—that the gentleman's interest was not "*in*" the city, but *outside* of it—not in city lots, but in suburban land. And, now, being thus corrected, I seize the first suitable occasion to make the amends, and to secure to this official all the difference that can be detected between an interest *inside* and *outside* of this intended grand emporium of the Pacific trade.

Sir, I make no comparison of routes. I am willing to vote to a private company, which will make this Mexican road at its own expense, the same facilities which I ask for the company for which my substitute bill provides; but am not willing to make a national road outside of the nation; not willing to make a private road at public expense; not willing to give to any company the thirty miles wide alternate sections, the $600 a mile mail pay, and the every twenty mile military posts which this bill proposes; and that, while going a thousand miles round, and upon soil not yet naturalized, and through States as well as Territories, and across deserts in which a wolf could not make his living; over arid plains in which a poisoned rat could not get a drink of water; and through ambulatory sands in which the army of Xerxes could not leave a track.

There are some things too light for reason, too grave for ridicule, too mischievous for the contempt of silence; and into that category I put all these exterritorial roads which seek foreign soil, which go where nobody lives, which would require a legionary police to protect in time of peace, and armies to protect in time of war; and which would be of no use to our United States, either in peace or war. Yet these outside highways seem to be the cherished objects of this Administration, and of all the "scientific corps" also. It is not only the British road by Canada, and the Mexican road by Chihuahua and Sonora, which they cherish, but worse still! a foreign route by land water! The Isthmus of Tehuantepec—at the price of money and diplomacy; at the cost of quarrels, and even war with Mexico for a Sloo or Garay; at the cost of a double ocean voyage, and a land transit under a foreign flag; at the cost of a conquering navy to protect it, and a circuit of five thousand miles round. The bare recital of such folly is the only chastisement it will endure; and even that much it would be ridiculous to give, if the authors of such insanity were not now in power, wielding the influences of legislation, diplomacy, patronage, and surveys, in promotion of their object. Surely the tendencies of this Administration are most centrifugal.

I make no comparison of routes, but vindicate the one I prefer from erroneous imputations, and invite rigorous examination into its character. The belt of country, about four degrees wide, extending from Missouri to California, and of which the parallels thirty-eight and thirty-nine would be about the centre; this belt would be the region for the road; and of this region, its physical geography and adaptation to settlement, and to the construction of the road, it is my intention to speak; and to publish, as part of this speech, something of what I have spoken elsewhere, but do not now repeat, because unnecessary here; but essential to the full exposition of the subject in the prepared and published speech.

I have paid some attention to this geography, induced by a local position and some turn for geographical inquiry; and, in a period of more than thirty years, have collected whatever information was to be obtained from the reading of books, the reports of travelers, and the conversation of hunters and traders; and all with a view to a practical application. I have studied the country with a view to results, and feel authorized to believe, from all that I have learned, that this vast region is capable of sustaining populous communities, and exalting them to wealth and power; that the line of great States which now stretch half way across our continent in the same latitudes—Pennsylvania, Ohio, Indiana, Illinois, Missouri—may be matched by an equal number of States, equally great, between Missouri and California; and that the country is perfectly adapted to the construction of a railroad, and all sorts of roads, traversable in all seasons. This is my opinion, and I proceed to verify it: and first, of the five States, their diagrams and relative positions; and then their capabilities.

The present Territory of Kansas, extending seven hundred miles in length, upon two hundred in breadth, and containing above one hundred thousand square miles, would form two States of above fifty thousand square miles each. A section of the Rocky mountains, embracing the Three Parks, and the head waters of the South Platte, the Arkansas, Del Norte, and the eastern branches of the Great Colorado of the West, would form another State, larger, in the opinion of Frémont, than all the Swiss cantons put together; and presenting everything grand and beautiful that is to be found in Switzerland, without its drawback of avalanches and glaciers. The valley of the Upper Colorado, from the western base of the Rocky mountains to the eastern base of the Wahsatch and Anterria ranges, two hundred miles wide by two hundred long, and now a part of Utah, might form the fourth; and the remainder of Utah, from the Wahsatch to California, would form the fifth, of which the part this way covering the Santa Clara meadows, and Wahsatch and Anterria ranges, would be the brightest part. Here, then, are five diagrams of territory, sufficient in extent, as any map will show, to form five States of the first magnitude. That much is demonstrated: now for their capabilities to sustain populous communities, and their adaptation to the construction of a railroad.

We begin with the Territory of Kansas, and find its length above three times its breadth, and naturally divisible into two States by a north and south line, half way to the mountains. The eastern half is beginning to be known from the reports of emigrants and explorers; but, to understand its whole interior, the general outline of the whole Territory must first be traced—in the mind's eye, or, upon a map. Maps are not convenient in so large an assemblage; so the mind's eye must be put in requisition, and made to follow the lines as indicated—thus: Beginning on the western boundary of Missouri, in the latitude of 37°, and following that parallel west, to the eastern boundary of New Mexico; then a deflection of one degree north to the parallel of 38°; and on that parallel to the summit of the Rocky mountains; then northwardly along that summit to the parallel of 40°; then east with that parallel to the Missouri line; and south with that line to the beginning. This is the outline; now for the interior: and for the sake of distinctness, we will examine that by sections, conformable to the natural divisions of the country.

1. We commence with the Kansas river, on the north side of the Territory, and its four long forks—the Smoky hill, the Saline, Solomon's, and the Republican—of which the Smoky hill is the most considerable, and in the best place for the advantage of the Territory. All these forks flow in the right direction—from west to east—and are beautifully parallel to each other, without mountains or ridges between to interrupt their communications; and making, after their junction, near two hundred miles of steamboat navigation before their united waters reach the great Missouri river. All the land drained by these streams constitute the valley of Kansas—if the term valley can be

applied to a region which has but little perceptible depression below the general level of the country. We will consider the term applicable to all the territory drained by all the Kansas forks, and all their tributaries. One general description applies to the whole—the soil rich like Egypt! and tempting as Egypt would be, if raised above the slimy flood, waved into gentle undulations, variegated with groves and meadows, sprinkled with springs, coursed by streams, and warmed by a sun which warms without burning, and blest with the alternation of seasons which give vigor to the mind and body. Egypt thus raised up, and changed, might stand for Kansas; as she is, the only point of comparison is in the soil. For this valley is high and clean, diversified with wood and prairie, watered by springs and streams, grassy and flowery; its bosom filled with stone for building, coal for fuel, and iron for the home supply of that first of metals. This is the Kansas of the northern, or Kansas river side, where Frēmont says, (and he has a right to know,) a continuous corn field two hundred miles in length, might be made—so rich and level is the country. But of this part it is not necessary to say much, as the crowds of emigrants are directing themselves upon it, and vieing with each other in the glowing descriptions which they give of its beauty, salubrity, and fertility.

I turn to the south side of the Territory, of which little has been said, and much is to be told, and all profitable to be known. In the first place, this south side includes the whole body of the Arkansas river, from near the Missouri line to its headmost spring in the Rocky mountains—a length of above seven hundred miles on a straight line, and near double that length in the meanders of the stream. This gives to the Territory a second large river, and in the right place, and flowing in the right direction, and parallel to the other, as if its twin sister; and so near together as to be seldom more than a degree, and sometimes not half a degree, from each other; and no mountains or high grounds between them. This, of itself, is a great advantage to the Territory; for the Arkansas, like all rivers in the prairie country, brings fertile borders, and groves of wood, and rich grass, and makes an attractive line for settlement and travel. In the next place, it gives a succession of tributaries on each side—each giving lines of wood and water—the only thing wanted for settlement and cultivation. Some of these tributaries are of great length, and drain wide areas—as the Neosho, drawing its expanded headwaters from the center of the Territory, two hundred miles long, and becoming navigable before it reaches the Arkansas river. The Verdigris is but little less than the Neosho, and next above it, and of the same characteristics; and both adapted to cultivation, and pasturage. On the opposite side, coming in from the south, is the Salt fork of the Arkansas, the lower part of it within the limits of Kansas, with its salt plains and rock salt, impregnating the river, and rendering its waters undrinkable in the dry season. I have seen parcels of this rock salt at St. Louis, cut off with hatchets by the Indians, and of the blown salt, swept up by the squaws with turkey-wing fans when the autumnal sun had evaporated the briny waters of the saline marshes—all so useless now in the hands of the Indians, and to become so valuable in the hands of the whites. Ascending the river, there is a continued succession of affluents from each side, all exercising their fertilizing powers upon bordering lines of wood, soil and grass; and becoming better to the very base of the mountains. So that the river advantages on the north side of the Territory are rivaled by similar advantages on the south side.

I have spoken of the two sides of the Territory; now for the center—and that is soon dispatched; an expanded prairie, level to the view, rich in soil, scant (but not destitute) of water, green with grass, and enlivened in the proper season with myriads of buffaloes, spreads illimitably before the eyes of the traveler. Some springs, many small streams, numerous pools, peculiar to these plains, (reservoirs of the rains,) invaluable for stock, furnish the present supply, to be helped out by wells as soon as settled. The annual autumnal devastating fires being stopped, the indigenous forest growth will immediately come forth, accompanied by the exotics which the thrifty farmer will lose no time to introduce. Coal will furnish fuel; so that the whole central plain will receive settlers from the beginning, and especially on the line of road actually traveled, and where the railroad may be expected to be. In the mean time the settler has an attraction—superior with many, and profitable as well as pleasant in itself—to draw him into this vast plain. It is the pastoral pursuit: for this is the bucolic region of our America—now the resort of wild animals, and soon to become the home of the domestic. A short sweet grass, equally nutritious in the green or dried state, (for it dries of itself on the ground,) covers the face of the earth, inviting all ruminating animals to take their food upon it, without measure and without stint: a great pastoral region, in which the ox will not know his master's crib, nor the ass the hand that feedeth him; but in which the dumb, unconscious beast, without knowing it, will feel the bounty of the hand which is the Giver of all good.

This is the description of the first Kansas—the one which will go half way to the mountains—equal in territorial extent to the first class States, exceeded in productive capacity by none—and soon to become one of the great States of the Union. I will call it East Kansas.

II. The second State would occupy the remainder of the territory to the base of the Rocky mountains; and, like the first half, will have the natural division into three parts, and with the same characteristics, but with a reversal of their localities. The Arkansas river side will be far the most valuable, both intrinsically and in its locality; but the Kansas side will still have its value and attraction. Frēmont says of it: "The soil of all this country, (upper Kansas and base of the mountains,) is excellent, admirably adapted to agricultural purposes, and would support a large agricultural and pastoral population." He says it is watered by many streams, but without wood, except on their borders; that grass abounds, and among its varieties, the *esparcette*, a species of clover, so valuable for the pasturage of swine, cultivated for that purpose in Germany, but indigenous in all this base of the mountains.

But the valley of the Upper Arkansas would form the pride and strength of the upper State—West Kansas, as I will call it, including, as the Territory does, a part of the superb valley of San Luis, and the beautiful Sahwatch, which forms a continuation of it, and which leads to the famous Coochatope pass.

Frēmont thus speaks of this upper part of the Arkansas, as seen by him in his various expeditions, and especially in the one of the last winter:

"The immediate valley of the Upper Arkansas, for about two hundred miles, as you approach the mountains, is continuously well adapted to settlements, as well as to roads. Numerous well watered and fertile vall ys, broad and level, open up among the mountains, which present themselves in detached blocks, (outliers,) gradually closing in around the heads of the streams, but leaving open approaches to the central ridges. The whole of the intermountain region is abundant in grasses, wood, coal, and fertile soil. The *pueblos* above Bent's fort prove it to be well adapted to the grains and vegetables common to the latitude, including Indian corn, which ripens well, and to the support of healthy stock, which increase well, and take care of themselves summer and winter."

Of the climate and winter season in this elevated region, he thus speaks:

"The climate is mild and the winters short, the autumn usually having its full length of bright open weather, without snow, which in winter falls rarely and passes off quickly. In this belt of country lying along the mountains the snow falls more early and much more thinly, than in the open plains to the eastward; the storms congregate about the high mountains, and leave the valleys free. In the beginning of December we found yet no snow on the *Huerfano* river, and were informed by an old resident, then engaged in establishing a farm at the mouth of this stream, that snow seldom fell there, and that cattle were left in the range all the winter through."

This was the first of December. Eight days later, and when advanced an hundred miles further, and standing in the Sand Hill pass of the Sierra Blanca, which looks both into the head valleys of the Del Norte and of the Arkansas, he still writes:

"On the 8th of December we found this whole country free from snow, and Daguerre views, taken at this time, show the grass entirely uncovered in the Passes."

This is the winter view of this country and its climate, and certainly no mountain region could present anything more desirable for man or beast. A summer view of it is given by Messrs. Beal & Heap, in their central route journey to California, in 1853, thus:

"Upon reaching the summit of the *buttes*, a magnificent and extensive panorama opened to our view. The horizon was bounded to the north by Pike's Peak—to the west and northwest by the Sierra Mohada, (Wet mountain,) Sangre de Christo mountains, and the Spanish Peaks: to the south and east extended the prairie—lost in the hazy distance. On the gently undulating plains reaching to the foot of the Rocky mountains, could be traced, by their lines of timber, the course of the Arkansas river, and its various tributaries—among them the Huerfano, (Orphan river,) easily distinguished from the remote point (nearly due west,) where it issued from the Sierra Blanca, to its junction with the Arkansas, except at short intervals where it passed through canyons in the plain. Pike's Peak was a prominent object in the landscape, its head capped with eternal snow, soaring high above all the neighboring summits. The river (Huerfano) bottom was broad and thickly wooded with willows and cotton wood, interlaced with wild rose and grape vines, and carpeted with soft grass—a sylvan paradise. The scenery, as we approached the country between the Spanish Peaks and the Sierra Mohada, was picturesque and beautiful. Mountains towered high above us, the summits of some covered with snow, (July,) while the dense forests of dark pines which clothed their sides, contrasted well with the glittering white at the top, and the light green of the soft grass at their base. The humidity of the Sierra Mohada gives great fertility to this region; and the country bordering on the sides of the mountains, as well as the valleys in their recesses, are unequaled in loveliness and richness of vegetation. To the settler they offer every inducement; and I have no doubt in a few years this tract of country will vie with California or Australia, in the number of emigrants it will invite. It is by far the most beautiful part of New Mexico, (now a part of Kansas;) and a remarkably level country connects it with the western part of the Atlantic States. As soon as this is thrown open to settlement, a continuous line of farms will be established, by which the agricultural and mineral wealth of the country will be developed."

Mr. Charles McClanahan, a Virginia emigrant to California, and a large dealer in stock to that country, writing back to me from the valley of San Luis in August, 1853, says:

"On this route almost the entire way may be settled, as all the land from Missouri to Bent's Fort is rich, and very fertile, equal to the best lands of Missouri and Illinois; and no land can beat the Sierra Blanca for grass. Even to the very summit it stands as thick as the best meadows, and many acres would mow at least four tons to the acre. Then comes the large and beautiful valley of San Luis, said to be one of the most fertile in New Mexico. Indeed, fine land is upon the whole route, and the climate is such that the stock can live out all the winter upon the grass. On this route there is an abundance of grass and water, so much so that stock will travel and keep fat. A very large majority of our sheep are as fat mutton as any in the Philadelphia or Baltimore market; and a very large number of Mr. Barnwell's cattle are fine beef, and I have never seen any stock, after traveling so far, look half so well."

Mr. Leroux, in his published letter to me, describing, among other things, the valley of San Luis, which lies east of the Coochatope pass, and leads to it through the Sahwatch valley, and which valley of San Luis is now partly in Kansas, says:

"There is a large valley to the east about fifty or sixty miles wide, and near one hundred miles long, reaching from the Coochatope to the Taos settlements at the little Colorado. The Del Norte runs through this valley, which is the widest and best valley in all New Mexico, and can hold more people than all New Mexico besides. It is all prairie except on the creeks, and on the river, and on the mountain sides, which are well wooded. It is a rich soil, and covered with good grass, and wooded on all the streams. The Spaniards called it EL VALLE DE SAN LUIS, and it was formerly famous for wild horses and buffaloes; and ever since Taos was settled by the Spaniards, the inhabitants drove their sheep and cattle there to winter. Before the Utah Indians became so bad, the stock, as many as fifty or sixty thousand head of sheep and cattle, have been driven there to winter, which they did well, feeding on the grass during the day, and sheltering in the woods about the shepherd's camp at night. Most of the winters there is no snow along the foot of the mountain on the north side of this valley, being sheltered from the north, and open to the sun to the south. The United States have established a military post in this valley, not far from the pass of El Sangre de Christo, and about two hundred families have gone there to live, chiefly near the fort, and raised crops there last year; and now that they have protection, the valley will soon be all settled, and will be the biggest and best part of New Mexico. About three hundred families more were preparing to move there. The post is called Fort Massachusetts."

This is the western or Upper Kansas, and will make another great State; and both will quickly be ripe for admission into the Union—East Kansas in 1855, and the western in 1856. They will both be settled with unexampled rapidity. In agriculture and grazing alone they present irresistible attractions to the settler. But it is not agricultural and pastoral advantages alone, great as they are, which are to attract people to this region; other causes are to add their inducements to the same attractions, and render them invincible. At

the head of these other causes stands the pre-emption law, now engrafted as a permanent feature in the federal land system, and made applicable to all the public lands in the Territory. By virtue of this law the laboring man, without a dollar in his pocket, is put ahead of the speculator with his thousands. He may choose for himself out of the wide domain—mark out his choice—take possession—work it: and raise enough out of it, or on it, to pay the Government price by the time the pay is demandable—with the good prospect to see it rise to ten or twenty times as much as it cost within a few years. This is a chance for a freehold, and of provision for a family, which the wise and industrious tiller of the earth will not neglect. Then come the political advantages. The act of Congress creating the Territory gives great political rights to unnaturalized settlers coming into it. It gives the elective franchise, and eligibility to office, upon the simple declaration of an intention to become a citizen of the United States, and taking the requisite oaths. This is an advantage which the foreign emigrant will know how to appreciate, and to appropriate. Then comes an advantage of a different kind still, novel but energetic, and already in full operation—the competition for excess of settlers between the free and the slave States. That competition though deplorable in its political and social aspect, must have one good effect upon the Territory—that of rapidly filling it with people—the only point of view in which I refer to it. Finally comes a fourth cause in this extra list for attracting settlers—one that must have its effect upon all who can reason from cause to effect—who can look ahead and see what is to happen by seeing what exists—who can estimate the force of natural causes, which are self-acting and irresistible, and which work out their results without the directing and helping hand of government. It is the Pacific railroad! Kansas has the charter from nature for that road, and will use it. She has the smooth way on which to place it—the straight way on which to run it—the material with which to build it—the soil and people to support it—and the salubrious climate to give it exemption from disease: and she has in her southwest quarter, precisely where the straight line requires them to be, the multiplied gates which open the mountains to the Pacific—the Coochatope, the Carnero, the San Juan, the Poonche, the Medio, the Mosca, the Sangre de Christo, the Utah. These passes, and the rich, grand, and beautiful country in which they lie, command a road—and will have it; and the pre-emptioner who acquires a quarter section on its line, may consider his fortune made.

Now I think I have provided for two of the five States which I have promised, and that within the brief space of one and two years, and each upon a larger population than has ever yet been required from other new States. Now let us proceed to the other three, and let us dispatch them in less time than these two have required.

III. We take a section of the Rocky mountains, from 37° to 41°—near three hundred miles north and south—and go down to the base on each side, say a hundred miles or more each way—making an area of sixty thousand square miles, while all the Swiss cantons have not twenty thousand. Here, then, is territory enough for a great mountain State. Now let us look to its contents and capabilities. First, there are the Three Parks, first described by Frémont, and since laid down on all the maps—large, beautiful, mountain coves, two of them of thirty miles diameter each, the other of sixty—at a great elevation, delightful in summer, and tempered in winter, from the concentration of the sun's rays; and sheltered by the lofty rim of mountains, forever crowned with snow, which wall them in, and break off the outside storms. The name is not fanciful, nor bestowed capriciously by travelers, but a real description, translated from the Indian name of these parks, which signifies "cow lodge;" and not without reason, for the buffaloes not only feed, but lodge there, and make them the places of their immense congregation; attended by all the minor animals—elk, deer, antelopes, bears. Then the innumerable little valleys in which rise the myriad of young streams which, collecting into creeks, go off to start upon their long courses in the mighty rivers..which, there rising together, go off in opposite directions, some to the rising—some to the setting sun; the South Platte, the Arkansas, the Del Norte on one side; and the Great Colorado of the West on the other—all four born so near together, to run so far apart: a point of similitude to Switzerland which the instructed mind will not fail to perceive; and also to discover another similitude in Pike's Peak, grand in its elevation, forever luminous in its mantle of snow—the Mont Blanc of the Rocky mountains, which no adventurous Packard, or De Saussure, has ever yet climbed. Then an endless labyrinth of little valleys and coves, where wild animals luxuriate in summer, and shelter in winter; and where the Indians pursue their game in all seasons without impediment from cold or snow; and where their horses do well on the grass, retaining much of its moisture and nutriment. Frémont thus describes the general winter condition of these valleys:

"Our progress in this mountainous region was necessarily slow; and during ten days which it occupied us to pass through about one hundred miles of the mountainous country bordering the eastern side of the Upper Colorado valley, the greatest depth of the snow was (among the pines and aspens on the ridges) about two and a half feet, and in the valleys about six inches. The atmosphere is too cold and dry for much snow; and the valleys, protected by the mountains, are comparatively free from it, and warm. We here found villages of Utah Indians in their wintering ground, in little valleys along the foot of the higher mountains, and bordering the more open country of the Colorado valley. Snow was here (December 25) only a few inches deep—the grass generally appearing above it; and there being none under trees and on southern hill sides. The horses of the *Utahs* were living on the range, and, notwithstanding that they were used in hunting, were in excellent condition. One which we had occasion to kill for food had on it about two inches of fat, being in as good order as any buffalo we had killed in November on the eastern plains. Over this valley country—about one hundred and fifty miles across—the Indians informed us that snow falls only a few inches in depth; such as we saw it at the time."

This is the winter condition of these little valleys, very comfortable for man and beast, even in their wild state, and to become more comfortable under the hand of cultivation. The summer view, as presented by Messrs. Beale and Heap, is absolutely enchanting—a perfect labyrinth of valleys, with their cool water and sweet grass; some wide, some narrow; some bounded by perpendicular walls of rock, like streets in a city; others by softly rounded hills; some studded with small circular mountains, called by the hunters "round mountains,"—fertile on the sides, level and rich on the top, diversified with wood and prairie, and refreshed with clear streams, and beautified with deep, limpid miniature lakes. These descriptions are charming, but too numerous for quotation; and I can only give a specimen of each:

"The trail led over low hills and down a succession of beautiful slopes, running mostly in a southern direction, until we entered a narrow winding valley, two miles and a half in length, by one and two hundred yards in breadth. It was shut in on each side by perpendicular walls of rock, rising from fifty to seventy-five feet above the level of the valley, whose surface was flat and carpeted with tender grass. A stream of clear water meandered through its center, and the grade was so slight that the stream overflowing in many places, moistened the whole surface. As we descended this beautiful and singular valley, we occasionally passed others of a similar character. It ends in Sahwatch valley, which we entered about one hour before sunset." "The valleys down which we traveled, and which opened into each other with the regularity of streets, grew gradually broader as we descended. We finally entered one watered by Carnero (Sheep) creek, which joins the Garita, (Gate creek) in San Luis valley; and at noon encamped a short distance above a gate, or gap, through which the stream passes; (and whence it derives its name.) Half a mile below this gap there is another; and a quarter of a mile further a third. The passage through them is level, while the trail around them is steep and stony. In the afternoon, we went through the first gap, made a circuit around the second, as it was much obstructed with trees and bushes; and, leaving the third on our left, rode over some low hills; and five miles from camp, crossed the Garita. We were once more in San Luis valley, and all before us was a perfect level, as far as the sight could reach." "Our way for a mile or two led over a barren plain, thickly covered with grice wood, but we soon struck the base of the mountain, where firm, rich mountain grass swept our saddle girths as we cantered over it. We crossed a considerable mountain covered with timber and grass, and near the summit of which was quite a cluster of small, but very clear, and apparently deep lakes. They were not more than an acre or two in size, and some not even that, but surrounded by luxuriant grass, and perched away upon the mountain, with fine timber quite near them. It was the most beautiful scenery in the world. It formed quite a hunter's paradise; for deer and elk bounded off from us as we approached; and then stood within rifle shot, looking back in astonishment. A few hours' ride brought us to the Indian camp; and I wish I here could describe the beauty of the charming valley in which they camped. It was small, probably not more than five miles wide by fifteen long, but surrounded on all sides by the boldest mountains, covered to their summits with alternate patches of timber and grass, giving it the appearance of having been regularly laid off in small farms. Through the center a fine bold stream, three feet deep by forty wide, watered the meadow land, and gave the last touch which the valley required to make it the most beautiful I had ever seen." "Hundreds of horses and goats were feeding on the meadows and hill-side: and the Indian lodges, with the women and children standing in front of them to look at the approaching stranger, strongly reminded me of old patriarchal times, when flocks and herds made the wealth and happiness of the people, and a hut was as good as a palace. I was conducted to the lodge of the chief—an old and infirm man, who welcomed me kindly, and told me his young men told him that I had given of my small store to them, and to 'Sit in peace.' In about fifteen minutes a squaw brought in two large wooden platters, containing some very fat deer meat, and some boiled corn, to which I did ample justice; and when about to leave, found a large bag of dried meat, and a peck of corn put up for me to take to my people." "This morning I explored the mountain lying to the south of our camp, forming a picturesque portion of our front view. After ascending the mountain and reaching the summit, I found it a vast plateau of rolling prairie land, covered with the most beautiful grass, and heavily timbered. At some places the growth of timber would be so dense as to render riding through it impossible without great difficulty; while at others it would break into beautiful open glades, leaving spots of a hundred acres, or more, of open prairie, with groups of trees, looking precisely as if some wealthy planter had amused himself by planting them expressly to beautify his grounds. Springs were abundant, and small streams intersected the whole plateau. In fact, it was an immense natural park, already stocked with deer and elk, and only requiring a fence to make it an estate for a king. Directly opposite, to the south, another mountain, in every respect similar; and a valley, more beautiful to me than either, lies between them."

Enough for a sample; and if anything more is wanted to establish the character of this mountain region for fertility of soil and attraction for man, it is found in its character of *hunting*, and of *war* ground. Frémont says he found it the most variously and numerously stocked with game, and the most dangerous war ground, which he had seen in all the extent of the Rocky mountains—both indexes to a fertile country. The country sought for by animals, and fought for by men, is always a good country. Western men will understand this, and remember how Kentucky was called the "*Bloody Ground*," because Indians came there to hunt the numerous game, feeding on the rich grass, product of her rich soil; and to fight for its possession. By this test, and it is one which never fails, our mountain State will be one of eminent fertility.

We Americans are in the habit of referring to Europe for a point of comparison for everything we wish to praise in our own country, although our own may be far superior; therefore, I compare this mountain State to Switzerland, although it is disparaged in the comparison. Its valleys are more numerous and beautiful—its mountains less rugged, and more fertile—its surface more inhabitable—its climate more mild, and equally salubrious—more accessible by roads; the mule everywhere sure of its feet, the carriage of its wheel; and the hunter at liberty to pursue his game without fear of slipping into a bottomless icy chasm, betrayed by a treacherous covering of snow. Its little round mountains, with their grassy sides, and rich level tops, and natural parks, and miniature lakes, and sweet flowing waters—have no parallel in Switzerland, or in any other part of the world. And upon this view of their relative advantages, I am ready to adopt the opinion of Frémont, and to go beyond it, and to celebrate this mountain State as being as much superior to Switzerland in adaptation to settlement as it would be in extent—and, to crown its recommendations, just half way to the Pacific, and on the straight line.

IV. The valley of the Upper Colorado would furnish the territory for the fourth State—one hundred and fifty miles wide from the western base of the Rocky mountains to the eastern base of the Wahsatch and Anterria ranges—and three or four hundred in length, up and down the river. The face of the country is high and rolling, with alternations of woodland prairie, and open to roads and settlement in any direction. The soil, like much of that on the Rio Del Norte and in southern California, is peculiar and deceptious—looking thin and sandy to the eye, but having an element of fertility in it which water impregnates, and enables to send forth a vigorous vegetation. All it wants, and that only in places, is irrigation; and for this purpose, and for all purposes, there is water enough; for this valley is probably the

best watered region in the world, and is obliged to be so from the configuration and structure of the country. The valley is formed by the lofty ranges of the Rocky and Wahsatch mountains; which, wide apart at its lower end, converge as they go north, and unite above latitude forty-two —giving to the long and broad valley they inclose the form of the Greek letter delta (Δ), or of our V inverted. The summits of these mountains are covered with eternal snows—their sides with annual winter snows; and these latter beginning to melt early in the spring, and continuing till mid summer, fill the earth with moisture, and give rise to myriads of springs, creeks, and small rivers, which collect into the two forks of the Colorado, called by the hunters Green and Grand rivers; and, in their junction, constitute the great river itself: for the country below, being sterile and arid, contributes but little to swell the volume of the great river which traverses it. The climate in this valley is mild—the month of January being like autumn to us. We owe this knowledge to the last winter expedition of Frēmont, who says: "The immediate valley of the Upper Colorado, for about one hundred miles in breadth, and from the 7th to the 21st of January, was entirely bare of snow, and the weather resembled autumn with us." Coal abounds in this valley, cropping out in thick strata in the bluffs of Grand river, (the east fork of the Great Colorado;) and a saline creek, thirty miles long, and formed by salt springs, falls into the same fork from the north: and both the coal and the salt are in the line of the contemplated road to the Pacific. This would be the fourth State—equal in extent to any, inferior in soil, superior in wood and water, softer in climate, better in due alternations of woodland and prairie; and being part of the Utah Territory, it is now under the dominion of law and government, and open to immediate settlement, which, in fact, is now going on.

V. The fifth State would consist of the remainder of the Utah Territory, beginning at the eastern base of the Wahsatch and Anterria ranges, and extending three hundred miles to the California line—upon whatever breadth might be desired. It would include (towards its eastern border) the Little Salt Lake, which is two hundred and sixty miles south of the Great Salt Lake; and which designates a country as much superior to that of the Great Salt Lake as itself is inferior to that large and marvelous body of salt water. It would be a magnificent State; its eastern limit, there the rim of the Great Basin, would embrace the broad expanse of the Wahsatch and Anterria ranges, or rather blocks, as they are cut up into short sections—probably the richest mountain region in the world, where nature has crowded and accumulated into a hundred miles square, as into a vast magazine, a profusion of her most valuable gifts to man. Soil, water, grass, wood, timber, rock-salt, coal, stone, a due alternation of mountain and valley—the former cut into blocks, white on the top with snow, dark on the sides with forests, and their bosoms filled with ores; the valleys green with grass, fresh with cool water, opening into each other by narrow level gaps, or defiles; the climate so soft that animals live out all the winter, and February (so frosty and frozen with us) the usual month there for starting the plow: I say starting the plow; for the Mormons, since several years, have seen the beauty of this region, and have come upon it. We owe to Frēmont's last winter expedition the revelation to public view of this magnificent region, more valuable than all the golden mines of California and Australia put together. He had seen these ranges in his previous expeditions, and given them a page in his journal, and a place in his map; but it was not until his last expedition that he penetrated their recesses, and saw their hidden treasures. He was fourteen days in them—from the 24th of January to the 7th of February—and thus speaks of what he saw:

"They lie between the Colorado valley and the Great Basin; and at their western base are established the Mormon settlements of Parowan and Cedar city. They are what are called fertile mountains, abundant in water, wood, and grass, and fertile valleys, offering indecements to settlement and facilities for making a road. These mountains are a great store-house of materials—timber, iron, coal—which would be of indispensable use in the construction and maintenance of the road, and are solid foundations to build up the future prosperity of the rapidly increasing Utah State. Salt is abundant on the eastern border; mountains—as the *Sierra de Sal*—being named from it. In the ranges lying behind the Mormon settlements, among the mountains through which the line passes, are accumulated a great wealth of iron and coal, and extensive forests of heavy timber. These forests are the largest I am acquainted with in the Rocky mountains, being, in some places, twenty miles in depth of continuous forest; the general growth lofty and large, frequently over three feet in diameter, and sometimes reaching five feet, the red spruce and yellow pine predominating. At the actual southern extremity of the Mormon settlements, consisting of the two inclosed towns of Parowan and Cedar city, near to which our line passed, a coal mine has been opened for about eighty yards, and iron works already established. Iron here occurs in extraordinary masses, in some parts accumulated into mountains, which comb out in crests of solid iron, thirty feet thick and a hundred yards long."

Frēmont brought home specimens of this coal and iron, of which Professor Baird, of the Smithsonian Institution, has made the analysis; and which I give in his own words: "Magnetic oxyd of iron: Parowan. Seems a very pure ore of iron, and suitable for manufacturing purposes. May be estimated to contain about seventy or seventy-one per centum of metallic iron, somewhat similar to the ore in the great beds of northern New York, but more solid than is usual there. Probably very well adapted to the manufacture of steel. The coal appears to be of excellent quality—semi-bituminous—somewhat in appearance like the transition coal of the Susquehanna mines in Pennsylvania."

I must ask the pardon of some of my auditors for supposing that they may not be better acquainted with the language of geology than I was myself, when I supposed that this "combing out of the solid iron in crests" was mere descriptive language, suggested by the taste of the writer. I found it was not so, but the technical phraseology which the geological science required to be used, and which, being used, conveyed an exact meaning—that of a mineral showing itself above the surface, and crowning the top of the hill or mountain as a crest does the helmet, and the comb the head of the cock. In this view of its meaning the language here used by Frēmont, and which seems to have been the suggestion of an excited imagination, becomes the subdued expression of science and technicality. And what a picture he presents! What profusion and variety of God's best gifts to man! Here are, in fact, the elements of a great State—enough of themselves to build up a rich and populous State; but appurtenant to it, and interlaced with it, or bordering upon it, is a great extent of valley country—that of the Little Salt Lake, of the Santa Clara Meadows, of the Nicollets river, and its tributaries; and a multitude of other coves and valleys, all stretching along the western base of the Wahsatch, and within the rim of the Great Basin; that basin as remarkable here for beauty and fertility as in most other parts for sterility and deformity. The Mormon settlements of Paragoona, Parowan, and Cedar city, are along the edge of this rich mountain region; and the well-trod Mormon road from the Great Salt Lake to southern California, relieved with bridges and marked with mile-stones, pass by these towns; all announcing to the traveler that in the depths of the unknown wilderness he had encountered the comforts of civilization. Messrs. Beale and Heap passed these settlements at mid-summer, and speak in terms of enchantment, not only of the beauty of the country, but of the improvements and cultivation. Pretty towns, built to a pattern, each a square, the sides formed by lines of *adobe* houses, all facing inwards, with flower and kitchen gardens in front, and a large common field in the rear, crowded with growing grain—and all watered, both fields and gardens, and the front and rear of every house, with clear cool streams, brought down from the mountain sides, and from under a seeming canopy of snow. Grist and saw mills at work; forges smelting the iron ore; colliers digging the coal; blacksmiths hammering the red hot iron into farming implements, or shoes for the horses —assisted by dexterous Indian boys: cattle roaming in rich natural pastures: people quarrying, and the cattle licking, the rock-salt. Emigrants obtain supplies here—beef and flour, at moderate prices: —and it was here that Frēmont was refitted after his seventy days of living upon his mules which died from exhaustion. The number and beauty of these valleys and fertile mountains, seen by Beale and Heap in exuberance, their ripe rich dress of mid-summer, excite their wonder, and call forth enchanting descriptions. Broad valleys, connected by narrow ones—a continued succession of these valleys going from one to another, not by climbing ridges, but through level openings—grass, flowers, and water in each. The mountains, some circular, some cut into blocks, some with fertile flat tops, rich in vegetation, some with peaks white with snow, and all dark with forests on their sides. It is impossible to read their descriptions without being reminded of central Persia, and of that valley of Shiraz, celebrated as incomparable by the poets, but matched and surpassed in the recesses of the Wahsatch and the Anterria; and the climate delicious in summer, and soft in winter. From the 24th January to the 8th February that Frēmont explored this region, he found in the valleys either no snow at all, or a thin covering only; and, in the first week of February, the Mormons told him they had usually commenced plowing, and preparing the ground for the spring seeds. And yet all this would be but a corner of a State, which may spread west and north some hundred miles to the California line, and into the Great Basin—chiefly characterized as desert, but which has its *oases*—vegas, as the Spaniards call them—meadows refreshed with water, green with grass, and arable land, and with a structure of country, narrow valleys between snowy mountains, which give assurance of the artesian wells which can extend the area of fertility, and multiply the points of settlement. So that this fifth State may be as extensive, as populous, and as rich as any public interest could require. Abundant instances are given by Frēmont, and by Beale and Heap, to justify this enchanting description of these valleys, and *vegas:* too many to cite. One only will be quoted as a specimen. I take it from Frēmont's description of one of the *vegas* of Santa Clara; for there are several of them, and they are always cited in the plural—*vegas*, not *vega*. He says:

"We considered ourselves as crossing the rim of the Great Basin; and, entering it at this point, we found here an extensive mountain meadow, rich in 'bunch grass,' and fresh with numerous springs of clear water, all refreshing and delightful to look upon. It was, in fact, that *las vegas de Santa Clara*, which had been so long presented to us as the terminating point of the desert, and where the annual caravan, from California to New Mexico, halted and recruited for some weeks. The meadow was about one mile wide, and ten long, bordered by grassy hills and mountains —some of the latter rising two thousand feet, and white with snow (May) down to the level of the *vega*. Its elevation above the sea was five thousand two hundred and eighty feet, and its latitude, by observation, 37° 28' 38". Here we had complete relief from the heat and privations of the desert, (on the old route to Los Angeles.)"

The "*bunch grass*" here spoken of, takes its name from the form in which it grows, which is in bunches—different from the short grass called "*buffalo*," on the east side of the Rocky mountains—but about equally valuable, being nutritious both in summer and winter, and having a second growth in the fall.* It prevails extensively on the Pacific slope of our continent, and is an element of national wealth in its support of stock. The climate of this region, besides what has been said, may be judged of by the material used for building, even where wood and stone are abundant—*adobes*—or sun-baked bricks. That indicates a climate comparatively dry and mild—more Asiatic than American—reminding us of Nineveh and Babylon. Certainly no houses, built of such material, (with or without straw,) on our side of the continent, could stand the driving of our merciless rains, or resist the action of our freezing winters.

Beale and Heap went through these ranges not only at a different season of the year from Frēmont, but on a different line; and their description of the pass at the divorce point of the waters between the valley of the Upper Colorado and the Great Basin, and of the valleys of the Anterria and Wahsatch, and of the Mormon settlements, will complete this view of the capabilities of the fifth State. This, then, is what they say:

"On the summit of the 'divide' *(divortia aquarum)* between the waters of the Colorado and the Great Basin, and before descending into the valley of the Rio Salado, an affluent of Sevier (Nicollet) river, I took a careful survey of the surrounding country, which offered many interesting features. The Wahsatch mountains are composed of several parallel ranges, running north and south, with fine well watered valleys between them. They are short, and between the valleys are numerous passes. The hills are

clothed, from their summits to their base, with a thick growth of pine trees, cedars, and aspens, and the brook was swarming with trout. The 'divide' is broad, level, and smooth, and the descent, on the western side, easy. We encamped, for the night, on the Salado, in a broad and level valley. Throughout the mountains the grass reminded us of that of the Sahwatch range, although in the valley it was less luxuriant. We were now in the Great Basin, and near the Mormon settlements; and, directing our course west, we came again to the Salado, at the place where it flows past the mines of rock-salt, from which it derives its name. The course of the creek is here south west, and it joins Nicollet river about three miles below the mines. At the mines we found a Mormon trail, which, our guide told us, led to their settlements, about twenty miles distant. Following up Sevier (Nicollet) river, four miles brought us to beautiful meadows, grass luxuriant—reaching above the saddle-girths. Crossing Nicollet river, we passed over a steep hill; we descended into another valley, watered by the same stream, having missed the Mormon road which led into it. This valley lies north and south, and unsurpassed in beauty and fertility by any thing we had yet seen. It is about thirty miles in length, by four in breadth; surrounded by mountains, down whose sides trickled numberless cool and limpid brooks, fringed with willows and cotton-wood. Nicollet river flows through its centre, and it abounds, in its entire length, in rich pasturage. The mountains which inclose it were clothed, from summit to base, with oaks and pines. At the head of the valley, and through a cañon (canyon) comes in the Rio San Pasqual—the main fork of the Nicollet, and which itself flows through a valley of great beauty."

"Arrived at Little Salt Lake, (two hundred and sixty miles south of the Great Salt Lake,) in the valley of which is the first Mormon town—Paragoona—of about thirty houses, built of *adobes* (sun-burnt bricks,) presenting a neat and comfortable appearance, but broken up, in the moment of our arrival, by the Utah war, and the inhabitants removed to Parowan. Proceeded to this town over an excellent wagon road, made, and kept in repair, and bridged in many places by the Mormons. We passed a large grist and saw mill, worked by water power. Parowan is in a pretty valley of its own name, and is a town of about one hundred houses, (*adobes*,) built in a square, and facing inwards. In their rear, and outside of the town, are vegetable gardens, each house having a lot running back about one hundred yards. By an excellent system of irrigation, water is brought to the front and rear of each house, and through the centre, and along the outside boundary of each garden lot. The houses are ornamented in front with small flower gardens, which are fenced off from the square, and shaded with trees. The field covers about four hundred acres, and was in a high state of cultivation—the wheat and corn being as fine as any we had seen in the States. Several smelting furnaces are at work upon the iron ore in the mountains, coal for the fuel, and all asserted to be abundant and excellent. We had our horses shod here, two Pah-utah boys assisting the white blacksmith; and we were surprised to see the skill and dexterity with which they assisted—fully equal to that of our white boys of the same age. Furnaces for smelting iron ore were already in operation in the vicinity of Paragoona and Parowan, and that metal, which was obtained in sufficient quantity to supply any demand, was also of excellent quality, and the veins of coal apparently inexhaustible. A large force of English miners was employed in working these mines, and pronounced the coal to be equal to the best English coal. We saw it in use in the forges—bituminous, and burning with a bright flame. A Pah-utah handed me some ears of wheat, the grains of which I preserved, and he stated that it grows spontaneously near the Santa Clara. It is from this stock that the New Mexicans have obtained the seed which they call Pahute wheat, and the Mormons Taos wheat, and which has been much improved by cultivation, and is considered the best in New Mexico and Utah."

Mr. Chairman, I commenced this speech with undertaking to establish two propositions—*first*, that the country between Missouri and California, in the latitude in which we now stand, is well adapted to settlement and cultivation, and capable of forming five great States; *secondly*, that it is well adapted to the construction of a railway. I believe I have made good the first of these propositions, and that we may now assume that the line of great States which now extend nearly half way across this continent, and through the center of this Union—Pennsylvania, Ohio, Indiana, Illinois, and Missouri—may be continued, and matched, by an equal number of States, equally great, between Missouri and California. I consider that proposition established, and say no more about it. The establishment of the second proposition results from the establishment of the first one, as all that has been shown in favor of the country for settlement and cultivation is equally in favor of it for the road. But I have some direct and positive testimony on this head which the importance of the subject, and the value of the testimony itself, requires to be produced. I speak of the last expedition of Colonel Frémont—his winter expedition of 1853 and 1854—and of the success which attended it, and of the value of the information which it afforded. He chose the dead of winter for his exploration, that he might see the worst—see the real difficulties, and determine whether they could be vanquished. He believed in the practicability of the road, and that his miscarriage in 1848–'49, was the fault of his guide, not of the country; and he was determined to solve those questions by the test of actual experiment.

With these views he sat out, taking the winter for his time, the West for his course, a straight line his object, the mouth of the Kansas for his point of departure, St. Louis and San Francisco the points to be connected. The parallels of thirty-eight and thirty-nine covered his course; and between these he continued to move West until he reached the Little Salt Lake—within three hundred miles of the California line; after that upon a slight deflection to the South, between the parallels thirty-seven and thirty-eight, until he entered California. This may be called a straight line; and so fulfills a primary condition of every kind of road, and especially of a railroad, where a speed of a hundred miles an hour may be as easily attained, and as safely run, as the third of that velocity in a road of crooks and curves.

Snow was the next consideration, and of that he found none, on any part of the route, to impede any kind of traveling. On the Kansas, the Upper Arkansas, and the Huerfano, he found none at all; in the Sand Hill pass of the Sierra Blanca, none; in the valleys of San Luis, and the Sahwatch, none; in the Coochatope pass, four inches! and none if he had crossed the day before; and that was the 14th of December, corresponding with the time, and almost in view of the place, where he had been buried in the snows five years before—and would have been again if he had gone to the same place. This solved the question of snow in the passes of the mountains, and showed that his miscarriage had been the mistake of the guide, and not the fault of the country. After that—after crossing the Rocky mountains—the climate changes. A great amelioration takes place, which he knew before, and then fully experienced. The remainder of the route, as has been shown in the view of the country, may be said to have been found free from snow—a hundred miles at a time in one place without finding any; and when found at all, both thin and transient; and all so light and dry as to clog nothing, nor damp the *moccasin* in a day's travel. And that this was the common winter state of the pass, and not an occasional exception, has been shown by Mr. Antoine Leroux, and others, and corresponded with his own theory of snow in the passes. Mr. Leroux, in his published letter to me, said: "There is not much snow in this pass, (the Coochatope,) and people go through it all the winter. And when there is much snow on the mountains on the Abiquiu route, (which in the old Spanish trail from Santa Fé to California,) the people of Taos go round this way, and get into that trail in the forks of Grand and Green rivers." And Messrs. Beale and Heap, in their journal say of it: "Coochatope pass, is traveled at all seasons, and some of our men had repeatedly gone through it in the middle of winter, without meeting any serious obstruction from snows." And this was the theory of Frémont, that the passes in these mountains were nearly free from snow, and comparatively warm; while in the open plains, or on the mountain summits, deep snows would prevail, and a killing cold, which no animal life could stand. This frees the Rocky mountains from that objection. The next range of mountains, (for all the valleys have been shown to be free,) is the Anterria and Wahsatch; and there again the passes are free. Frémont says of them:

"In passing through this bed of mountains about fourteen days had been occupied, from January 24 to February 7; the deepest snows we here encountered being about up to the saddle skirts, or four feet; this occurring only in occasional drifts in the passes on northern exposures, and in the small mountain flats hemmed in by woods and hills. In the valley it was sometimes a few inches deep, and as often none at all. On our arrival at the Mormon settlements, February 8th, we found it a few inches deep, and were there informed that the winter had been unusually long-continued and severe, the thermometer having been as low as 17° below zero, and more snow having fallen than in all the previous winters together since the establishment of the colony. At this season their farmers had usually been occupied with their plows, preparing the land for seed."

The Sierra Nevada was the last range of mountains; and there not a particle of snow was found in the pass which he traversed, while the mountain itself was deeply covered. And this disposes of the objection of snow on this route, so formidable in the imagination of those who have nothing but an imaginary view of it.

Smoothness of surface, or freedom from abrupt inequalities in the ground, is the next consideration: and here the reality exceeded the expectation, and challenges incredulity. Let Frémont speak. He says:

"Standing immediately at the mouth of the *Sand Hill pass*—one of the most practicable in the *Sierra Blanca*, and above those usually traveled—at one of the remotest head-springs of the *Huerfano* river, the eye of the traveler follows down, without obstruction or abrupt descent, along the gradual slope of the valley to the great plains which reach the Missouri. The straight river and the open valley, form, with the plains beyond, one great slope, without a hill to break the line of sight, or obstruct the course of the road. On either side of this line hills slope easily to the river, with lines of timber and yellow autumnal grass; and the water which flows smoothly between is not interrupted by a fall in its course to the ocean."

Here is a section of the route above seven hundred miles long—being more than half the distance to California—in which there is no elevation to arrest the vision—in which you might look down the wide distance, (if the eye sight was long enough) and see the frontier of Missouri from the mouth of the first pass in the first mountain—being more than half the length of the road. This would do for a start. It would satisfy the call for a fair surface at the commencement. This first pass is called the Sand Hill, or Roubidoux, through which Frémont entered the valley of San Luis; and the way so low and level as to be seen through. And through that valley and its continuation (the Sahwatch) to the Coochatope the ground is so smooth as to present no exception to its level but the natural curvature of the earth. Meeting a man on horseback in this long level of more than a hundred and twenty miles, (counting the entire valleys of San Luis and the Sahwatch,) is like meeting a ship at sea; you see his head first, then his body, then his horse; and at last the ground. The pass itself, as well as the approaches to it, is perfect. Frémont calls it "an open easy wagon way." Beale and Heap say it was a question whether they had passed the dividing point between the eastern and western waters; which could only be answered by referring to the water itself. The pass itself, of which they made a drawing, was grand and beautiful. They say of it: "Lofty mountains, their summits covered with eternal snows, lifted their heads to the clouds; while in our immediate vicinity were softly rounded hills, clothed with grass and flowers, with rich meadows between; through which numerous rills trickled to join their waters to the Coochatope creek." But why multiply words to induce conviction when facts are at hand to command it. Facts enough abound to show the facility of this pass, even in a state of nature. More than forty loaded wagons went through it in the summer of 1853, twenty of them guided by Leroux for Captain Gunnison—the rest by emigrant families, without guides. But more than that; the buffaloes have traveled it always—those best of engineers, whose instinct never commits a mistake, and which in their migrations for pasture, shelter, and salt, never fail to find the lowest levels in the mountains, the shallowest fords in the rivers, the richest grass, the best salt licks, the most permanent water, and always take the shortest and best routes between all these points of attraction. These instinctive explorers traverse this pass, and gave it their name—Coochatope in the Utah language; *Puerto del Cibolos* in the Spanish; which being rendered into English signifies the Gate of the Buffaloes. And their bones and horns, strewing the ground, attest their former numerous presence in this locality, before the fire-arms of modern invention had come to their destruction at such a crowded point of rendezvous. This is enough to show that the Rocky mountains may be passed without crossing a hill—that loaded wagons may cross it at all seasons of the year. This applies to the Coochatope pass, but there are many others, and all good; and it is curious to detect the latin language in many of their names, put upon them in the Spanish translation of the original Indian. Thus, we see *porta* in *puerto;* (a gate) constantly recurring, as *Puerto del Cibolos—Puerto del mosca;* in which latter, besides the *porta* we detect the latin *musca* (fly;) *anglice*, the Fly Gate; from the unusual number of these insects which the Indians found in it—*Puerto del Medio*, (medium) Middle Gate, &c., &c.; and here I recapitulate in order to make an important point clear. 1. From the

Missouri frontier to the first pass, in the first mountain, upwards of seven hundred miles, the way is so smooth and straight that there is no obstruction to the vision. 2. Through that first pass (the Sand Hill) eight miles, it is about equally level, but the line of sight broken by the deflection through the mountain. 3. Through the San Luis and Sahwatch valleys to the Coochatope pass, above one hundred miles, it is equally level, and straight; so that from Missouri to the Coochatope, (above eight hundred miles,) there is no visible inequality of surface; nor anything to break the line of sight, but the deflection of eight miles through the Sand Hill pass of the Sierra Blanca.

It was the Baron Alexander Von Humboldt that first put it into a book, that the buffaloes were the best of civil engineers. He put it into his Aspects of Nature; and I afterwards put the same into a senatorial speech, without knowing what he had done—and, true to the facts, we both gave the same examples of leading roads in our America, first traced by the buffaloes, and afterwards followed by the Indian as his war-path, by the pioneer white man as his wagon road, and by the engineer as his McAdam, or railroad track. Among these examples we both mentioned the buffalo trail from the Holston Salt Springs, in Virginia, to the rich pastures of Kentucky, through the Cumberland Mountain Gap; and said that no other practicable route, between these two points, had yet been found. In fact all the country people knew that the buffaloes were right; but in this past summer of 1854, some railroad engineers undertook to find a better and shorter road between the Salt Springs and the Cumberland Gap. They tried it—got cornered—could get no further—had to perform that evolution which, in the vernacular of the west, is called "backing out"—had to return to the salt works—take the old trail—and follow the buffaloes. This was a confirmation of Humboldt, and a triumph of instinct over science; and we shall claim the benefit of it if any book-taught engineer shall ever have the temerity to dispute the excellence and supremacy of the Coochatope pass.

In a word, there is no difficulty about passes: the only bother is to choose out of so many, all so good, both in themselves, and in their approaches. This is enough for the passes: with respect to the whole mountain region, and the facility of going through it, and upon different lines, we have also the evidence of facts, which dispense with speculation and assertion. That region was three times traversed, and on different routes, by Messrs Beale and Heap in the summer of 1853. It happened thus: when they had reached the east fork of the Great Colorado of the West, and were crossing it, they lost, by the accident of an overturned canoe, their supply of munitions, both for the gun and the mouth; and were forced to send back to the nearest settlement for a further supply. That nearest settlement was Taos, in New Mexico, distant three hundred and thirty miles; and that distance to be made upon mules, finding their own food, which had already traveled, on the same condition, one thousand miles from the frontier of Missouri; and these mules (thus already traveled long and hard, without other food than the grass afforded,) now made the double distance at the rate of forty miles a day—still finding their own food, and, on the return, bringing packs on their backs. This performance must stand for a proof that the whole mountain region between the Upper Colorado and the valley of the Upper Del Norte is well adapted to traveling; and that in a state of nature; and also well supplied with nutritious grass. The experience of Captain Gunnison was to the same effect. His twenty wagons—guided by Leroux, and without the benefit of pioneers to remove obstructions, and making circuits to avoid impediments which a fatigue party should have removed—still made the distance between the Del Norte and the Upper Colorado (three hundred miles) in twenty-two days—averaging nearly fifteen miles to the day, (and Government wagons at that, never known to be in a hurry)—being the usual rate of wagon travel on our country roads: the teams arriving at the Colorado fatter than they had left the Del Norte, and without other food than the grass on the way: and this clears us of the Rocky mountains, from which, to the Little Salt Lake, it is all an open practicable way, not limited to a track, but traversable on any line. Loaded wagons travel it in a state of nature. The valley of the Colorado is either level or rolling; the Wahsatch and Anterria ranges are perforated by incessant valleys; and from the Little Salt Lake to the Great Sierra Nevada, as explored by Frémont last winter, the way is nearly level—a succession of valleys between the mountains—perfectly adapted to artesian wells—and terminated by a superb pass, *debouching* into the valley of San Joaquin. Frémont, referring to previous Indian information, says of it:

"When the Point was reached I found the Indian information fully verified: the mountain suddenly terminated, and broke down into lower grounds, barely above the level of the country, and making numerous openings into the valley of the San Joaquin. I entered into the first which offered, (taking no time to search, as we were entirely out of provisions and living upon horses,) which led us by an open and almost level hollow thirteen miles long to an upland, not steep enough to be called a hill, over into the valley of a small affluent to Kern river; the hollow and the valley making together a way where a wagon would not find any obstruction for forty miles."

The discovery of this pass was the "*crowning mercy*" of this adventurous winter expedition. It was the cherished desideratum of the central route. It fulfilled its last condition. It gives nearly a straight line from the Little Salt Lake to the Sierra Nevada, with a good pass into the valley of the San Joaquin. It cuts off the elbow which the old Los Angeles trail makes to the southwest. It avoids the desert on that route. It leaves, far to the south, those excitable fields of roving sands which infest the new San Diego route—sands which creep, like an army of pismants, under a gentle breeze; which bury the traveler who lies down to sleep on them when there is a little wind, unless he rises and shakes himself often during the night; in which no number of horses can leave a track; in which the hillock of to-day is a hole in the ground to-morrow; and which, in high winds, is a driving tempest of silicious particles, very cutting to the eyes and skin, very suffocating to the throat, very dangerous to those who are not tall and swift, and from which man and beast fly for life; and all which West Point science proposes to overcome by a profuse application of Federal dollars. All this is avoided by the short and straight route west from the Little Salt Lake discovered by Frémont in his winter expedition of 1853-'54. And this completes all that is necessary to be shown in favor of the smoothness of the way—its equality of surface throughout the whole line; although it attains a great elevation, and lands you in California, in the rich and settled valley of San Joaquin, proximate to the southern end of the gold mines. Not a tunnel to be made—a mountain to be climbed—a hill to be crossed—a swamp to be seen—or desert, or movable sand to be encountered, in the whole distance; and all this equality of surface barometrically determined by Frémont as well as visibly seen by his eye: so that this line for a road, the longest and straightest in the world, is also over the smoothest and most equal surface. For, although a great elevation is attained, it is on a long line, and gradually and imperceptibly, the mere rise of an inclined plane.

Rivers to be passed are obstructions to roads, to be overcome by large applications of skill and means; and here again the central route is most favorable. The entire line is only crossed in its course by the streams in the valley of the Upper Colorado, and those of inconsiderable width, with solid banks, and stone for bridges. On this side of the Rocky mountains the course of the rivers is parallel to that of the road—the Kansas, the Arkansas, and the Huerfano, being all in its line. Beyond the valley of the Colorado, no river at all—only small streams.

Mr. McClanahan, and others whose statements have been given have attested the supreme excellence of the route for the road from Missouri as far as the San Luis valley, and that upon experiment with wagons, carriages, flocks and herds. It only remains to produce the same kind of testimony in behalf of the remaining part of the way, from that valley to California: and that testimony is at hand. Mr. R. S. Wootten, of New Mexico, a large dealer in stock to California, and who drove eight thousand sheep there in the summer of 1853, thus writes in a letter which he gave responsibly to the public:

"During the last year I have taken a drove of sheep from this place, (Taos,) to California over the route that Colonel Frémont intended to have gone in the winter of 1848-'49, at the time of his disaster. I made the trip through to California in ninety days, arriving there with my sheep in good order, having passed through some of the finest country I ever saw, and had good camps, and plenty of wood, water and grass every night during the whole trip. There is now being commenced a settlement on the Arkansas river, at the mouth of the Huerfano, at which emigrants can procure such necessaries as they may be in want of, and also at the Mormon settlements at Little Salt Lake. There is also a good ferry at the mouth of the Huerfano, and ferries will also be established during the coming summer on Grand river and Green river, (Upper Colorado.) There is also another great advantage that this route has over a more northern one, as emigrants may leave Missouri as late as the 1st of August, and there is no danger of being stopped by snow. After reaching the great Spanish trail in the valley of Green river, (Upper Colorado,) from thence to California there is never any snow; and the months of October and November are more pleasant to travel, and better for stock, than the summer months."

This is the testimony of experience—of actual experiment—in all the country of the mountains: in all the region from the Rocky mountains out—supposed by some to be so sterile, so rugged, so savage, so impracticable: proved to be so fine, that sheep find camps when they please, and they only make ten miles a day, and fatten upon their travel. And the settlers—already commenced, settlements all along—and proceeding rapidly. What was one man at the mouth of the Huerfano in 1853, was forty in the spring of 1854—all raising crops. Other settlements skirt the road, as that of 200 families in the valley of San Luis, and the *pueblos* San Carlos, Cuerno Verde, and others above Bent's Fort on the extreme upper Arkansas.

This finishes the testimony which time permits to be now produced in favor of the excellence of the country—in fact, its surpassing beauty and great superiority. It is as full and complete as the law of evidence requires any testimony, in such a case, to be. Still there may be persons to impugn it, and to cry down the country. That is an old business—as old as Moses and the twelve messengers which he sent from the wilderness of Paran to spy out the promised land; and ten of which made an "*evil report*" of the country, and stirred up the mutiny against Moses which continued forty days; and for the punishment of which the rebellious children were detained forty years in the wilderness. This is what happened to the promised land, and it is not to be expected that the distant and unknown countries of the Great West are to fare better. They also must expect to be evilly reported upon; but truth is powerful and must prevail—even where two stand against ten, as in the question between the messengers of Moses—and still more in the case of multitudes against units, as will be the way in the case of evil reports of this far distant West—especially as the country will stand, to vindicate itself, and the truth. That is the last, and greatest witness! the country itself—work of God—standing where he placed it, exhibiting itself as it is! and ready to cover with shame the faint-hearted wanderers who, to get an excuse to return to the flesh-pots of Egypt, are forever discovering a "lion in the path."

I deem myself justified to develope, with some more detail, but one of the road advantages possessed by this route; an advantage often mentioned, but not sufficiently enforced. It is that of coal—so valuable under every aspect, and so indispensible to railroads when in prairies. It exists in superfluous abundance all along this line. Commencing in those coal fields in the west of Missouri which geologists compute to be of twenty thousand square miles extent, it is found all along the Kansas river—on the Upper Kansas—in the Rocky mountains—in the valley of the Upper Colorado—at the western base of the Wahsatch and Anterria ranges; thus known at present from its own exhibition of itself—cropping out from the bluffs of rivers, and the banks of ravines. How much remains to be discovered, when so much shows itself spontaneously? Really, it seems like "carrying coal to New Castle," to tell of coal on this route.

The proposed central route is intended to be a straight line, turned aside by no obstacle, and seduced from its course by no lateral interest. But it will be a road for the accommodation of the whole broad expanse of the country from the Mis-

sissippi to the Pacific ocean. Branches striking out, like ribs from the spine, would reach every settlement—northern Missouri and Iowa, from a point on the Upper Kansas—New Mexico from a point on the Upper Arkansas—the Great Salt Lake from a point on the upper valley of the Colorado; and thence on to the mouth of the Columbia—and Los Angeles and southern California from a point on the Little Salt Lake and Santa Clara settlements. All these places would be conveniently reached by branch roads, while the great trunk would follow its direct course, best for itself and for them, from Missouri to California, *debouching* at each end into the midst of business populations, and connecting with steamboat navigation, and all the State improvements. And its settlement would be magic. The line once indicated, and the enterprizing emigrants of our America would flock upon it, as pigeons to their roosts—tear open the bosom of the virgin soil—and spring into existence the long line of farms and houses—of towns and villages—of orchards, fields, and gardens—of churches and school-houses—of noisy shops, clattering mills, and thundering forges, and all that civilization affords to enliven the wild domain from the Mississippi to the Pacific—to give protection and employment to the road—and to balance the populous communities in the eastern half of the Union by equal populations on its western half.

In this description of the country I have relied chiefly on Frémont, whose exploration, directed by no authority, connected with no company, swayed by no interest—wholly guided by himself, and solely directed to the public good, would be entitled to credit upon his own report, unsupported by subsidiary evidence; but he has not left the credit of his report to his word alone. He has done, besides, what no other explorer had done: he has made the country report itself! Besides determining elevations barometrically, and fixing positions astronomically, and measuring objects with a practiced eye—besides all that, he has applied the daguerreotype art to the face of the wild domain, and made it speak for itself. Three hundred of these views illustrate the path of his exploration, and compel every object to stand forth, and show itself as it is, or was: mountain, gap, plain, rock, forest, grass, snow, (where there is any,) and naked ground where there is not—all exhibit themselves as they are. For daguerre has no power to conceal what is visible, or to exhibit what is unseen. If the "*wart*" is there he needs no admonition to show it, and could not suppress it. He uses no pencil to substitute fiction for fact, or fancy for memory. He is a machine that works to a pattern, and that patern the object before him; and in this way has Frémont reproduced the country from the Mississippi to the Pacific, and made it become the reflex of its own features, and the exhibiter of its own face, present and viewable to every beholder; and that nothing may be wanting to complete the information on a subject of such magnitude, he has now gone back to give the finishing look at the west end of the line, which thirty thousand miles of wilderness explorations in the last twelve years, (all at his own solicitation, and the last half at his own cost,) authorize him to believe is the true and good route for the road which is to unite the Atlantic and the Pacific, and to give a new channel to the commerce of Asia.

All the other requisites for the construction and maintenance of a road, and to give it employment when done, have been shown in the view of the country. Wood, water, stone, coal, iron; rich soil to build up settlements and cities, to give local business and travel all along its course, as well as at the great terminating points—and to protect it without Government troops. Add to this, picturesque scenery, and an entire region of unsurpassed salubrity. This quality of the route—salubrity—requires a special notice. Frémont says of it: "It is a healthy route. No diseases of any kind upon it; and the valetudinarian might travel it in his own vehicle, or on horse, or even on foot, for the mere recovery of spirits and restoration of health." This is what Frémont says; and he ought to know, traversing the region as he has done for twelve years, and never having a physician with him, nor losing a man by sickness. And all his mountain comrades—sojourners of twenty, thirty, forty years in this wild domain—report the same thing. Salubrity, then, is one of the eminent recommendatory qualities of the central route. The whole route for the road between the States of Missouri and California is good—not only good, but supremely excellent; and it is helped out at each end by water lines of transportation, now actually existing, and by railways, projected, or in progress. At the Missouri end there is a railway in construction to the line of the State, and steamboat navigation to the mouth of the Kansas, and up that river some hundred miles; at the California end there is the like navigation, up the bay of San Francisco, and the San Joaquin river, and a railway projected. And thus, this central route would be helped out at once by some three hundred miles at each end, connecting it with the great business populations of California and Missouri—at which latter point it would be in central communication with the great business population of the Union.

People now travel it, and praise it; buffaloes travel it, and repeat their travel—which is their praise. The Federal Government only seems to eschew it, and lean to outside routes—one by Canada, which the Canadian provincial parliament appears to be now adopting for its own; and one through old Mexico, which Santa Anna might adopt, if he had any commerce: and upon neither of which is seen a buffalo track, or a voluntary white man's track going to California:—where no white man goes to get to California, except under the orders, and at the expense of Government; and where no buffalo could be made to go, even by the power of the Government. That sensible old animal would die before he would be made such a fool of as to be conducted to the Sacramento, or San Joaquin, or San Francisco, *via* the hyperborean region of Upper Canada and New Caledonia;—or, *via* the burning deserts of Sonora and Chihuahua. The central route is the free choice of men and buffaloes; and is good for all sorts of roads, and in all seasons. Its straightness of course will enable the car to more than double its speed; and consequently earn its money in half the time. The smoothness of its course is but little interrupted by its ascents or descents; for they are gradual, and distributed over long distances: and the whole country, between the Rocky mountains and the Sierra Nevada, is at the general level of five thousand feet—the greatest descent being from the Sierra Nevada to the level of the sea; and that may distribute itself, for the road, over some hundred miles.

And now I hold it to be in order of human events—in the regular progression of human affairs—that the road will be built, and that soon; not by public, but private means—by a company of solid men, asking nothing of Congress but the right of way through the public lands; and fair pay for good service in carrying mails, troops, Government officials, and munitions of war. Such an enterprise is worthy of enlightened capitalists, who know how to combine private advantage with public good; and who feel a laudable desire to connect their names with a monumental enterprise, more useful than the pursuits of political ambition, more glorious than the conquest of nations, more durable than the pyramids; and which, being finished, is to change the face of the commercial world—and all to the advantage of our America.

The road will be made, and soon, and by individual enterprise. The age is progressive and utilitarian. It abounds with talent, seeking employment, and with capital, seeking investment. The temptation is irresistible. To reach the golden California, to put the populations of the Atlantic, the Pacific, and the Mississippi valley, into direct communication—to connect Europe and Asia through our America—and to own a road of our own to the East Indies: such is the grandeur of the enterprise, and the time has arrived to begin it. The country is open to settlement, and inviting it, and receiving it. The world is in motion, following the track of the sun to its dip in the western ocean. Westward the torrents of emigration direct their course, and soon the country between Missouri and California is to show the most rapid expansion of the human race that the ages of man have ever beheld. It will all be settled up, and that with magical rapidity; settlements will promote the road; the road will aggrandize the settlements. Soon it will be a line of towns, cities, villages, and farms. And rich will be the man that may own some quarter section on its track, or some squares in the cities which are to grow upon it.

But the road beyond the Mississippi is only the half of the whole; the other half is on this side, and either in progress or completed. Behold your own extended iron ways, departing from this city to go west towards the lakes and the great rivers, to join the great western trunk, now almost finished through Cincinnati, Vincennes, St. Louis—there to find the Pacific road in progress to the western limit of Missouri. Behold the lateral roads from Pennsylvania, New England, New York, all pointing to the west, and converging to the same central track. And behold the diagonal central road of Virginia, to traverse the State from its southeast to its northwest corner, already finished beyond the Blue Ridge, and its advanced pioneers, descending the Alleghany mountain, to arrive at the mouth of Big Sandy, in the very latitude of St. Louis, San Francisco, and Baltimore, and there to join the same great central western trunk. And the Blue Ridge road of South Carolina, bound upon the same destination; and the roads of Georgia, pointing and advancing to the northwest. What is the destiny of all these Atlantic roads, thus pointing to the west, and converging upon the central track, the whole course of which lies through the center of our Union, and through the center of its population, wealth and power—and one end of which points to Canton and Jeddo—the other to London and Paris; what will those lateral roads become, in addition to their original destination? They will become parts of a system, bringing our Atlantic cities nearer to the Pacific coast than they were to the Blue Ridge and the Ohio in the time of canals and turnpikes. And what then? The great idea of Columbus will be realized, though in a different, and a more beneficent form. Eastern Asia is reached, by going west, and by a road of which we hold the key! and the channel of Asiatic commerce, which has been shifting its bed from the time of Solomon, and raising up cities and kingdoms wherever it went—(to perish when it left them)—changing its channel for the last time—to become fixed upon its shortest, safest, best, and quickest route, through the heart of our America—and to revive along its course the Tyres and Sidons, the Balbecs, Palmyras, and Alexandrias, once the seat of commerce and empire; and the ruins of which still attest their former magnificence, and excite the wonder of the oriental traveler.

This great central trunk road from Baltimore to the mouth of the Kansas, along the parallel of 39°, is already almost finished, and for all the purposes of its continuation from Missouri to California, may be assumed to be now finished; for, it will be completely so before any part of the other is ready to join it. It is now complete to the Ohio river—complete to Cincinnati—complete through the State of Ohio—complete half way through Indiana, and the other half in progress—complete half way through Illinois, and the other half in progress—complete (nearly) one third of the way through Missouri, and all the rest under contract, and under the daily energies of two thousand laborers, led by a most energetic contractor. We may assume, then, the great western trunk road to be finished from Atlantic tide-water to the western limit of Missouri—that is to say, half way to the Pacific! and to the commencement of that vast inclined prairie plain which spreads from the Missouri frontier more than half the distance of the remaining half, and which is nearly prepared by the hand of nature for the immediate reception of the iron rails, and their solid foundations. What a temptation for a company to begin the great work when so much is done to their hand, and so much of the remainder is so easy to be done! and then, how advanced all the Atlantic and Mississippi valley connections with this great western trunk! On the Atlantic side, from Maine to Georgia—from Bangor, on the Penobscot, in the State of Maine, to the State of Georgia—a man may now go by car to that central trunk in Ohio and Indiana: from the southern shores of the northern lakes, he can do the same: from the borders of the southern gulf, he can partly do it. Soon all will be complete; and every part of the Atlantic States and of the Mississippi valley be ready to go into

communication with the Pacific ocean as soon as the trunk is completed from Missouri to California.

Telegraphic lines are ready at both ends. In California they extend over the State, into the valleys of San Joaquin and Sacramento, and would be ready to meet the road at the State line. On this end, the wires now extend to the western limit of Missouri—to the mouth of Kansas—from which point intelligence can now be flashed to every part of the Union; so that, on this central route, there is only a gap to be filled up to complete these magic communications between the shores of the two great oceans.

This is the object! that road? compared to which, those "Appian and Flaminian ways" which have given immortality to their authors, are but as dots to lengthened lines—as sands to mountains—as grains of mustard to the full grown tree. Besides the advantages to our Union in opening direct communication with that golden California which completes our extended dominion towards the setting sun, and a road to which would be the realization of the Roman idea of annexation, *that no conquest was annexed until reached and pervaded by a road;* besides the obvious advantages, social, political, commercial, of this communication, another transcendental object presents itself! That oriental commerce which nations have sought for, and fought for, from the time of the Phenicians to the discovery of the Cape of Good Hope—which was carried on over lines so extended—by conveyances so slow and limited—amidst populations so various and barbarous, and which considered the merchant their lawful prey—and up and down rapid rivers, and across strange seas, and through wide and frightful deserts:—and which, under all these perils, burdens, discouragements, converted Asiatic and African cities into seats of wealth and empire—centres of the arts and sciences—while western Europe was yet barbarian: and some branches of which afterwards lit up Venice, and Genoa, and Florence, and made commercial cities the match for empires, and the wives and daughters of their citizens, (in their luxurious, oriental attire,) the admiration and the envy of queens and princesses. All this commerce, and in a deeper and broader stream than the "*merchant princes*" ever saw, is now within our reach! attainable by a road all the way on our own soil, and under our own laws: to be flown over by a vehicle as much superior in speed and capacity to the steamboat as the boat is to the ship, and the ship to the camel. Thanks to the progress of the mechanic arts! which are going on continually, converting into facilities what stood as obstacles in the way of national communications. To the savage, the sea was an obstacle: mechanical genius, in the invention of the ship, made it a facility. The firm land was what the barbarian wanted: the land became an obstacle to the civilized man, and remained so until the steam car was invented. Now the land becomes the facility again—the preferred element of passage—and admitting a velocity in its steam car which rivals the flight of the carrier pigeon, and a punctuality of arrival which may serve for the adjustment of clocks and watches. To say nothing of its accompaniment—the magnetic telegraph, which flashes intelligence across a continent, and exchanges messages between kingdoms in the twinkling of an eye;—and, compared to which, the flying car degenerates into a lazy, lagging, creeping John Trot of a traveler, arriving with his news after it had become stale with age.

All this commerce, in a stream so much larger, with a domestic road for its track, your own laws to protect it, with conveyances so rapid, and security so complete, lies at your acceptance. That which Jew and Gentile fought for before the age of Christianity, and for which Christians have fought both Jew and Gentile, and fought each other, and with the Saracen for an ally: all this is now at your acceptance, and by the beneficent process of making a road, which, when made, will be a private fortune, as well as a public benefaction—a facility for individuals, as well as for the Government. Any other nation, upon half a pretext, would go to war for such a road, and tax unborn generations for its completion. We may have it without war, without tax, without treaty with any nation; and when we make it, all nations must travel it—with our permission—and behave well to receive permission, or fall behind and lose the trade by following the old track; giving us a bond in the use of our road for their peaceable behavior. Twenty-five centuries have fought for the commercial road to India; we have it as a peaceable possession. Shall we use it? or wear out our lives in strife and bitterness, wrangling over a miserable topic of domestic contention, while a glorious prize lies neglected before us? Vasco de Gama—in the discovery of the Cape of Good Hope, and the opening of a new route to India, independent of Mussulman power—eclipsed, in his day, the glory of Columbus, balked in the discovery of *his* well-divined route by the intervention of a new world. Let us vindicate the glory of Columbus by realizing his divine idea of arriving in the east by going to the west.

The enterprise would be a trifle to the wealth and resources of our business population—only some thirteen hundred miles of road over ground the most favorable, and under skies the most auspicious, and with material the most abundant and convenient; and the prices of labor and of iron returning to reasonable rates. More than half the distance is smooth prairie, to cost no more than railways in the prairies of Illinois: the remainder is nearly level—only slight undulations—with an almost total exemption from the high-cuttings, deep fillings-up, long bridgings and tunnelings, which constitute the gravity of the expense of railroad making. Say a fourth more than the cost of Illinois prairie road, (the wide gauge being understood,) and you have but $20,000 to the mile—$26,000,000 for the whole. What is that to the resources of our business populations? There are many, twenty-six men, in our extended Union who could build the road themselves—and own it, as their private and princely estate—themselves and their posterity after them.

Safety as well as profit—security as well as policy—protection against calamity, as well as prospective good—require the construction of this road. What sustains and stimulates the national industry at this time? California gold! that gold, the weekly arrival of which is the life's blood of our daily industry! and one month's default of which would be the paralysis of our financial, commercial, and industrial world. And how do we receive that gold now? Over foreign seas, and across foreign territory, and after a circuit of six thousand miles—liable to be cut off at any moment by the cruisers and privateers (to say nothing of fleets) of any Power with which we might be at war; and several specks of that portentous cloud now appear above the line of our political horizon. And this is the place for these political considerations. Such considerations address themselves to the political power; and that political power is here. Congress is charged with the protection of the national interests, and ships, and troops, and missions, are put in requisition for that purpose. A readier, a cheaper, a more effectual mode of protection to that commerce which belongs to the Pacific—which comes from California—would be to make this road through our own territory—placing it beyond the reach of foreign depredation; and, at the same time, making it a means of keeping the Indians themselves in order.

Pliny the elder, accounting for the commercial prosperity of some ancient cities, attributed it to their form of government—republican;—and because that form admitted the greatest freedom of enterprise. The moderns have seen the truth of this profound remark in later times—seen it in Italy, in Holland, and in various parts of our America. We are a republic, and a great one; and our fathers have given proof of the truth of Pliny's axiom in the success and extent of their commercial undertakings. Their sons have not degenerated. The maxim of Pliny is not disparaged. The numerous Mercantile Library Associations which cover our country—their ample list of members and well filled libraries, and laudable spirit of improvement—give earnest of future eminence, and of useful and honorable careers, rivaling their fathers, and justifying the axiom of Pliny. They will not let the road flag; they will not lose the East India trade. All they want is information about the road, and I have endeavored to give it. I have brought the facts, carefully assured, to show that there is a good way for a good road, and a good country to sustain people to protect and support it—and law and government to guard it—and settlements nearly all the way already began; and to multiply with magic rapidity. Then let us begin—take the first step, which is always the most difficult. My plan is, to get this substitute bill passed, which Congress may pass without constitutional scruple, confined as it is to territorial domain, giving to the citizens whose names it contains, their successors, associates and assigns, a right of way in one mile wide through the public lands in Kansas and Utah, on each side of the road, and a year's delay to obtain that practical information which business men must always have, before they undertake any great enterprise—building the road at their own expense, and without other aid from the Federal Government than that of its custom, paying for its accommodation by an arrangement not yet matured. I repeat, I am willing to vote the same privilege to any other company, but have no idea of squandering the public lands upon speculators, either to make a bubble stock upon the exchange of New York and London, or to build a private road for themselves at the national expense, and then tax the nation for traveling upon it.

I do not expatiate upon the home advantages of a railway to the Pacific; it has become a necessity, the urgency of which is universally admitted. I enforce another advantage, not so immediate, but obvious to the thinking mind, and important to America, Europe, and Asia; and which, in changing a channel of rich commerce, may have its effect upon the wealth and power of nations, and operate a change in the maritime branch of national wars: I allude to the East India trade, (already incidentally touched upon,) and the change of its channel from the water to the land; and the effect of that change in nullifying the maritime supremacy of naval powers by making Continents, instead of oceans, the great theatres of international commerce. No events in the history of nations have had a greater effect on the relative wealth and power of nations, than the changes which have been going on for near three thousand years in the channels of Asiatic commerce. During that time nations have risen and fallen, as they possessed or lost that commerce. Events announce the forthcoming of a new change. The land becoming a facility and the ocean an obstacle to foreign trade, must have an effect upon Europe, coterminous upon Asia, and upon America separated from it by a western sea over which no European power can dominate. I confine myself to the American branch of the question, and glance at the past to get an insight into the future. I look to former channels of this Asiatic commerce—their changes—the effects of the changes; and infer from what has been, what may be—from what is, to what will be.

I. *The Phenician route.*—Tyre, queen of cities, was its first emporium. The commerce of the East centered there before the captivity of the Jews in Babylon, upwards of six hundred years before the coming of Christ. Nebuchadnezar, king of Babylon, conquered Tyre and razed it to its foundations; but he was no statesman—merely a destroyer—and did not found a rival city; and the continuance of the India trade quickly restored the queen of cities to all her former degrees of preeminence and power. Alexander the Great conquered her again. He was a statesman, and knew how to build up, as well as how to pull down, and looked to commerce for exalting and enriching that magnificent empire which his war genius was conquering. He founded a rival city on the coast of Egypt, better adapted to the trade; and the prophecy of Ezekiel became fulfilled on Tyre! She became a place for fishermen to dry their nets.

II. *The Jewish route.*—In the time of Solomon and David, the Jews succeeded to the East India trade, made it a leading subject of their policy, and became rich and powerful upon it. Jerusalem rivalled Nineveh and Babylon; and Palmyra, a mere thoroughfare in their trade, in the midst of a desert, became the seat of power and opulence, of oriental magnificence, and the centre of the arts and sciences. The Jews lost that trade, and Jerusalem became as a widow in the wilderness, and Palmyra a den for foxes and Arabs.

III. *The Alexandrian route.*—This was opened

by Alexander the Great—its course along the canal of Alexandria to the Nile—up that river to Coptus—thence across the desert with camels to the Red Sea—and down that sea to the neighboring coasts of Asia and Africa—a route chosen with so much judgment that it made Alexandria and Egypt the seats of wealth, power, learning, the arts and sciences; and continued to be the channel of trade for a period of eighteen hundred years—from three hundred years before Christ to the close of the fifteenth century—when the Portuguese discovery of the passage by the Cape of Good Hope annihilated the Egyptian route, and transferred to Lisbon the glories of Alexandria. But not without a great contest. Solyman, the Magnificent, then Sultan of the Turkish Empire, fought the Portuguese for the dominion of routes—carried on long and bloody wars to break up the Cape of Good Hope route, assisted by the Venitians, because of their interest in the Egyptian route, and menacing Christendom (this alliance of Christian and Saracen against Christians, according to the Abbé Raynal, indorsed by the philosophic historian Robertson,) with the "most illiberal and humiliating servitude that ever oppressed polished nations." From this calamity Christendom was saved by the valor of the Portuguese, and the talents of their renowned commander, Albuquerque; but the contest shows the value which all nations placed on the possession of this trade; and the reversed conditions of Alexandria and Lisbon—of Egypt and Portugal—upon the defeat of the Turks and Venitians, shows that that value was not over-estimated.

IV. *The Constantinopolitan route.*—This became fully established in the time of the Greek Empire, and during the two hundred years of the crusade irruptions; and to which the enlightened part of the crusaders greatly contributed. For, while a religious frenzy operated upon the masses, the extension of their trade with India was the systematic, persevering and successful policy of all liberal and enlightened minds, availing themselves of that frenzy to promote and establish the commerce upon the possession of which the supremacy of nations depended. It was fully established; and the long and tedious transit across the Black Sea to the mouth of the Phases, up that river to a portage of five days to the Cyrus, down that river to the Caspian Sea, across it to the mouth of the Oxus, up it nine hundred miles to Samarcand (once Alexandria) the limit of Alexander's march to the northeast; and after this long travel, an overland journey of ninety days, on the Bactrian camel, to the confines of China commenced. Such was this extended route. Yet it was upon this route, so extended and perilous, that Europe was supplied with East India goods for several centuries—the profits of the trade being so great that after its arrival at Constantinople, it could still come on to Italy, and even round to Bruges (Brussells) and to Antwerp. It was upon this route that the Genoese established their great commerce, gaining permanent establishments, with great privileges, at Constantinople, (its suburb Pera,) and in that Crimea, then resplendent with wealth, since impoverished, now the scene of bloody strife; and of which the issue would be fortunate, if it restored the Crimea to what it was when Caffa was as celebrated as Sebastopol is now, and celebrated for streams of commerce instead of streams of blood. But, to this route of Constantinople the Cape of Good Hope passage became as fatal as it was to that of Alexandria.

V. *The Ocean route.*—It has been the line of the East India trade since the close of the fifteenth century, and must have continued to be so forever, if a marvel had not been wrought, and the land become the facility—the ocean the obstacle—to commerce. All the Powers that have land for distant communications must now betake themselves to the steam car. Why contend with ships for the dominion of the sea, when both the ships and the sea are to be superceded? Take the case of Russia. She has been one hundred and fifty years building up a navy—to become useless the first day it was wanted! Not only useless, but an incumbrance and a burthen—requiring impregnable forts, and vast armies, and murderous battles to protect and to save it—save it from going to swell the enemy's fleet, and be turned against its builders. Why build any more ships when there is the land to carry commerce, without protection, to every part of Europe, and to Asia, and to America, (by Behrings straits,) rendering inimical fleets inoperative and harmless. But I confine myself to our own commerce, and our own land. There is the road to India, (pointing West,) half the way upon our own land, and the rest on a peaceable sea, washing our shores, but separated from Europe by the whole diameter of the earth. Can we not cease wrangling over an odious subject of domestic contention, and go to work upon the road which is to exalt us to the highest rank among nations, and make us mistress of the richest gem in the diadem of commerce? Can we not cease contention, and seize the supreme prize which lies glittering before us? Make the road! and in its making, make our America the thoroughfare of Oriental commerce—throw back the Cape and the Horn routes to what Tyre became when Alexandria was founded, and what Alexandria became when the Cape of Good Hope was doubled—making Europe submissive and tributary to us for a transit upon our route, and dispensing us from the maintenance of the fleets which the ocean commerce demands for its protection?

Pass the substitute which I propose, and you have the opinion of men whose names are in it, and whose opinions are worth attention, that these great and glorious consequences will ensue.

AMERICANISM.

SPEECH OF HON. A. R. SOLLERS,

OF MARYLAND,

In the House of Representatives,

January 4, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. SOLLERS said:

Mr. Chairman: I promised, some time since, to express, at some convenient period, my opinions in reference to the principles of what is called the "Know-Nothing" party, but which is, in truth, the National or Native American Association; and I avail myself of this occasion to do so, because, while I shall be able, I hope, in the hour allotted to me, to spread before this committee and the country, what I believe to be its principles and its objects; I trust I shall be also able to defend it against the fiery assaults of the honorable gentleman from South Carolina, [Mr. Keitt,] and the deliberate and elaborate charges of the gentleman from Mississippi, [Mr. Barry.] Sir, I listened attentively to these two distinguished gentlemen in their terrible onslaught on this obscure, despised, abject association, an association of their own countrymen, "bone of their bone, and flesh of their flesh," and I confess I have heard nothing from either, which, in the slightest degree, has shaken my confidence, either in the correctness of its principles, or the great and glorious objects which it is destined to achieve for the country. I will not take up arms against my own countrymen; and when the question is presented to me, in a contest between the native-born citizens of my country and foreigners, and that contest involves the political supremacy of the one over the other, I answer, I side with my own countrymen.

I know well, sir, how difficult it is to break up old political ties and associations. It often involves the rupture of personal ties, and parties originally formed from similarity in political views, are maintained by considerations purely personal, and not unfrequently by motives of personal interest and advancement.

Look at the two old parties. Nearly every question that originally divided them has been swept away. The question of the establishment of a Bank of the United States has been long since settled, never, I believe, to be revived. The question of the tariff has been adjusted, or at least its principles so well settled that no one ever dreams of making it a party question. The question of how the public lands shall be disposed of, has ceased to be a party question; for, although not yet adjusted, the conflicting views entertained by individuals attached to both the old parties, has taken it from the arena of party conflict; and so of every other question that formerly divided the Democratic and Whig parties. True, the Democratic party claimed to be national in their views upon the subject of slavery, and styled itself the "natural ally" of the South. But what have we witnessed? The great question of the repeal of the "Missouri compromise," (a compromise by which the South believed it was wronged, and by the repeal of which the North believed that *it* was wronged,) was everywhere demonstrated by the recent elections, that neither the Democratic party nor Whig party can claim to be national upon this great and momentuous question. And the irresistible conclusion to which my mind was led (although not endowed with extraordinary political sagacity) *was*, that we were fast hastening to a contest, the very mention of which, in the earlier and better days of the republic, would have filled the heart of every patriot with horror and amazement; I mean a *purely sectional contest*, a contest, which although avowedly for political power, might have ended in a dissolution of the Union, accompanied with all the horrors of civil war—aye, sir, of a "*bellum plusquam civile.*" We witnessed in this House, not long since, a specimen of the spirit of sectionalism, which influenced some of its most distinguished members. The gentleman from Georgia [Mr. Stephens,] (and I question not his right to do so,) thought proper, upon the proposition of Mr. Mace, of Indiana, to enter into an examination and comparison of the relative progress made between the southern and northern States in moral, social, and physical development; and the gentleman from Ohio [Mr. Campbell] took up the gage thus thrown down by the gentleman from Georgia, and in defence of the non-slaveholding States, (by instituting a comparison between the State of Ohio, the giant of the west, and the State of Georgia) endeavored to show that the section from which he came, had made more progress in all the arts of civilization; and, that in its moral, social, and physical condition, it was far ahead of and superior to the State of Georgia. Of one thing, at least, I was convinced, by this contest between the two gentlemen—that Georgia was a great State, and that Ohio was a great State also. But shall I not rejoice in the prosperity of both? Are they not both members of a common family? If the State of Ohio has, with unexampled rapidity, attained so lofty a position in the Confederacy; if, by the industry of her hardy sons, she has become the granary, the Egypt, of the Union, be it so. It is no matter of regret, but of rejoicing with me; and if the State of Georgia (contrary to the theory of Abolitionists, that a State cannot be great and prosperous if slavery is tolerated by its laws) presents the highest type of civilization, be it so. Sincerely do I rejoice that it is so. But, for myself, I deprecate these unnecessary and odious comparisons. Although representing the largest slaveholding interest in Maryland, I have never deemed it my duty to enter into a comparison of my own State with any other, or to defend the institution of slavery, here or elsewhere. It is where the framers of the Constitution placed it. I will not defend it, by endeavoring to show that it is of Divine origin, and a "patriarchal institution." If you ask me by what right I hold my slaves, I point you to the Constitution. If you ask me by what arguments I will defend my right to them, I will answer, as the Scotch earl did his terrified monarch, by showing him his naked sword. If, in disregard of the plainest injunctions of the Constitution, you are determined to invade the rights of your southern brethren, if you are willing to hazard the existence of the Union in such a contest, then I say to my northern friends, that we will meet you at Mason's and Dixon's line, and not as formerly, as friends and brothers.

> "But we'll come with banner, brand, and bow,
> As chieftain meets his mortal foe."

But I anticipate no such contest as this, no such overwhelming calamity for my country at this time at least. A party has sprung into existence, if not like Minerva from the head of Jove full armed, at least in its infancy, it possesses the strength of Hercules, to crush all parties and factions hostile to the integrity of this Union. It knows no North, it knows no South, no East, no West. If it is said to be exclusive because it prefers its own countrymen to foreigners, I thank Heaven it is national

enough to cover all parts of this wide spread Confederacy.

The gentleman from South Carolina tells us that the main objection to it, is, that it has the "tendency to destroy State's rights and bring about a unity of the States." I deny that it seeks to destroy the rights of the States. If the gentleman has any better authority than I hold in my hand, to support his charge, let him produce it. I read from the American Organ:

"We shall maintain and defend the *Constitution* as it stands, the *Union* as it exists, and the *rights* of the *States*, without diminution, as guaranteed thereby: *opposing* at all times, and to the extent of our ability and influence, *all* who may assail them, or either of them."

No, sir, it does not seek to destroy or impair the rights of the States; but to uphold and defend them. But, I thank the gentleman for the word —"it nerves my arm, it steels my sword." It does seek to bring about a unity of these States. It does, with one hand, uphold the rights of the States, and with the other, the integrity of the Union. It believes there are fanatics at the South as well as at the North; and, if I know anything of its principles, it would place them side by side, and hang them all as high as Haman. And, since the gentleman has been pleased to tell us what the Native American party intended to do, I will tell him what they do *not* intend to do. It does not intend to permit, in its creed, the detestable doctrine of nullification, or that a State has the right to set aside a law passed by Congress, and after it has been determined by a judicial tribunal that it is constitutional; a tribunal to the establishment of which, they themselves assented, and to which they agreed to submit questions of constitutional law. They do not intend to admit into their creed the ridiculous doctrine that, upon the question of internal improvement by Government, a law passed by Congress would be unconstitutional, if the river, to which the law applied, passed through *one* State, but would be constitutional, if it passed through *three*. In a word, it does not intend to quibble about the letter of the Constitution with the affectation of a prude, and violate its provisions with the effrontery of a prostitute.

Mr. KEITT. Does the gentleman from Maryland mean that his words shall have a personal application?

Mr. SOLLERS. No, sir. I disclaim it altogether. I am speaking of South Carolina politics, and I will denounce them when and where I choose.

Sir, it may, perhaps, be owing to the peculiar geographical position of Maryland, but there are no fanatics to be found within her borders. Remembering the toils and sacrifices she made to establish this Union—remembering the blood spilt by her glorious old "line" on every battle-field of the Revolution—she, in good or evil report, will stand by the Union as it is, and the Constitution as it is. [Applause.] And this, sir, is what the American party means to do. It intends to let slavery remain where the Constitution placed it, recognizing neither the doctrine of pro-slavery on the one hand, nor abolition on the other.

Mr. GIDDINGS, of Ohio. I desire permission of the gentleman from Maryland to ask him a question. I wish to know whether, upon the principles of the Constitution, the Know-Nothings would restore freedom to Kansas?

Mr. SOLLERS. I will never take the construction of the gentleman from Ohio on any point of constitutional law.

Mr. GIDDINGS. Then the gentleman backs out.

Mr. SOLLERS. I do not back out, but I do most cheerfully retire from such a contest. I would just as soon think of entering into a contest with a pregnant woman. [Laughter.]

Having stated, according to my information, derived from sources as good, at least, as those of its opponents, that one of the principles of the Native American party is, to stand by and maintain the Union of these States, I proceed to a consideration of another one of its principles equally as important to the maintaining of the Union; nay, sir, the very existence of the Government itself. You anticipate me, no doubt, sir. I mean its *intense nationality*, which is its very life blood. Whatever may be said of that sublime doctrine of universal philanthropy, which includes all nations and all people—however beautiful it may seem—I venture to assert that, with the exception of a few cracked-brained philosophers, it never had an existence. The gentleman from Mississippi tells us that, as nations progress in civilization, national lines are obliterated; the difference between nations in social habits and in political opinions are lost; and just in proportion as their habits and opinions are amalgamated, and become homogeneous, is the progress of civilization. I pretend not to quote his words. That is the idea. Now, is this proposition correct? Can it be sustained by lessons taught in ancient or modern history? Take the most ancient people, the Jews—a people blessed with the peculiar favor of the Almighty; set aside from other nations *as* a peculiar people; the especial recipients of His favors and His goodness—they were not only given a country, but its very lines and boundaries were fixed by Him. They were taught separate manners, and separate and distinct laws were made for their government. They must have presented at the time the very highest type of civilization, and because of their disobedience and rebellion against His laws, the heaviest malediction that could fall upon a nation was pronounced against them, and they are wanderers upon the face of the earth without a country or a home. They have no country; they have no *nationality*.

The city of Rome, founded by Romulus, and peopled originally by adventurers from surrounding nations, grew into a mighty republic, and just in proportion to its progress and civilization, was its nationality developed, and they, the descendants of thieves and adventurers, assumed the proud name of Roman—a name feared and respected throughout the world. But let us examine this doctrine by the light of reason, as well as by the lights of history.

We know that nations—Governments—are formed by slow and gradual processes. The nucleus of a nation is the family—the home.—Nomadic tribes have no home. From the family circle the community is formed—formed for mutual defense and for the protection of the weak against the strong; laws are made for their government; a government is formed, its jurisdiction is established, its boundaries marked out, and you have a nation, and a national sentiment is created. Now, invert all this—first break down one barrier and then another; the nation, the government, the home, the family circle, and you have either barbarism or fourierism.

Now, sir, if, as I think I have shown, that the sentiment of nationality is one which increases or becomes intensified as civilization progresses, that it is, in fact, the very offspring of civilization, that it is honorable among all people; why should not we, the native-born citizens, be permitted to entertain it in its fullest measure towards and for this beautiful country of ours, and its unrivalled form of Government? The land of the lakes and of the cataracts, of the lofty mountains and majestic rivers, of the gay savannah and the blooming prairie; the land of stupendous forests and boundless plains; the land of gold and silver, compared to which the sands of the fabled Pactolus are as nothing; a land so broad that it takes the sun a whole day in his diurnal circuit to light up

"The land of the free, and the home of the brave."

Why, I ask, shall we, born here, reared here, not be permitted to call it "Our own, our native land."

Now, springing out of this sentiment of nationality, as a necessary consequence, is a disposition not to permit others to share with us equally all the privileges which, as natives of such a country, we enjoy. We do not say to foreigners, you shall not come here, under certain restrictions. We do not say that, if, feeling the oppressions and tyrannies of despotic forms of Government, in the Old World, you desire to come here, (where you can be protected in the rights of person and property,) you shall not come; but this we say, that, when you come, you must not expect to be permitted to form our laws, or to exercise any power in the administration of our Government. We tell you in advance, that we are determined that "Americans shall govern America."

I know, sir, it has frequently been asked why, up to this period, we have permitted foreigners to come to this country, and sanctioned the exercise by them of political privileges which you now deny them? My answer is, that immigration has so increased in the last ten years, that there is the most serious apprehension that they will become the ruling power in the United States; and, if we do not check them now, they will usurp the whole power and authority of the Government. I have not time to read you all the statistical facts upon this subject, but the following table will be found to be correct:

From 1790 to 1810	120,000
From 1810 to 1820	114,000
From 1820 to 1830	203,979
From 1830 to 1840	702,369
From 1840 to 1850	1,521,850
Total for the entire sixty years	2,729,198
From June 1, 1850, to December 31, 1851, the number of foreign immigrants arriving in this country was,	558,000
In the year 1852	375,000
In the year 1853	368,000
In the year 1854, the returns of the first six months warrant the estimate for the entire year of	500,000
The aggregate for the first four and a half years of this decennial term is	1,801,000
There is no reason for believing that the vast immigration of this year will diminish. In fact, there is no limit to its rate of progress but the means of conveyance. Now, then, we have upon this basis an aggregate for the six years and a half intervening between this period and 1860 of	3,250,000
Making, for the current ten years, the astounding aggregate of	5,051,000

Now, assuming this statement to be correct, I ask you if it does not present a most alarming state of things. Here is an aggregate for the last ten years of 5,051,000, and when we consider the causes now in operation in the Old World, the wars that are raging, and the scarcity of food that must be produced by the diverting of so much agricultural labor from the culture of the earth, and, when we consider, too, that millions are pouring in upon us from China and Japan, I ask you if it is not time that something should be done to arrest this overwhelming tide of immigration from every country under the sun? If you do not do it, sir, this tiny stream which, from 1790 to 1810, a space comprising two decades, or twenty years, was only twelve thousand, will swell into an ocean stream that will sweep away your Government, its laws, usages, and the very name of American will be no more known among the nations of the earth.

Again, sir, another alarming fact connected with foreign immigration is the immense influx of convicts and paupers among us. In the early history of immigration, those who sought an asylum among us, were, for the most part, hardy and industrious mechanics, artisans, and laborers, who, groaning under the weight of exactions and oppressions of various kinds, came over to better their fortunes under the genial influence of our beneficent laws. But, now, the character of the immigrants is totally changed. Instead of men of high character for honesty and integrity, the refuse of jails and prisons annually pour their thousands upon our shores, in one fœtid stream of corruption and villany. Nay, sir, it has become, with foreign Governments, a part of their domestic policy to send them to us, as at once the cheapest and most effectual means of getting rid of them. I read from an article taken from a respectable journal, containing an official circular of a commissary of a department in Belgium, to the proper authorities having in charge the subject of immigration to this country:

CIRCULAR.

[No. 1,898.] LIEGE, (Belgium,) *March* 14, 1854.

Emigrants for the United States—Transportation.

GENTLEMEN: The transports for emigrants for the United States will take their departure from Antwerp. A large number of vessels are prepared already to leave at various periods of this month. A certain number of liberated prisoners from Vilvorde, and from several poor-houses, (depot de mendicite,) are on the point of departing.

The price of the passage, all expenses included, is 160 francs, which sum should be paid in advance at the bureau of the Governor of the Province.

I beg you to let me know, as soon as possible, if your district has any passengers to be forwarded.

Each individual should be sent to the jail (maison d'arret) of Antwerp, and have in his possession simply a certificate on the following model:

"The Burgomaster of the district of ——, Province of Liege, (Belgium,) certifies that —— (give the age, place of birth, parentage,) is unmarried."

The departure will take place during the year, every fortnight.

The Commissary of the Arrondissement,

Th. Flechet.

To the Burgomaster and Council of——.

Again, sir. Instead of the industrious and thrifty immigrants, who formerly came to this country, thousands of paupers are annually sent over by foreign Governments, in accordance with the same rule of policy. I find in a table, furnished by the Census Bureau, that there were in 1850, 134,000 paupers who received support, and of these 68,000 were foreigners, and but 66,000 natives; and further, to show the character of foreign immigrants: I find in the same table that there were in the same year, 1850, 27,000 convictions for criminal offences in our criminal courts, and of this number 14,000 were foreigners, and but 1,300 natives; and this you will observe in a native population, at that time, of 21,000,000, while the foreign population only amounted to something less than 3,000,000. "Can such things pass o'er us, like a summer's dream, without exciting our special wonder?" I beg gentlemen to look these facts in the face, and prepare a remedy while we have it in our power to do so; for, sir, it is the duty of statesmen to prepare for emergencies before they actually occur.

I have, thus, sir, endeavored briefly to set forth some of the principles of the American party, and I hasten to consider some of the charges brought by its opponents against it.

The principal charge brought against the American party, both by the gentleman from Mississippi and the gentleman from South Carolina was, that it was a secret organization; and, to judge from the manner this particular feature in the organization was treated by them, one was inclined to think that there was some awful unknown element of explosion within their "dark subterranean vaults," (I use the language of the honorable gentleman from South Carolina,) whose fuse, touched by an unknown hand, would blow up the whole Government, as Guy Fawkes intended to blow up the Parliament House, Commons, Lords and all. I began to think myself that, after all, I had misunderstood the whole matter, and that there was some dark conspiracy against the Government; but, happily, the honorable gentleman from Mississippi [Mr. Barry] entirely relieved me by stating with a gravity that became so important a subject, "that it was only an attempt to overthrow the Administration." Mr. Chairman, permit me to relieve the honorable gentleman from Mississippi. I assure him, with a sincerity which I trust he will not doubt, that the Native American party, in the objects it seeks to accomplish, has never considered the Administration as one of the obstacles in its way. No, sir, no; the American party will not strike a fallen foe, but rather desires to meet "a foeman worthy of its steel." It is true, it might complain of the Administration, in appointing so many foreigners as diplomatic agents of this Government; but still it inclines rather to mercy than to vengeance.

But let us examine this matter of secrecy. Are honorable gentlemen really alarmed at it; or do they speak of it only for the purpose of alarming others? Is it the first time they have heard of secret associations? Why, sir, they have existed from the foundation of the Government, and, I may say, from the commencement of the world. In despotic Governments, it is true, they do not exist, neither does freedom of the press or freedom of thought exist. But, do you tell me that, in this free Republic, the people have no right to meet in secret, and deliberate upon political questions. Where, I beg to know, can you find any article in the Constitution of the Government or of the States, or any law in either, that denies them the right to do so? And if they are thus permitted by the Constitutions and the laws of both General and State Governments, how dare you to endeavor to deprive them of it? Do not gentlemen see that, while they argue that secrecy in political associations is in violation of the spirit of the Constitution, they themselves are attempting to deprive the people of a clear and acknowledged constitutional privilege? Is this, sir, the first secret political association ever formed in this country? I think, if I do not greatly misapprehend the history of the transaction, the celebrated Boston tea party was a secret association. If I have not greatly misunderstood the character of that remarkable affair, it was not only secret in its organization, secret in its transactions, secret in its resolves, but secret in carrying out and effecting its purposes. For, disguised as Indians, its members boarded the British vessels; disguised as Indians, they threw the tea from their decks into the harbor of Boston; and disguised as Indians, they returned in safety and in triumph. from their heroic and patriotic enterprise. And is this the only secret political association that has existed in this country since that period? Why, sir, there has not existed a political party in the country, that has not, in some degree, subjected itself to this charge of secrecy. In secret have all parties met to nominate their candidates for office. In secret have they met through their representatives to mature measures for their respective parties. In county caucuses, in State caucuses, in congressional caucuses, has the principle of secrecy entered. Why, sir, I hold in my hand at this moment the Union, the organ of the Democratic party, in which there is a call for a secret meeting, or caucus, in one of the rooms of this Capitol. Will they admit me or any one not of that party to its deliberations? No, sir, it is secret, and their deliberations never will be known. Is it said the principles of the Native American party are secret? I deny it. They have gone all over the country on all the wings of all the winds; and permit me to say further, sir, if those principles are not known, how happens it that honorable gentlemen get up here to attack them? Are they willing to put themselves in the ridiculous position of fighting shadows? All this outcry against the secrecy of the organization, is made for effect, to alarm the people, or if they do speak sincerely, (and I am willing to allow that they do,) they are themselves the victims of a most unnecessary panic. Believe me, no dreadful plot is meditated, no treason is intended, no machinations formed, unless, indeed, it be treason to dethrone old fogies of both parties, and place the Government in the hands of men who will carry out their principles, and restore the Government to its original purity and vigor.

But again, sir, it is charged against the American party, that what they propose to do is but reviving the alien and sedition laws, and that Mr. Jefferson was elected President of the United States upon the bitter opposition which these laws met with through this country, and that he showed his hostility to any attempt made to persecute foreigners, by proposing, in his first message to Congress, to repeal them, and to limit the time within which they could exercise the right of citizenship to five years, instead of nine. Sir, we all know that Mr. Jefferson, anterior to that time, had declared, in the strongest language, his bitter hostility to the influx of foreigners into this country. In his notes on Virginia, he says:

"They (the foreigners) will bring with them the principles of the Governments they have imbibed in early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. *It would be a miracle were they to stop precisely at the point of temperate liberty.* Their principles, with their language, they will transmit to their children. In proportion to their number, they will share with us in the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass. I may appeal to experience, during the present contest, for a verification of those conjectures; but if they are not certain in event, are they not possible, are they not probable? Is it not safer to wait with patience for the attainment of population desired or expected? May not our Government be more homogeneous, more peaceable, more durable?"

On another occasion he penned this memorable paragraph:

"I hope we may find some means in future of shielding ourselves from *foreign influence*—political, commercial, or in whatever form it may be attempted. I wish there were an ocean of fire between this and the Old World."

Does any man imagine that in so short a time Mr. Jefferson could have changed his views upon so important a subject? No, sir. Mr. Jefferson had been elected by a combination of nearly every foreigner in the country with the Democratic party, and out of *gratitude* to them he lessened the term of their probation.

I appeal to my friend, [Mr. Benton,] the last of "*patres conscripti*," (and who knows, I do verily believe, more of the history of the Government than all other men now living,) if I have not stated the case correctly. And, since I am speaking of the opinions of distinguished men, permit me, sir, to refer to the opinion of General Washington; and I ask those who now abuse the American party for its hostility to foreigners to listen.

George Washington, in a letter addressed to Governeur Morris, dated White Plains, July 24, 1778, said:

"Baron Steuben, I now find, is also wanting to quit his inspectorship for a command in the line. This will be productive of much discontent. In a word, though I think the Baron an excellent officer, I do most devoutly wish we had not a single *foreigner* among us, except the Marquis de Lafayette, who acts upon very different principles from those which govern the rest."

In another letter, dated Philadelphia, November 17, 1794, and addressed to the elder Adams, the Pater Patriæ said:

"My opinion with respect to immigration is, except of useful mechanics, and some particular descriptions of men and professions, there is no need of encouragement."

Again, a letter from the same hand, dated from his residence, January 20, 1790, in reply to a letter applying for office, has this passage:

"It does not accord with the policy of this Government to bestow offices, civil or military, upon foreigners, to the exclusion of our citizens."

And Mr. Madison, animated with the same spirit, thus said:

"Foreign influence is a Grecian horse to the Republic—we cannot be too careful to exclude its entrance."

Mr. Webster, too, the great defender of the Constitution, beholding with the sagacity of a statesman, and almost with the vision of a seer, the great evils that were about to fall upon the country, declared in that clear and concise style for which he was remarkable:

"That there is an imperative necessity for reforming the naturalization laws of the United States."

And, sir, last, but not least, in many of the characteristics of a great man, (I pray you gentlemen Democrats, give ear,) I read you the opinion of General Andrew Jackson:

"It is time that we should become a little more Americanized, and instead of feeding the paupers and laborers of England, feed our own; or else, in a short time, by our present policy, we should be paupers ourselves."

Are these not sufficient? Will you have the hardihood to set your opinions against the opinions of men like these? You may, if you choose, but if the authorities are weighed, I incline to believe they will be found to be on the side of Native Americanism.

But it is said, in further charge against the American party, that it wages war against the Roman Catholics. Sir, if I understand it, it wages no war against any religion. It does war against the union of Church and State, against the mingling of religion with politics. It does war against the principle that a man may exercise all the rights of an American citizen, and, at the same time, owe allegiance to a foreign prince or potentate. But it wars against no man for his religious opinions. That is my understanding of the principles of the American party upon this subject. If you know more about it than I do, it is my misfortune, not my fault.

But, it is said, again, that this question partakes of the nature of the organization of labor. I fear that gentlemen are carried away by elastic imagination, or that they are uttering subtleties which my poor brain cannot comprehend. How organization of labor? If it means anything, it means this—that Americans do not wish foreign labor to come in competition with theirs. Well, upon my soul, I can see no great harm in this; it is at least a reasonable wish, and, for myself, I do not hesitate to avow, if such should be one of the objects sought to be attained by the American party, I should not be less devoted to it on that account.

But the gentleman from Mississippi tells us, that the North having imported foreigners for the purpose of constructing their railroads and canals, are now willing to prevent further immigration, since they have constructed them.

Sir, I know this is an argument very often used in favor of the foreign population, particularly of one portion, the Irish; and I acknowledge that they, for the most part constitute the laborers upon our public works. But I know that native citizens have also worked upon railroads and canals, for I have seen them there. But, is the whole credit of constructing those gigantic canals, upon

whose placid waters the internal productions of the country are borne, and the railroads which bind every part of the Confederacy together with iron bands, to be given to the laborers who worked upon them? Is nothing due to American enterprise, American skill, and American capital? Was not he who first conceived the idea of a railroad, and was not he who first applied his capital to develop that idea and bring it into practical operation, at least as great as the man who levelled the hills and filled up the valleys with the spade? Was not he who first conceived the idea of a canal, as great as he who dug the ditch and built the locks? Was not Fulton at least as great as he who built the vessel to which his sublime mind first conceived the grand idea of applying steam as a motive power to it! Sir, these foreigners came here to make money, to better their condition in life: and they accomplished their object; for, instead of ten cents a day, they receive from two dollars to two dollars and fifty cents a day for their labor; and as well may it be said that they built our great works of improvement, as that the horses and cattle employed in their construction built them.

But, it is said again, that this Native American movement has its origin in, and is connected with, abolitionism. Mr. Chairman, if this is so, the abolitionists are a much less sagacious and far-seeing people than I supposed they were. By whom, I beg to know, are your new States, for the most part, peopled? We know that the moment foreigners arrive here, if they have the means, (and many of them have,) they seek the fertile regions of the far West, where lands are cheap, and the soil is virgin; and, almost to a man, they are opposed to negro slavery, because it comes in direct competition with their own labor. And, sir, it is known that the subject of abolition was ignored in all the recent elections at the North. But it is said that "Know-Nothingism first made its appearance in this House in the person of a gentleman from Massachusetts, [Mr. Banks,] an abolition State. I apprehend that the gentleman who makes the charge is laboring under a slight mistake in this. It was, sir, the humble individual who now addresses you, that, at the last session, first introduced a proposition to exclude all foreigners from our Army and Navy. I can almost complain of my friend from Massachusetts, in the language of the Latin poet: "*Hos ego versiculos feci, tulit alter honores;*" which being literally construed, means, he has "*stolen my thunder.*" But, be this as it may, if Know-Nothingism did come from Massachusetts, (and I do not know that it did,) in my judgment, it came from a very good starting point. It was there that the first battles of the Revolution were fought. Within the limits of that glorious old State are Concord, and Lexington, and Bunker's Hill; and the descendants of her old warriors have not forgotten how, on those memorable fields, their sires opposed their breasts to foreign bayonets. No wonder, when thinking of these things, and when listening to these old men, "fighting their battles o'er again," they should, in their heart's core, feel the injustice of permitting foreigners to govern them.

Sir, the gentleman from Mississippi tells us that this new party will have but a brief and transient existence, and that it will pass away like a forgotten dream; and in order to enforce the idea of the transitory nature of its existence, he tells us it is like an inverted pyramid. Now, to say the least, this was a strong figure, for I can conceive of no greater degree of physical strength than that which would be required to turn one of the tombs of the Pharaohs from its base, and place it on its apex. And just in proportion to the amount of physical strength required for this, I conceive, was the amount of imagination to make the figure. Well, sir, it is not for me to find fault with it. But this I say to the honorable gentleman, that when next he comes before his people, he will find himself the most beautiful specimen of an inverted pyramid on a small scale, that ever was seen in this world, with his head upon the ground and his feet in the air; he will be a living monument of the rashness of a man opposing his own countrymen in favor of foreigners. [Laughter.]

Does the gentleman from Mississippi imagine that a party with the prestige of victories such as the Native-American party has achieved, can be of short, temporary existence? Why, sir, look at them. In Pennsylvania, it swept over the State like a whirlwind. In New York, if it was not victorious, it was because it knew not its own strength. In New Jersey, the descendants of those who contended against the bloody Hessians, raised aloft its standard in victory. In Massachusetts it was more than victorious—it annihilated all its opponents, Whigs, Democrats, and Abolitionists. And I mention as a fact, truly gratifying to every true conservative in the country, that, at a recent election for mayor in the city of Boston, Mr. Smith, the mayor elect of that town, ran against three opponents, an Abolitionist, a Whig, and a Democrat, and distanced them all, he being the same man who not long since was burned in effigy in the city of Boston for assisting to restore the slave Burns to his master. And in little Delaware, too, always true to the Constitution and the Union, the Native American party was victorious; and at some future day, if any politico-geological explorer, searching for the remains of an extinct race, wishes to find another specimen of a petrified man, he need not go to the Chincha Islands, but in the State of Delaware he will find a beautiful specimen in the person of my friend, [Mr. Riddle,] the chairman of the guano committee. [Laughter.]

I have thus, sir, in as concise a manner as I could, endeavored to set forth the principles of the American party, and to defend it against the assaults made upon it. I cannot permit myself, for a moment, to doubt of its triumphant success. Its principles are founded on a sentiment long existing in the public mind, but smothered and suppressed by the contests and struggles of the two old parties; but, like the pent up fires of a sleeping volcano, they have at last burst forth in resistless force, and you had as well undertake to stay the rushing waters of the cataract of Niagara, as to arrest their course. And when the day of triumph of this great party shall come, as come it surely will, then will be realized the great objects of its organization—the preservation of the union of these States, the restoration to its original purity of the administration of the Government, and the establishment of the principle that, in all time to come, none but "Americans shall govern America."

JUDICIAL SYSTEM.

SPEECH OF HON. J. A. BAYARD,

OF DELAWARE,

In the Senate, *January* 10, 1855.

The Senate having under consideration, as in Committee of the Whole, the bill to modify and amend the Judicial system of the United States—

Mr. BAYARD said:

Mr. President: The question now before the Senate, as I understand, is the amendment proposed by the honorable Senator from Ohio, [Mr. Chase,] which proposes to reduce, after vacancies shall occur by decease or resignation, the existing Judges of the Supreme Court to six in number. Individually, that would accord with my own opinions—opinions formed upon reflection long anterior to my becoming a member of this body, and very fixed opinions indeed. Sir, in reference to the reorganization of the judiciary, we all admit that the present system is inadequate for the proper performance of the duties which belong to the judiciary of the United States. The country has grown in wealth, in business, and in population, to such an extent that the system imperatively requires to be reorganized in some mode. No member of the Senate can, however, reasonably expect or suppose that all his individual opinions as to what would be the most perfect form of reorganization, can obtain the vote of the Senate. Every one must be prepared to yield some portion of his opinions as to his *beau ideal* of a judiciary system proper to be applied to this Confederacy. We felt that difficulty in the committee when this measure first came before us; and feeling that difficulty, we all agreed to yield, or at least we all did yield, many of our opinions, in framing the bill which we have reported. We reported it as the only practicable measure, as we supposed, which could command the vote of the Senate and of Congress.

My opinions coincided with those of the honorable Senator from South Carolina [Mr. Butler] in the committee, (and there is no impropriety in adverting to our deliberations to that extent,) that the reduction of the court would be a wise measure, because a court of final resort, composed of many judges, was apt to lead to dissenting opinions, and in that mode derogate from the weight of its own decisions; and that, taking the general position of our country, six judges would enable every section of the Union to be sufficiently represented for the purposes of final decision. But for many reasons (that which he assigned among others) we were led to believe such a reduction impracticable; and, therefore, I agreed, though with great reluctance, to its abandonment. I confess that I had the impression made upon my mind, that the Committee on the Judiciary had come to an understanding that it would be impossible to expect any bill could pass the Senate, unless they resisted all amendments, and suffered it to pass in the form in which it was reported. Sir, I regret that impression was not made upon the honorable Senator from Missouri, [Mr. Geyer.] Then we should have been spared the objection which he has made to the bill reported by the committee, an objection which I shall endeavor to show hereafter, is groundless in effect, though if true it would be sufficiently potent.

Mr. President, for this reason, and this reason alone, I shall be compelled, against my own conviction of what would be the best system, to vote against the amendment of the honorable Senator from Ohio. I shall vote for the bill as it stands, because I believe, if that bill cannot pass, you can agree upon no plan of reorganization whatever; and yet I consider a reorganization imperative to the due administration of justice in the country. Sir, conceding, what I presume will be generally conceded by the Senate, that the judiciary system requires reorganization, there are but two modes in which it can be effected. One is by withdrawing the Supreme Court Judges from circuit duties, so as to enable them not only to investigate and deliberate upon the cases which come before them in the Supreme Court, but also to dispose of those cases, after deliberation and investigation; and for that purpose to constitute inferior tribunals, or appoint other judges, to take the place in the circuits of those judges who are withdrawn from circuit duties. The other mode is, if you persist in compelling your Supreme Court Judges to perform circuit duties, to enlarge that court to an extent which will destroy its efficiency, and ultimately its authority in the country. I presume there is hardly a Senator in this body who would not consider the extension of the Supreme Court to fifteen or sixteen judges as entirely out of the question, viewed only in its effect upon the court, its probable result on its future decisions, and the weight which would attach to those decisions throughout the country at large.

And yet, sir, unless you adopt that alternative, there is no practicable mode in which you can reorganize the judiciary of the United States, retaining the Judges of the Supreme Court in the performance of circuit duties, consistent with the advance of the country in population and the consequent increase of litigation, and in the number of causes brought before them for decision. As matters stand now, you find that these judges are obliged to sit every alternate year between five and six months, and in the intervening year full three months, or rather more; and yet they cannot dispose of the calendar of one in less than two terms; in other words, under the existing organization for several years past, before a case can be reached for hearing, the second year must elapse. If that be so now, what must be the result of the progress of business in the country, and the inevitable increase of appeals, with the enlargement of the Union? I speak not of any particular or local increase of business from one quarter or another; but the necessary general increase of litigation arising out of the increased population and increased business transactions of the country. In a few years this increase, with the consequent increase of litigation, will so utterly block the proceedings of that court, that there will be a denial of justice unless you adopt some system which

will enable the judges to hold two terms in a year, and thus within that year dispose of all the causes which may come before them. That is justice without delay; and justice without unreasonable delay is just as essential as the administration of justice at all.

I shall notice, before I close my remarks, the project of the honorable Senator from Illinois, in order to show, as I think I can, that it is impracticable in itself—that it is dilatory—that it does not even reach the object which the Senator desires to attain in that mode of organization; yet, except the bill of the committee, it is the only plan which has been suggested as a mode of reorganizing the judiciary, unless dependent upon too large an increase in the number of the Judges of the Supreme Court.

We have proposed to withdraw those judges from circuit duties as preferable to increasing their number, except that portion which relates to chamber practice, that is, granting injunctions, issuing writs of *habeas corpus*, and matters of that kind; but they are entirely withdrawn by this bill from the duties of judges of an inferior court. We hold this to be essential from the fact that it is impossible in a country so extensive as ours, that nine judges can travel over the circuits as they are organized, or in any mode in which you may organize them, and yet attend at Washington for a sufficient length of time to perform their duties as judges of the appellate court. It is not in human power to transact such an amount of business. Sir, you would not make your judges slaves, you would not desire to deprive them of time for study. You cannot suppose a judge will acquire knowledge and increase his capacity for the proper decision of causes, by being constantly upon the road. No matter how able he may be, no matter how learned, there is no lawyer who hears me who does not know that if a man means to retain his knowledge of law, it can only be by constant study. The human memory will forget, principles will become mixed in the mind, or distinctions will be lost sight of; and only by constant study can any man remain fit for the performance of judicial functions. Sir, you discard entirely the idea of study if you retain this system of requiring nine judges to travel over the circuits of this Union. You have felt this so far already, that you have been obliged to abandon their attendance at one term of the circuit courts, and only require them to sit in those courts once a year. The impracticability is so felt that, as I understand, in the State of Arkansas the judge cannot attend, although the law authorizes a circuit court to be held there. We are able to have no circuit judge attending in Texas, and in other States of the Union. This has been stated here in the course of this debate. Surely a system which dispenses justice in a Confederacy like ours, differently among different members of that Confederacy, ought to be remedied and ought to be changed on that account, if on no other. It should always be a leading principle of legislation in this country to extend the benefits of this Government alike to every State in the Union, to administer justice similarly in all, and provide the same tribunals in every State for the disposition of causes, so far as the Federal jurisdiction is concerned. Under the present organization of the judiciary, that is utterly impracticable.

Another advantage of the system proposed by this bill is, that it enables you to have two terms of the Supreme Court in a year, instead of one. Of course, that expedites the final decision of causes; and whatever, consistently with due investigation and deliberation, expedites the decision of a cause, is as important for the purposes of justice as the decision itself. It follows inevitably that, if a suitor has the right to his writ of error returnable twice instead of once a year, it will double the speed with which these cases may be disposed of. Semi-annual terms, also, will enable the court, after a full hearing, and with ample time for deliberation, to dispose of all cases which come before it at the term to which the writs are returnable; and that ought to be the course of justice in this, or any other country, wherever it is practicable. The court should have it in their power to go through their calendar at each term. I do not say they should force the argument of a cause, if both parties desire further time for the hearing; such a course might be the dispatch of business, but not the administration of justice. But every court of appeals ought, if possible, to be so organized that the business before the court can, at least, be called up for disposition, if the parties are ready to have it disposed of.

Mr. President, there is another great advantage arising from the withdrawal of the Supreme Court Judges from circuit duties, which, I think, has not been adverted to in this debate; and that is, that it secures you in the court of last resort a tribunal in which there is no room for bias, or the suspicion of bias, in the decision of a cause. As it stands now, will any gentleman, no matter how exalted his opinion may be of the judges of that court, tell me that an appeal from one man to his own decision, though combined with that of his associates, is not objectionable in principle? Take the case of an appeal from one judge to himself alone, and the human reason rejects it at once as a mere mockery. The appeal from the man to the man would be an utterly useless and idle form. On the same principle, must it not be an objection to any judicial system, that the judge who tried a cause in the court below and is committed by a publicly pronounced opinion, is permitted afterwards to sit on the revision of that cause, though it be with others who may overrule his decision? Does it not, on the one hand, where there are men of differently constituted minds, and perhaps of somewhat opposing temperaments, involve the danger that discord may be produced in the court upon the questions under revision; or the still greater danger, on the other hand, that the *esprit du corps* which exists in all bodies will give too much influence in the affirmance or disaffirmance of that decision to the judge who decided the cause, or who differed from the district judge in the court below? I mean not to intimate that any cause under such circumstances would be decided from impure motives, yet it leaves room for bias; and though that bias may be insensible to the actors, still we are bound, in providing for a court of last resort, to place it in a position which shall counteract those infirmities which are inevitably incident to our common nature, and which may not unfrequently lead to erroneous decisions. This opinion is not mine alone, and its truth is so obvious that I presume it will scarcely be doubted by any Senator.

Let me suggest a case for illustration. Suppose an appeal from a circuit court, in which the Supreme Court Judge delivered the opinion of the court below, or dissented in opinion from the district judge. When that cause comes before the Supreme Court of the United States, it must be decided with that judge, as a member of the appellate court, upon the bench. Under such circumstances, the appealing party against whom the decision has been made in the court below, will always feel, even though the decision may be pure, that he has not had an *equal* chance for justice in the final hearing of his cause.

Sir, the objection was made to this organization of the United States courts in the outset of our Government. As early as the year 1790, the principle which I now state was presented and urged in a report of the Attorney General of the United States, Mr. Edmund Randolph, of Virginia. He stated it as a grave objection to the organization of the then existing system. As then organized, the Supreme Court was composed of six judges, two of whom were required to sit in the circuit court, with the district judge. When the judges differed in opinion, it would necessarily produce opposition, and probably, irritation of feeling in the court above, tending to a disorganization of the court. When they coincided in opinion, it is difficult to suppose a writ of error could have had any probable effect, as one third of the court had already predetermined the case. Such was the state of things in the first instance, and it is in regard to that condition of affairs that the report to which I have alluded was made. Within one year after the system had gone into operation, its inconveniences and defects began to be felt. In 1790, the attention of Congress was called to the judiciary, and the Attorney General, Edmund Randolph, was desired to present, and did present, a detailed and elaborate report on the subject. I purpose now to read a portion of the general reasoning of that report, because it states the principle upon which I am touching much better than I could. I think it will command the attention of the Senate, and show most clearly that, at least we gain one great advantage by withdrawing the Supreme Court Judges from circuit duties, because we then constitute a court which will not only be above bias, but beyond the suspicion of bias, in the mind of the individual suitor. Let me read from the report, which was made before the spirit of party, with its perverting influence, entered into this question:

"A third alteration which the Attorney General cannot fail to suggest is, that the Judges of the Supreme Court shall cease to be judges of the circuit courts. It is obvious that the inferior courts should be distinct bodies from the Supreme Court. But how far it may confound these two species of courts to suffer the Judges of the Supreme to hold seats on the circuit bench, he declines the discussion, and circumscribes his reflections within the pale of expediency only."

He does not touch the constitutional question which has been adverted to by my friend from Connecticut, [Mr. TOUCEY.]

"1. Those who pronounce the law of the land without appeal, ought to be preëminent in most endowments of the mind. Survey the functions of a Judge of the Supreme Court. He must be master of the common law in all its divisions; a chancellor, a civilian, a Federal jurist, and skilled in the laws of each State. To expect that, in future times, this assemblage of talents will be ready without further study for the national service, is to confide too largely in the public fortune. Most vacancies on the bench will be supplied by professional men, who, perhaps, have been too much animated by the contentions of the bar, deliberately to explore this extensive range of science. In a great measure, then, the Supreme Judges will form themselves, after their nomination. But what leisure remains from their itinerant dispensation of justice? Sum up all the fragments of their time, hold their fatigue at naught, and let them bid adieu to all domestic concerns, still the average term of life, already advanced, will be too short for any important proficiency.

"2. The detaching of the judges to different circuits defeats the benefits of an unprejudiced consultation. The delivery of a solemn opinion in court commits them, and should a judgment rendered by two be erroneous, will they meet their four brethren unbiased? May not human nature, thus trammelled, struggle too long against convictions? And how few would erect a monument to their candor at the expense of their reputation for firmness and discernment?

"3. Jealousy among the members of a court is always an evil, and its malignity would be double should it creep into the Supreme Court, obscure the discovery of right, and weaken the respect which the public welfare seeks for its decrees. But this cannot be affirmed to be beyond the compass of events, to men agitated by the constant scanning of the judicial conduct of each other.

"4. If this should not happen, there is fresh danger on the other side, lest they should be restrained by delicacy and mutual tenderness, from probing, without scruple, what had been done in circuit courts. A schism of sentiment before a decision, and after a free conference, is not esteemed harsh; but it is very painful to undertake to satisfy another that, in a public opinion, already uttered, he has been in the wrong.

"5. Situated as the United States are, many of the most weighty judiciary questions will be perfectly novel. These must be hurried off on the circuits, where necessary books are not to be had, or relinquished, for argument before the next set of judges, who, on their part, may want books and a calmer season for thought. So that a cause may be suspended until every judge shall have heard it.

"6. The Supreme Judges themselves, who ride the circuits, will be soon graduated in the public mind in relation to the circuits; will soon be considered as circuit judges, and will not be often appreciated as Supreme Judges. When a discomfited party looks up to the highest tribunal for redress, he is told by the report of the world, that in it every quality is centered necessary to justice. But, how would his sanguine hopes be frustrated, if among six judges, two are most probably to repeat their former suffrages, or to vindicate them with strenuous ability; or, if to avoid this, the wisdom of the third of the number must be laid aside?"

Mr. President, the objections stated in that report are so forcibly urged, that I am unwilling to believe any Senator can hesitate in admitting that at least one evil in the present organization will be remedied by the plan of the committee. I will take the liberty of reading still another argument on the same question, urged in a different manner. The extract, from the report of Mr. Attorney General Randolph, is from a quotation of it, made in the celebrated debate on the judiciary, in the year 1802. I shall, perhaps, have occasion to refer to that debate hereafter. The passage which I now propose to read, is from a speech made on that occasion by my father, in the House of Representatives of the United States. On that branch of the question, no reply was made to his argument; no intimation was given that it was not a defect in the organization of the courts to require the Supreme Judges to sit in an inferior court. In that debate he said:

"In the constitution of this court, as a court of last resort, there was another essential defect. The appeals to this

court are from the circuit courts. The circuit court consists of the district judge and a Judge of the Supreme Court. In cases where the district judge is interested, where he has been counsel, and where he has decided in the court below, the Judge of the Supreme Court alone composes the circuit court. What, then, is, substantially, the nature of this appellate jurisdiction? In truth and practice, the appeal is from a member of a court to the body of the same court. The circuit courts are but emanations of the Supreme Court. Cast your eyes upon the Supreme Court: you see it disappear, and its members afterwards arising in the shape of circuit judges. Behold the circuit judges: they vanish, and immediately you perceive the form of the Supreme Court appearing. There is, sir, a magic in this arrangement, which is not friendly to justice. When the Supreme Court assembles, appeals come from the various circuits of the United States. There are appeals from the decisions of each judge. The judgments of each member pass in succession under the revision of the whole body. Will not a judge, while he is examining the sentence of a brother to day, remember that that brother will sit in judgment upon his proceedings to-morrow? Are the members of a court thus constituted free from all motive, exempt from all bias, which could even remotely influence opinion on the point of strict right? And yet, let me ask, emphatically, whether this court, being the court of final resort, should not be so constituted that the world should believe, and every suitor be satisfied, that, in weighing the justice of a cause, nothing entered the scales but its true merits?

"Your Supreme Court, sir, I have never considered as anything more than the judges of assize sitting in bank. It is a system with which, perhaps, I should find no fault, if the judges, sitting in bank, did not exercise a *final* jurisdiction. Political institutions should be so calculated as not to depend upon the virtues, but to guard against the vices and weaknesses of men. It is possible that a Judge of the Supreme Court would not be influenced by the *esprit du corps* that he would neither be gratified by the affirmance, nor mortified by the reversal, of his opinions. But this, sir, is estimating the strength and purity of human nature upon possible, but not on its ordinary scale."

Sir, it would be difficult to answer that objection, or contend that it was not a potent one then, and is not now a strong reason for altering the present organization of the courts. Let me not be misunderstood, however. I disclaim the slightest imputation upon the purity of motive, or high character of the existing or former Judges of the Supreme Court; but, sir, they are men, and it is not only necessary that you should remove the danger of that bias, which may be imperceptible to the individual himself, but you must give confidence to the suitor, that in an appeal from the decision of the judge below, he will be sure of a hearing before a tribunal whose impartiality he cannot question, on the ground of the predetermination of his cause by one of its members. You have thus another reason for the reorganization of the judiciary, on the plan proposed by the committee.

The advantages of that plan, as I have stated them, may be briefly summed up in a few words. By it we avoid delay in the return of the writ of error; we expedite the determination of causes; we give the judges time for study; for a full hearing of cases, and a disposition of them, at the first term. Besides, we leave to the judges something like that degree of relaxation from the performance of their duties which is necessary for every man, who is called upon to perform duties involving severe mental labor, unless you mean that he shall be broken down in their discharge.

But, Mr. President, what are the objections urged to the removal of the Judges of the Supreme Court from circuit duties? I cannot now recall to mind the different Senators from whom those objections emanated; but if I appreciate them rightly, there are but two. One is, that unless the Supreme Court Judges hold the circuit courts, and thus, through that means, mix with the people, and become acquainted with the bar, and also in that mode acquire a knowledge of practice, and of local usages, it will derogate from the weight of their decisions, and unpopularize the court in the confidence of the country. The other objection is, that the effect of withdrawing the Supreme Court Judges from circuit duties, would be to centralize the Supreme Court. These I understand to be the two principal, if not the only objections, which have been urged to that portion of the bill which is the chief matter in contest.

I will not deny that the circuit duties performed by a Judge of the Supreme Court enable him to acquire some knowledge of local practice, and local usages in the circuit in which he holds his court. If, however, you are to assume the rotatory principle, and send a judge, once in nine years, into each circuit, what will be the result? Taking the ordinary average of judicial tenure, I presume it would be overstated at eighteen years; because, though some judges may have remained upon the bench as long as thirty-two years, and, for aught I know, even for forty years, such prolongation of life is rare. I apprehend that if gentlemen will calculate the ordinary duration of life, (and it would apply to judges as well as to other men,) at the period when Judges of the Supreme Court have hitherto been appointed, and will, I trust, continue to be appointed, say not younger than forty-five years, their lives cannot be estimated at more than an average of eighteen years beyond that period. Then, if you apply the rotatory principle, the opportunities of a judge to acquire this knowledge of local practice and local usages, in his performance of circuit duties, would be confined to holding two courts, at intervals of nine years apart, in each circuit. To what extent could a knowledge of local usages and local practice be thus acquired? Sir, it is an inappreciable quantity. If, however, you confine the judge to a particular circuit, I admit, he will keep up his previous knowledge of practice, and perhaps, acquire some knowledge of the practice of the different districts of that circuit in which he holds circuit courts. I admit, by that course, he would become acquainted with the local usages, and be able to impart them to his brethren on the Supreme bench. But, if he holds the circuit courts often enough to acquire that knowledge of practice and of local usages, which is deemed so desirable, he will be unable to sit in the Supreme Court of the United States, if that court is in session long enough to transact its business. It will be physically and absolutely impossible for him to perform both sets of duties; and, therefore, you must dispense with that which is least material. Surely, ultimate jurisdiction being vested in the Supreme Court, if there is oppressive delay in the ultimate decision of a cause, there is a denial of justice; and that far transcends in importance, the personal knowledge of mere local practice, and usages which may be acquired by the appellate judge from the performance of circuit duties.

In truth, a knowledge of the practice of the different portions of the country is entirely useless in the appellate court. Every lawyer knows that a question of practice is not matter of error; if the court below misjudges in a point of practice, it is not ground for a writ of error. To an appellate court of common law, a writ of error carries up the record alone, and such questions as appear upon the face of the record can be assigned as errors, and none other.

As regards local usages, I may be allowed to remark that it is not desirable, in a country like ours, where statutory regulations in every State can be so readily obtained, to allow them much weight in the determination of conflicting rights. If they are well known and established usages they may be made part of the record by a bill of exceptions, and the principles of law which govern the establishment of such usages are the same throughout our whole country. I, therefore, consider the acquisition of such knowledge as of little moment, and slight importance to the appellate court. Independently of that, it is impracticable for the judges generally to acquire knowledge in that mode without an imperfect performance of their duties in the Supreme Court, and onerous delay in the final determination of suits.

But, sir, the argument which seemed to be most relied upon was, that the judges should mingle with the people and become acquainted with the bar, and that thus they would secure a hold on the confidence of the country, which would be lost or endangered if they were constituted into an appellate court alone. Of course, in weighing questions of this kind, there must be diversities of opinion. Even supposing that some weight is attached to that objection, you must take it in connection with the advantages to be gained on the other side, and you must test it, also, as has been done by many honorable Senators on this floor, by the question of practicability. I must confess, however, that I, for one, have no faith whatever in that mode of sustaining the Supreme Court of the United States in the confidence of the people of this country. The argument presupposes that the permanent influence of the court must depend upon the manners of the judges and their affability, and not on the ability and the impartiality of the decisions of the court. Sir, I have more confidence in the intelligence of my countrymen than to believe that the Supreme Court will be weighed in the public estimation by any such standard as the individual manners of the judges. A judge may be a man of reserved, or, if you please, of morose manners; but there is sufficient intelligence among the people to know and to estimate whether his decisions are partial or impartial; and if the public mind is satisfied that he is impartial, able, and learned—I care not what his manners are—the public will give to him their esteem and confidence.

As regards the court itself, it is the impartiality and ability of its decisions which must sustain it in this Union, and not the individual manners of the respective judges. I have seen in my own State that effect upon the people; and I take it for granted that, throughout other States, there is the same intelligence, and that the confidence and respect of the people is to be gained in the same mode as in the State of Delaware. A gentleman who preceded me in the Senate, from Delaware, [Mr. THOMAS CLAYTON,] having the same name with my present colleague, was, for many years, a judge in my State. He was a distinguished lawyer, but was not a man of affable manners. He was rather morose, and certainly abrupt in his general intercourse. He mingled little with the people. He sought little converse, except with his immediate friends; yet, sir, I venture to say that, being known to be an able jurist, being perfectly impartial on the bench, he obtained and maintained the confidence of the people of Delaware to an extent that never was exceeded by any man who ever sat upon the bench in the State. There are other instances of the same kind. I believe the people of the United States would estimate their judges in the same way; and I have no idea that the popularity of the Supreme Court is to depend upon its judges either becoming the haunters of taverns, or making stump speeches, or mingling in political questions, and bowing themselves to the mere will or excitement of the hour.

Mr. President, I respect public opinion; but I do not confound public opinion with popular clamor, or local and temporary excitement. I neither fear nor regard the one; I bow most profoundly to the other. Organize your court as you may, no functionary in a Government like ours will ever pretend to stand above the influence of public opinion, rightfully and properly understood. But, sir, how is the confidence arising from public opinion to be attained in this country? Is it by the mere manners of a judge, by his sociability, by his tact, by his disposition to follow the current of prejudice of the hour; or is it to be attained by the faith which men have in his skill, in his knowledge, in his devotion to his duties, in the impartiality of his decisions, in his freedom from sectional or personal excitement in reference to the great questions which he is called upon to decide? Sir, I will not so underrate my countrymen as to suppose that the Supreme Court of the United States, while it continues to be adorned by the ability which has hitherto distinguished it, will not maintain the hold which it now has upon the people of this country; and I declare, without hesitation, that, if ever the time shall arrive when the Judges of the Supreme Court—being able, distinguished, and impartial men—shall fail to command the confidence of the country, then the country will have arrived at a situation in which its people are no longer fit for self-government; and the result will be the same, let our courts be organized as they may.

It has been said, that if you withdraw your judges from circuit duties, you will make them mere "paper judges." That is the language which has been used. I do not profess to understand the precise import of that phrase, but I cannot understand it in any other sense than this: Do gentlemen mean, by calling a man a "paper judge," to tell us that his power to decide causes rightly must depend, not upon investigation and knowledge of the principles of law, and upon the constant study which is requisite for that purpose, but upon studying the mere will of the hour, and watching the current of political and sectional prejudice, and adapting his decisions to the impressions he may have of the existing popular will, whether local or general? The effect of that, Mr. President, would be to turn your Government into a despot-

ism—a popular despotism, I admit; but still a despotism; for a Government of will, whether it is the will of one man or of millions, is not a Government of laws, is not a free Government. I am not denying the sovereignty of the people. I am one of them, and I admit their sovereignty as freely and as fully as any man around me; but I hold that a Government of will is a despotism and that a Government of laws is alone a Government of liberty.

Or is it meant to be suggested, by this appellation of "paper judges," that a judge of a court of last resort, who must always be supposed to be a man of mature mind, at the time of his appointment, educated so as to have a thorough knowledge of the principles which he is to decide, can better retain and amplify that knowledge, and make a beneficial use of it for judicial purposes by traveling over a country as extensive as ours, and imbibing, by popular intercourse, the mere temporary impressions of the hour, than he can by the study of those books from which he must extract, and which must keep fresh in his mind the great principles which are to enable him to decide the particular cases which come before him? I would not have a judge "a case hunter;" but I hold that no man without learning is fit to be a judge. A judge without learning is, in my opinion, as objectionable as a judge without capacity; and, in proportion to the extent of what may be called his talents, the greater would be the danger of his going astray. He would undertake (what no human mind can do judiciously and properly) to establish by his own individual opinion, and reason out with his own unaided intellect, the general principles which should control the different cases that might come before him. There is uncertainty enough in the administration of justice, even under its most perfect forms. The diversity in human organization and human intellect inevitably leads to that result. But what would the uncertainty be if your judges were to throw their books aside, abandon the restraining influence of all precedents, and rely upon their own unaided investigation and reflection while traveling through the different circuits for the purpose of deciding questions which came before them? They would give, at best, what are known as *nisi prius* decisions—nothing more—hasty decisions made without reading, without a comparison of opinions, and without attempting to elaborate principles from previous decisions of acknowledged authority. The wisdom of their predecessors would be useless to them. The result would be, that decisions in the courts of justice would depend more on counsel's understanding the character and temper of mind of the presiding judge, than upon any known principles which any man who studied the law as a science would be able to ascertain. That would be one result. Your bar would degenerate from lawyers into mere advocates. That would be another result. And your judges, relying upon their individual opinions alone, would become so discordant in their decisions as ultimately to lose altogether the confidence of the country.

I hold, therefore, that a judge who has not left to him sufficient time to keep up, by study, that knowledge of the law which he acquired before he was placed upon the bench, and to increase it, is unfit to preside in a court—especially of last resort—and that, by necessary consequence, if he was an able man, and you deprived him of the power of investigation and reference to precedents, and comparison of the various authorities for the purpose of a proper decision, the danger would be that he would make the law instead of administering it. He would decide cases and unsettle principles; and the end would be, that the decision would be looked for more from the talent and capacity of the advocate, than the knowledge and ability of the judge, and each individual case would be determined upon its own facts, without a single general principle to restrain and guide the caprice and uncertainty of individual opinion.

I pass now, Mr. President, to the second objection which is made to the proposition of the Committee on the Judiciary, that the withdrawal of the Supreme Court Judges from circuit duties would centralize that court. If I supposed that such would be the effect, I admit the objection would be with me all potent, and I should at once abandon the system recommended by the committee. But is it true? What grounds, except the mere assertion of the honorable Senator from Missouri, [Mr. Geyer,] that, in his opinion, it would have that effect, have you for supposing such would be the result? Let us inquire into the probable effect. Your judges, according to the Constitution of the United States, may be appointed from any portion of the Union. At the origin of your Government, when there were but *six* Judges upon the bench of the Supreme Court, they were much more concentrated than they are now. I believe—and I think I speak correctly—that there were two judges out of the six from a single State at the same time, while most of the other States were left without any judge appointed from them. In the progress of time, the natural jealousy of the States, if you will, but I think a higher principle—the natural reflections of those in authority, and a sense of justice—led to the adoption of a usage, based upon the principle that every section of this great country was entitled to be represented in the court of last resort, which decided, finally, constitutional questions, as well as individual rights. We have adhered to that rule, as you all know, under all circumstances, and it has become an *established* usage. Did it arise from the fact that the judges performed circuit duties? Not at all. It arose from a sense of justice—from looking at the true nature of our Confederacy, and the imperative necessity there was that, to harmonize and bind its members together, and prevent sectional jealousy, and, perhaps, sectional injustice, all parts of the country should, and ought to be represented in the great final tribunal in which authority was vested to decide upon the rights of States, as well as those of individual citizens of different States; and also to expound the Federal Constitution, and revise and control the State tribunals in reference to the Constitution and laws of the Union.

I am willing to admit that, if we could constitutionally impose in this bill a restriction that a judge should be appointed from each circuit, such a provision ought to be inserted. If I could reduce the number of judges to six or eight, and divide the Union into six or eight geographical divisions, and require that a judge should be appointed from each of those larger divisions, I should consider it preferable; but that is out of our power, under any organization. My argument, and the conclusion I have arrived at, is, that it is not the performance of duties in the circuit courts which has given rise to this usage, which has become so established as to have the force of a constitutional provision. Remove the judges from the circuit court, and the usage will remain unshaken, and the Supreme Court will not be centralized whilst it exists. The objection is one of prejudice, not of reality. It excites prejudice, if it is believed, against the plan of the committee; but it has no substantial foundation in any probable result that will ensue by discharging the Supreme Court Jndges from circuit duties. If it shall so happen that the control of the Government of this country shall ever pass into the hands of any one section of the Union, and that section shall seek to pervert, either the judiciary or any other portion of the Government, for its own advantage and the advancement of its own citizens, at the expense of the other sections, it would be a matter of little moment in what mode your judiciary, or any other branch of the Government was organized, for the dissolution of our Confederacy would be certain, if not immediate. I believe, however, there is good sense enough, there is national feeling enough, to avoid difficulties of that kind; and I feel confident that, whether the Supreme Court Judges travel the circuit, or whether they sit in Washington alone, as a court of appeal and a court of original jurisdiction in cases confided to them by the Constitution, they will equally be selected from different quarters of the country, and fairly selected, so that each portion of the country may be represented, under a usage which has become as powerful as the law itself, or as if embodied in the Federal Constitution.

The effect of general usage in that respect, when it is accordant with the human judgment and sense of right, has been very remarkably shown in the British Parliament. In Great Britain, the House of Lords is the court of last resort; but, from time immemorial, no lay member has voted on a case taken there on appeal from a court below. Only the law lords, men who are professionally acquainted with the law, ever vote on appeals. A striking instance of the power and force of usage, and of its controlling and beneficial tendency, was exhibited in the case of O'Connell, in that body. Two law lords, who belonged to the party which stood in a decided majority in the House, supposed his conviction to be legal. Three law lords, who ranked with the minority in the House, thought it was illegal. It was a political question. Excitement ran very high, and some of the lay lords proposed to vote, in order to affirm the decision of the court below, with a view to O'Connell's punishment; but they were checked by the members of their own party. They refrained from the exercise of the power which they might undoubtedly have exercised, because usage had established that such an exercise of power was not consonant with the character of the court. It was considered that, though the right to vote might exist in one lord as well as another, yet if any but those who were professionally acquainted with the law should exercise the right against an established and wise, if not necessary, usage, and once make political divisions and element in judicial decisions, the character of the court, so far as regarded the confidence of the country, would be utterly lost. The majority, therefore, suffered the judgment of the court below to be reversed, against the opinions of the law lords of their own party, and against their own convictions of the soundness of those opinions.

That, Mr. President, was a striking instance of the power of usage, when that usage was in accordance with benefit to the community at large; and I have entire confidence that, in reference to the Supreme Court of the United States, among the American people, no matter how violent may be our political divisions, there will always be sufficient intelligence, love of order, and sense of right to prevent a departure from a usage so essential as that which selects the judges from all parts of the country, as there was in the British House of Lords to restrain the majority from abandoning a usage, equally important and conservative, though strongly tempted by high political excitement. Sir, the fear is vain and groundless, which suggests the idea that the withdrawal of the Supreme Court Judges from circuit duties will have the slightest tendency to centralize that court; and if it is without that tendency, the objection falls to the ground. Yielding, Mr. President, to the objections of honorable Senators all the weight to which they are entitled, the question still remains, can any practicable system be organized equivalent to the wants of the country without withdrawing your Supreme Court Judges from the circuit courts? If it is impracticable under the Constitution, you must resort to that withdrawal and run the hazard of the effect upon the court, which, as I suppose, honorable Senators causelessly anticipate.

If their opinions are correct, the law which you pass may be changed, and the effect upon the court will be so gradual, that you can readily restore the judges to circuit court duties, if the retention of the confidence of the public requires such restoration.

The honorable Senator from Maine, [Mr. Fessenden,] in the course of his remarks yesterday, lauded very much the existing system as almost perfect in itself. He stands in that respect, in this position: from the earliest origin of the Government, you will find, if you trace the debates, that constant objections have been made to it. At an early day, it was considered as working badly; efforts were made to remedy its defects; but the repeal of an established system being a very difficult thing, no material change was made for a long time. It was modified in 1794, when the attendance of more than one Supreme Court Judge at a circuit court, was dispensed with. It was also modified in some other respect in 1797. In 1801, a change was made in the entire organization of the judiciary, which withdrew those judges from circuit court duties. That was founded upon the principles of the opinion of Mr. Randolph in 1790. Unfortunately, however, for the country, the reorganization of 1801, was the

act of a party just going out of power, when the people of the country at the antecedent election, had declared against them. That their motives were pure, I entertain no doubt; though the act was unwise, or at least, imprudent, at the time. But the still greater mistake—and there I think it amounted to a wrong, under our form of Government—was, that the head of the Federal party being then in power, undertook, immediately antecedent to the advent of his successor, to fill all those offices just created, the tenure of which was during good behavior. It ought to have been left to the succeeding Administration to make the appointments. That principle has often been affirmed since, in the history of this country. There was the error; and I hazard little in saying, that if Mr. Adams had declined to appoint the new judges under the act of 1801, and left their appointment to his successor, that act would never have been repealed.

The honorable Senator from Michigan [Mr. CASS] alluded to the repeal of the act of 1801, in language which corrobates this opinion. The principal question contested in the debates on that repeal, was a question of constitutional law. It was, also, beyond all question, a party struggle for power, connected with the appointment of sixteen judges by an Administration going out of power, whom the Administration coming in desired to remove. No man can read the debates, and doubt that. The argument was of unequaled ability on both sides. Every topic connected with judicial organization and judicial tenure was exhausted. But the main point of the whole argument turned on the question of constitutional authority as regarded the tenure of the judges. The objection which came from President Jefferson, and which has no application now, was simply this: He remitted to Congress a message in which he suggested an inquiry as to whether the system was not beyond the wants of the country; and he sent with it a list of the number of cases which were hen pending in the different courts, in order to show that the organization which had been effected was entirely too extensive for the wants of the country. That objection can have no application now. The country had then but a few million inhabitants; now it has from twenty-five to thirty millions. It has now a vast mass of business transactions which did not exist then. It has more than quadrupled in wealth, as well as in population. As a necessary consequence, litigation has increased; and the result is, that instead of the judges disposing of their business in the Supreme Court, as they did then, in from two to four weeks, they are obliged to sit three months in one year, and five or six months the next year to dispose of the writs of error and appeals returnable to one term. The primary objection, therefore, as it existed then, does not exist now; and no man will deny that a reorganization is now absolutely required, to prevent an onerous delay in the administration of justice.

I have no intention, sir, to revive the disputes of those days. We can look at them calmly now. But, beyond all question, I think, as I have already said, a single term used by the honorable Senator from Michigan, shows you what was the real cause of the excitement connected with the repeal of the act of 1801. I allude to the application of the term "midnight judges" to the judges appointed by Mr. Adams. It has become a popular phrase; a phrase suggested for purposes of odium. I admit the act was wrong. I admit that, in a Government like ours, when a party was going out of power, the judges ought not to have been appointed. But the term shows—and if you look at the debates you will be equally satisfied—that the great difficulty in the case arose from the attempt to continue political power through the appointment of sixteen new judges by a party which the country had just declared against at the primary elections. That should not cause us now to abandon a proper organization when the causes which led to the difference of opinion then, either do not exist in this case, or have passed away with the increase of the population and wealth of the country.

Sir, I hope that sufficient time has elapsed to enable us to look back without excitement to the political contests of our forefathers, and that no prejudice will prevent the adoption of any measure about which they differed, if experience indicates, that a measure which was not requisite at one time, has become requisite at a subsequent period. I do not make this remark because the bill before the Senate is the same as the bill which was passed then; I advert to it only to show the necessity for a change which then existed, and the fact that, long antecedent to the passage of the bill of 1801, the defects of the system as it now exists, had been repeatedly noticed, and the necessity for a change acknowledged and admitted. If you will read that debate, you will find that the errors and the evils of the system, were pointed out to an extreme extent; but the great objection to the bill of 1801, was, that it was not necessary, because the business of the country did not then require so extended an organization. I admit, that the same argument was used then which is used now, that making the judges ride the circuits would tend to popularize the court. That, however, was only an incidental argument, and not pressed. The principal one was on the constitutional question.

Since that time, you have been obliged to alter your judiciary system repeatedly. Congress found as the country expanded, that difficulties grew upon them. The act of 1801 was repealed, but they were obliged to alter the organization, partially, in the subsequent April. Since then they have been compelled, at two different times, to increase the number of Judges of the Supreme Court. They were increased from six to seven, I think, in 1807, and subsequently from seven to nine; and if you adhere to that system, you will be obliged to increase them from nine to sixteen or twenty. With such a number, the court will cease to be a judicial body, and dissensions of opinion will impair both its utility and its weight with the country. I presume no Senator contemplates an increase of the judges of that court, yet there seems no alternative, between such increase and the plan of the committee. Congress was obliged, in consequence of the pressure of business, as early as 1844, to authorize each judge to abandon the performance of circuit court duties during one term in the year. The effect of that is, that appeals from the district to the circuit court can only be heard annually, though the decision is not then final. That operates as a delay of justice in every State in the Union.

I come now, sir, to the plan proposed as a substitute by the Senator from Illinois, [Mr. DOUGLAS,] which I have said I consider impracticable. Allow me to advert to it as briefly as I can, for I am sensible I have taxed the patience of the Senate already, in a speech which I have not been able to prepare and condense to my own satisfaction. Serious indisposition, accompanied with some fever and consequent disinclination to mental exertion, have prevented me from giving my thoughts to the subject to the extent I desired, before addressing the Senate. To avoid delay, badly arranged as my remarks have been, I have felt it my duty to submit them.

The plan of the honorable Senator from Illinois, in order to preserve the feature of the Supreme Court Judges acting as circuit judges—mingling among the people and with the bar, to acquire a knowledge of the local practice and usages—for that is the avowed object—is that you shall lessen their labors on the circuits, by giving to the district courts the entire powers which now belong to the circuit courts, and constituting an intermediate appellate court, consisting of the judges of the district courts in each circuit with one of the Judges of the Supreme Court sitting as an associate, and presiding when he is present; and further that the Supreme Court Judges shall be so arranged that they shall, in the progress of nine years, visit each of the circuits. He provides for nine judges, who are to visit each circuit every nine years to acquire this knowledge.

Mr. President, as regards any acquisition of knowledge of practice, it will be observed that no original jurisdiction is given to this appellate court. The judge will then sit in the appellate court to hear causes upon the record, precisely as he would do in the Supreme Court at Washington. Questions of practice do not come up on the record; questions of pleading may; questions of right do; but questions of practice are not grounds of error. Then he can acquire no knowledge of practice by sitting once a year in the appellate court. Will he mingle with the people? It will be a mere court of law, in which the people will not be in attendance. There will be no jury trials, and none of that communion with the people which arises out of jury trials. Then, if he neither mingles with the people, nor obtains a knowledge of practice, in what consists the benefit of his attendance? That he may mingle with the members of the bar in each circuit once in nine years—probably, twice in his whole judicial career. He will not be able to stay more than a month on the circuit, or else he cannot return from distant circuits in time for the performance of his duties here. In what respect, then, is this more than a *nominal* attempt to connect the Supreme Judges with the circuits, when, in point of fact, it disables them partially from the performance of their more important duties? Is it really attaining the result at which the honorable Senator aims?

According to my observation, it will be a necessary consequence, from the institutions of our country, the organization of a separate bar in each State, and the magnitude of the causes which are litigated in the Supreme Court, that you will have a constant increase of barristers there, from all quarters of the Union; and that sitting in the Supreme Court a judge will become just as well acquainted, and just as familiar with the respectable, the able, the intelligent, and the leading members of the bar of each State, as he would if he presided in the proposed appellate courts.

It is certainly desirable that the portion of the bar of each State to which I have alluded, should be brought into such connection with *all* the Judges of the Supreme Court so as to appreciate their impartiality and ability. An able and impartial court elevates the bar, and a bar of high character has an equally beneficial influence upon the bench. You will find, however, that in each succeeding year the natural love of reputation will tempt the better members of the profession, from the different States of the Union, in causes which come from their own States, to appear in the Supreme Court for the purpose of advocating them. That will bring them fully into contact with the court. It will attain the object of the honorable Senator from Illinois quite as effectually, as regards that portion of the profession with which he can desire the court should mingle, without over-working the judges, or interfering with their performance of vastly more important duties.

Again, is not this substitute impracticable on other grounds? It proposes to hold an appellate court, for appeals from all the district courts in a circuit, in but *one* place in the circuit, and but once a year. Will the honorable Senator tell me that the States in which those districts exist would be satisfied that appeals should be taken from their courts to another local court, situated in another State? Will he tell me that the bar of each of those districts in the respective States would not feel that it was a gross injustice to them that the causes in which they were concerned in the court below should be transferred to another State, to be tried in a local tribunal? When a case comes into the Supreme Court at Washington, it is regarded as the court of the Union. There is no cause for State jealousy, no feeling that the rights of a State are infringed, as there would be if appeals were taken to a local court in one State at the expense of others. Yet such must be the result of the system proposed by the Senator from Illinois. I think the honorable Senator himself will be satisfied, on reflection, that the organization he contemplates would lead to a state of feeling which would inevitably defeat its benefits. For instance, suppose the States of Pennsylvania and New Jersey to be placed in the same circuit. Pennsylvania has two United States district courts. If you establish one appellate court, as the Senator from Illinois proposes, in the circuit composed of those States, all the appeals must go from the district courts in those States to one place, say the city of Philadelphia. Do you imagine there would be no jealousy on the part of the lawyers in the western part of Pennsylvania that their appeals should be carried to another part of the same State? Do you believe that it would not be felt as a grievance in New Jersey that appeals from that State should be carried to a local tribunal in the city of Philadelphia, instead of a national tribunal?

Sir, rely upon it, practically it would be impossible to carry out such a system. It would be unjust to the bar, because the appeals in such cases would be for smaller sums than to the Supreme Court; and the result would necessarily tend to concentrate the emoluments in the hands of that part of the profession who resided in the place where the local appellate court was held, to the exclusion of practitioners in the States where the district courts are held from whose judgment appeals would be taken. This is one of the defects of the proposed substitute, and one which would be found difficult to obviate in practice as creating a hostile feeling, a feeling of jealousy among different States, and the bars of different States, and operating unjustly upon the members of those bars.

There is yet another objection to the substitute of the honorable Senator from Illinois. It would be absolutely impracticable for many district judges of the United States to perform the duties of both district and circuit judges within their districts, even without sitting in the appellate court. I think the honorable Senators from Massachusetts would tell you that in Boston it could not be done. I am sure the honorable Senators from New York will tell you that, in New York, it would be absolutely impracticable. There the district judge even now, is unable, of himself, to get through with the business of the district court. If you also confer on him the jurisdiction of the circuit court, you could not expect a decision in the first instance, from which an appeal could be taken, until years after the suit was brought. In Pennsylvania the same evil would exist, though in a less degree. It would also apply to the United States courts in Baltimore, in New Orleans, and perhaps in other places. In those quarters of the country, where the large commercial cities exist, it would overwhelm the district courts, or you would have to organize another court of original jurisdiction, if you throw the circuit court duties upon the hands of the district judge, in addition to his own proper duties, and also require him to sit in the appellate court. This objection alone to the system would seem to render it impracticable.

Further, sir, on the question of delay, regard the effect. The Senator from Illinois proposes to have, in each circuit, an appellate court, composed of all the judges of the district courts of the circuit, together with a Judge of the Supreme Court. In each State of this Union, there is at least one United States district judge; in some States there are two such judges. You have from four to five States generally in a circuit. Then, according to this plan, you would have an appellate court composed of from five to seven members. Each judge of the court would have his own proper duties pressing upon him, especially in the large cities, to such an extent as to occupy all his time. How frequently would your appellate court adjourn for want of a quorum. An appeal could be taken to this appellate court but once a year, instead of twice a year as to the circuit courts. Owing to the want of a quorum, and the fact that appeals to the appellate court would include all suits within the jurisdiction of the present circuit, as well as district courts, they would probably remain a long time in this intermediate appellate court, and then the decision would not be final. There might be a further appeal to the Supreme Court. Certainly, if this last appeal were denied, or curtailed by increasing the sum requisite to an appeal, the people of the States would not be satisfied to submit to a local tribunal decisions upon questions of magnitude, without giving them the right also of going before the general tribunal of last resort, the highest tribunal of the land. The result, in my belief, would produce increased delay in the disposition of causes, even beyond that which now exists.

Again, sir, what would be the effect of the probable constitution of such a court, upon the character, standing, and weight of the Supreme Court? A Judge of the Supreme Court is to preside in these local appellate courts. You cannot prevent men from feeling the differences in the dignity of their positions. His brethren on the bench would naturally feel, not that he was a better man—for he might be less able—but that he occupied a higher position than themselves, and would perhaps defer too much to his opinions. On the other hand, it might be, that some of them would be restive under the consciousness of inferior power, if they deemed their presiding associate unequal to themselves in knowledge and capacity, yet from his position in the Supreme Court, having the right to revise, and perhaps the power to overrule, their decisions. The result would be that in the deliberations of the appellate court, when differences of opinion existed, (which would certainly be the case sometimes, and might occur not unfrequently,) between the Suprem Court, Judge, and a majority of the district judges, they would overrule him in the court below; but they would overrule him with the knowledge, that in the superior tribunal, with predetermined opinions, and his pride of opinion enlisted, their decision would come before him for revision. Suppose such a decision should be reversed by the Supreme Court. Is it in human nature to expect that the judges so overruled would not be apt to defend their own opinion, and the soundness of that opinion, against the decision of the Supreme Court? Have we not all sufficient experience of humanity to know, that though a man may commence on the line of defense, yet where pride of opinion comes in question, he is but too apt to shift his ground, become an aggressor, and question the capacity, if not the motives, of the tribunal by which his decision has been overruled. I ask then, if a court so constituted, would not more probably, (supposing the judges of our district courts to be, as most of them I doubt not are, able men,) produce a state of feeling and consequent criticism, and comment, on the reversal of their decisions, which would tend to undermine public confidence in the Supreme Court, far more than under any other system which could possibly be devised?

Sir, the plan of the honorable Senator from Illinois, from the character of the appellate courts which it proposes to organize, is also open to the objection which I have stated to the present system, on the score of possible bias, in a higher degree, because there is much less probability of a collision of opinion between the Supreme Court Judge and a single judge of a district court, as our circuit courts are now organized, than there would be between the same judge and his associates in a court composed of four or six associates, who were men of intelligence and capacity; and more especially on questions with which they might be more familiar than the judge who, under this rotary system, would preside at distant intervals over their deliberations.

I submit that, if a fatal blow could be struck at the Supreme Court of the United States, it would be done by the organization of such appellate tribunals, with an appeal to the Supreme Court, as are constituted by the amendment offered as a substitute by the honorable Senator from Illinois. I have endeavored previously to show that, by that substitute, even the objects which that Senator seeks to attain will not be attained. Of course the Supreme Court Judge learns nothing of practice by sitting in an appellate court. According to the Senator's plan, he cannot mingle among the people, because there will be no trials by jury in these appellate courts. In point of fact, the Supreme Court Judge will literally learn in such an appellate court nothing more than he now learns in the Supreme Court, in Washington; but he will be liable to come in collision with the opinions of the local judges, and he alone, and not they, may sit in error for the purpose of revising those opinions upon which the collision arises. With that exception, his duties, and the mode of their performance, will be the same in Washington as in an intermediate appellate court as proposed. He decides upon the face of the record in either court. What advantage, then, can accrue from such a system? The effect will be, if you require the judges to travel on the circuits, that you deprive them of the opportunity for study during the time (and it will be no short period) consumed in traveling. You absolutely deny them everything like relaxation or domestic comfort, and you embarrass and retard the administration of justice in the court of highest jurisdiction and last resort.

I repeat the expression of the opinion confidently entertained, that your judges cannot preserve the Supreme Court in the public esteem and confidence, by any other means than the wisdom and learning, and impartiality, which the decisions of that court may exhibit. As long as you select proper men for the bench, and select them from different quarters of the country, the commanding influence of public virtue, of learning, of ability, and of impartiality, will have its due effect upon an intelligent people, and will secure the standing of that court, so that it will retain the appellation which it has heretofore received, "the sheet-anchor of the Federal Union."

Are not the Judges of the Supreme Court now overworked? They sit here for more than three months in each year; and in every alternate year they sit for five or six months. Do gentlemen suppose that it is merely by sitting in court for four hours per day, and hearing the arguments of counsel, the judge is enabled to decide the cause? Do they not know that each cause requires investigation, and that, for a due investigation, a judge must not only have the general learning and reading to be acquired only by years of toil; but he must read also for the particular case, and if he means to decide rightly he must examine the leading authorities which are pressed upon his attention. Look, then, to the extent of labor encountered. Are they not continuously in session here, or on the circuits? They can allow themselves no holiday. When they leave this city, are you to give them no relaxation? Do you expect that the human mind, working day after day continuously, not upon the same case, but on the same general subject and same principles, will not become impaired, and give way sooner, and have a less vigorous action, than if a reasonable time were allowed for its relaxation in literary pursuits, or in any other occupation which accorded with the temperament and inclinations of the individual? I presume few Senators doubt that the Judges of our Supreme Court are overworked, and yet with all their work, they are unable to dispose of more than half the cases on their calendar at the single term of the court; even when they sit until the month of March, and adjourn to the 1st of April, and then sit again through April, May, and part of June. Even with that extent of labor, besides their duties on the circuit, as the business has stood for the last six or seven years, such has been the course of events; and the difficulty will increase, unless we provide some relief.

Can it, Mr. President, be answered that they should dispose of their business more rapidly by curtailing the privilege of being heard? Whenever the time shall come that causes in courts of justice of last resort, where great interests and great principles are at stake, are decided without allowing a full hearing to each side, you may denominate it the administration of justice, but it will be but Turkish justice; a decision without a hearing; and of the two, I think the evil is almost, if not quite, as great, to decide without a hearing as to hear without deciding. The latter denies a remedy, the former perpetrates a wrong. The length of time to which counsel are necessarily limited in the Supreme Court, in the discussion of causes, is the shortest which the judges felt they could fix, and even that limit in a great variety of cases, in the exercise of their discretion they are obliged to abandon from the complexity of the cases, the number of questions which arise in their discussion, and the magnitude of the interests involved.

Sir, I hope the time will never come in this country—I am very sure that when it does come ours will no longer be a free country—when the rights of its citizens are *finally* adjudged without a full hearing, under the affectation of dispatch of business, and the prompt dispensation of justice. I would rather, in reference to the administration of justice, as in reference to the freedom of the press, see some abuse of the privilege, than have the right of the suitor to be heard by his counsel, curtailed to such an extent as to encounter the hazard of arbitrary decisions.

Mr. President, I have consumed more time than I intended or anticipated in this debate, and the views which I have suggested have been expressed in a more desultory manner than I could have wished. My excuse is, indisposition from the commencement of the session, which unfitted me for mental labor and condensation of my thoughts.

The convictions of my own mind are clear as to the correctness of those views, and my regret is, that I have not the power to enforce them with an ability commensurate with the importance of the measure under discussion.

THE ANNEXATION OF CUBA.

SPEECH OF HON. W. W. BOYCE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

January 15, 1855.

The House being in Committee of the Whole on the state of the Union—

Mr. BOYCE said: Mr. Chairman, I propose to make some observations on the annexation of Cuba. I consider it the great question in our foreign relations.

A feverish impatience seems to be seizing upon our people for territorial extension. In some quarters the cry is for the Canadas. Upon this point, we have been informed by a leading member from Ohio [Mr. CAMPBELL] that the people upon the northern frontier look with deep feeling to the annexation of the British Provinces of North America. In other quarters the cry is for the Sandwich Islands; some are wishing for another partition of Mexico; others are looking to the regions watered by the mighty Amazon; more are bent upon the acquisition of Cuba, and some have such inordinate stomachs that they are willing to swallow up the entire continent. These are all but various phases of the manifest destiny idea. I must confess, I do not sympathize with this idea. I think our true mission is conservatism, not indefinite extension.

Why do we desire further extension? Do we need any more territory? On the north we lose ourselves upon the verge of eternal snows; on the south we penetrate to the fierce heats of the equator; upon the east and the west we pause only on the beach of the two great oceans of the world. If we apply the instruments we find that the United States are ten times as large as Great Britain, Ireland, and France combined; three times as large as the whole of France, Great Britain, Ireland, Austria, Prussia, Spain, Portugal, Belgium, Holland, and Denmark, nearly equal to the whole of Europe; as large as the Roman Empire when its eagles dominated from the Euphrates to the pillars of Hercules. If it be possible for a nation to have territory enough, we certainly have it, and whatever else we may need, we do not need any more space. If any one were to propose placing the whole of Europe, one of the great divisions of the globe, under a single Government, he would be deemed a madman, yet we realize territorially this idea, and still crave more. What a madness!

Do we need any more population? Why, our population is already near thirty millions, and increasing at a velocity so fearful that the boldest must tremble at the future. Our annual increase is a million. If we had the same density of population over our entire surface as in Massachusetts, our population would be four hundred and twenty millions; and if we increase for the next century in the same ratio we have for the last sixty years, our population will be within a fraction of five hundred millions. What a prospect, and how short a time; for what is a hundred years to a nation; the Roman Empire existed twelve centuries—there are noble families in England who date back the luster of their houses four hundred years. A century to a nation is not more than a year to an individual. When we look beyond the present, and pierce the future, the increase of our population presents a great problem. When the vast surface of our territory shall be in a blaze with the fires of civilization; when the living tides of human beings flowing from the shores of the Atlantic shall be met by the returning tides from the Pacific; when the very gorges of the Alleghanies and the Rocky Mountains shall be full of people; when population shall be pressing upon the means of subsistence, what will become of the Republic, what will be the fate of liberty itself? Instead of desiring more population, we would be most fortunate if we could remain at what we are. A nation has sufficient population when it is able to protect itself from external force. We have already fully reached this point.

A Republic, a Federal Republic in particular, cannot exist without external pressure. It is the fundamental idea upon which the whole theory rests. Take away the pressure from without, and a Confederacy necessarily goes to pieces. As long as Carthage stood a rival to be dreaded by the Roman people, the Republic flourished in its greatest vigor; but when Carthage was overthrown, the Republic, relieved from external pressure, became the prey of factions; the Gracchi, Sylla, and Marius, Pompey and Cæsar, passed over the stage, convulsing the State with their struggles for power, making it bleed at every pore, and trampling under foot the glory and the liberty of Rome. The history of our own country is instructive on this point. Before the war of 1812, while the State was in dread of English power, sectionalism was unknown. We were one people. Patriotism was an American plant, indigenous to the soil. It grew as well on the bleak hills of New England as in the swamps of the South. Great men and great *ideas* made our history. But after that war had demonstrated our entire security from external force, sectional ideas and sectional parties arose. Factions usurped the stage. Narrow ideas loomed up into gigantic proportions. The North and the South became two hostile camps; and the gulf of separation has gradually been widening as we advanced in our career of greatness and power.

It is very clear that, do what else we may, we have nothing to gain by annexing more territory, to increase our population by a foreign supply. If we do not need any more territory, or any extraordinary addition of population by acquisition of territory, then the annexation of Cuba cannot be urged on either of these grounds. Then upon what grounds can it be urged? Perhaps it may be urged on the ground that it is necessary to us as a military position to protect our commerce. But I cannot admit this; and, in considering this point, I must assume that it is the settled policy of our Government not to permit Cuba to pass from Spain into the hands of any of the great European Powers. Taking this for granted, I say we have nothing to fear from Cuba. We have strong positions at Key West and Tortugas, which we are now fortifying, and which can be rendered impregnable. Our naval power is infinitely superior to that of Spain; we can effectually command the outlets to the Gulf of Mexico; and the idea of our commerce being in any danger from Cuba, is, I think, without the slightest foundation. Experience is the most conclusive argument on this point. Our commerce never has been disturbed from Cuba; and if we have not been disturbed in the infancy of our power, what have we to fear now in its maturity?

But I go further: so far from the acquisition of Cuba strengthening us in a military point of view, I think it would be a source of infinite weakness. And if the history of the contests in Europe, between the great Powers, demonstrate any fact, it is that maritime colonies to a nation of secondary naval force are great drawbacks. Where did England strike her great rivals, France and Holland? Not in the heart of their dominions, but in their extremities, their colonies. The contest now going on between the Allies and Russia, is most instructive on this point. If Russia had isolated maritime possessions, the Allies would wound her severely; but, as it is, she has no such vulnerable points; she is compact, massy, solid; and in vain, with frantic rage, the Allies dash their proud fleets and well appointed armies against her huge bulk.

We are now in the position of Russia, with all her advantages; we are the Russia of the western continent; we have a vast territory; we are compact and invulnerable, defiant of the world in arms. Shall we weaken our position by the acquisition of maritime colonies? That is the question. I think not.

Before we determine on the policy of acquiring maritime colonies, there is a prior question we should consider. It is this: Are we willing to pour out indefinite millions to build up such a Navy as will enable us to contend with the great Powers for the supremacy of the seas? If not, then, indeed, would it be a short-sighted policy to acquire such colonies, which we would hold by the uncertain tenure of European tolerance. For my own part, I am unwilling to increase the Navy a single gun beyond what is necessary for the service of the country in its present condition. The people are already sufficiently taxed, and the Navy is already, in my opinion, a moth of adequate appetite. The conviction that we cannot acquire Cuba securely without a vast increase of the Navy, is an additional obstacle to my taking any steps in that direction.

But it may be said it will extend our commerce. I admit this. The annexation of Cuba would furnish an increased market for certain agricultural productions of the middle and northwestern States, and the manufactures of the eastern States, and to the extent of this increased trade; and even beyond it, under the preference given to our own vessels in the coasting trade, the shipping interest of the North would be benefited. Under the influence of these several causes, and others which could be presented, I have no doubt the free States would make a great deal of money out of Cuba, if annexed. Though I see the North would reap a golden harvest from Cuba, yet I cannot, however great may be the interest I take in the increase of northern wealth, forego the objections I have to the annexation of Cuba on other grounds. Besides, while I consider the advantage certain great forms of industry at the North would derive from the admission of Cuba, I cannot forget that the admission of Cuba might paralyze the vast slave interest at the South engaged in raising sugar. When I am told that the annexation of Cuba will extend our commerce, I reply—

First. This mere moneyed motive is outweighed, in my mind, by other more important and more elevated considerations.

Second. That this advantage may be attained, to a considerable extent, by a course of policy short of annexation, by the modification of our own commercial regulations and those of Spain and Cuba. To understand my meaning on this point, I must briefly refer to the nature of our commercial relations with Cuba. The duties on foreign vessels in Cuba is $1 50 per ton; on Spanish vessels, sixty-two and a half cents per ton. The duties on foreign merchandise imported under the Spanish flag, are from seven to nine per cent. less than in foreign vessels, except a few articles paying specific duties, one of which is flour, the duty on which, in favor of the Spanish flag, is from $1 to $1 50 per barrel.

The United States, in order to coerce a repeal of these regulations, in 1832 passed an act by which Spanish vessels coming from Cuba were required to pay the same rate of duty on tonnage that was levied on American vessels in Cuba. In the same mistaken spirit of retaliation the United States, in 1834, enacted that Spanish vessels coming from Cuba should pay, in the ports of the United States, such further tonnage duty, in addition to the tonnage duty already payable, as should be equivalent to the amount of discriminating duty that would have been imposed on the cargoes imported in the said vessels, if the same had been exported from the port of Havana, in American bottoms; and further, that before such Spanish vessel should be permitted to depart from a port of the United States with a cargo for Cuba, such vessel should pay such further tonnage duty as should be equivalent to the amount of discriminating duty that would be payable for the time being upon the cargo, if imported into the port of Havana in an American vessel. The discriminating duties above alluded to amount to about eight per cent. The result is, that Spanish vessels leaving our ports with cargoes for Cuba, have to pay eight per cent. more than if they imported the same cargoes from any other foreign port. In our anxiety to monopolize the freights we have lost, to a very great extent, the sale of the merchandise. Under the influence of our acts of 1832 and 1834, the imports into Cuba, in Spanish vessels, from the United States, amounted, in 1849, to only $11,000, whereas the imports from England for the same period, in Spanish vessels, amounted to $4,345,300. That this striking difference is mainly attributable to our own regulations is obvious, from the fact that England stands on no more favored footing in reference to the commercial regulations of Cuba than the United States, except her freedom from our own enactments. For ten

years preceding 1832, the average of foreign merchandise exported from the United States to Cuba, was $1,563,000; in 1849 the same class of exports amounted only to $276,000, of which only $11,000 was in Spanish vessels. In 1851, the value of cotton goods sent to Cuba from the United States, amounted only to $26,000, while the amount for the same period from Europe was nearly $3,000,000.

It is evident we have greatly affected our commerce with Cuba by our acts of 1832 and 1834. Let us repeal them at once. It is time to abandon this policy of retaliation. We should further exercise our diplomacy with Spain to get some modification of her restrictions. Let us seek commercial reciprocity with Cuba instead of annexation. The first, I believe, by judicious conduct, we might attain; the second we cannot but by force. By the first we will attain substantially all the moneyed advantages of annexation, and escape its political objections and dangers.

The whole argument for the annexation of Cuba, in a national point of view, may be summed up in the four propositions I have been considering.

1. More territory.
2. More population.
3. Military position.
4. More commerce.

The first three have no merit; on the contrary, are full of disadvantages. The last has some merit, but is entirely outweighed by other adverse considerations. I conclude, therefore, on national grounds, that it is inexpedient to annex Cuba.

I propose now to consider the annexation of Cuba as a southern measure; for it is supported by many at the South on this ground; and, unless I greatly deceive myself, I hope to be able to show that it would be, under existing circumstances, a most perilous measure to the South.

How could the annexation of Cuba benefit the South? To answer this question understandingly, I would refer to the case of Texas. How did the annexation of Texas benefit the South? for I admit it did so greatly. The entire advantages to the South from the annexation of Texas, may be comprehensively stated in two propositions. First, it furnished a wilderness where the people of the South could go and improve their conditions. Second, it furnished a stable political community, reliable upon the slavery issue. Would Cuba fulfill these requisites? I think not; clearly not the first; because Cuba is an old settled country, settled before any part of the United States. It was discovered by the great Columbus himself, and has been the favorite seat of Spanish power for centuries. It is not only civilized, but populous; the population is variously estimated from one million two hundred thousand to one million five hundred thousand, and that on an area the size of the State of Tennessee. In order to realize a graphic idea of the extent and population of Cuba, we have only to imagine Tennessee with a range of mountains running longitudinally from east to west, instead of across, and with a population of one million two hundred thousand to one million five hundred thousand, instead of her present population of one million two thousand seven hundred and seventeen. The mere statement of the case in this light, is sufficient to show that emigrants would go on a wild goose chase if they went to Cuba expecting to get lands for nothing. Our people would stand a better chance to get such lands in Tennessee. The lands in Cuba must necessarily, to a very great extent, be in the hands of private holders, and our people moving to Cuba would have to buy lands at the prices of an old community. Cuba, therefore, could not fulfill the requisite of a wilderness to which southern men might go to get lands at nominal rates.

Would Cuba be a stable political community, or, in other words, competent to self-government? I doubt it. Self-government involves two considerations—the race, and the training. There is only one race of people in modern times who have shown the capability of self-government, that is the Anglo-Saxon race, the race to which we belong; and with us it is still, in some degree, an experiment. But whatever question there may be as to other races, there can be but one opinion as to the incompetency of the Spanish race. At no time, and under no circumstances, have they been able to preserve republican institutions. The Spanish-American Republics, whose populations are of the same race and grade as the whites of Cuba, have become the by-word of history; every step in their insane career has been the melancholy blot and blur of free institutions. The Spanish Creole race of Cuba are the worst kind of materials with which to build up republican institutions. What has their political training been?—the worst imaginable. They have always lived under the sternest despotism. For the last thirty years in particular, they have lived under martial law. They have had no political privileges, and are utterly ignorant of the machinery of free institutions. The touching picture which Tacitus draws of the Roman State under the tyranny of Tiberius, is the condition of Cuba. "Men," he says, "were afraid of knowing each other; society was at a pause; relations, friends, and strangers stood at gaze; no public meetings, no private confidence; things inanimate had ears, and roofs and walls were deemed informers." What could we expect from suddenly investing such a people with self-government, but a disastrous failure? But it may be said that our own people would go in upon annexation, and control the Cubans. But I do not think the American emigration would be large; at the South it would not, because agricultural emigrants never go in large numbers to an old country; from the North the emigration would be mostly commercial men for temporary sojourns. Whilst the emigration from the United States would not be large, its influence would be greatly weakened by the prejudice of the Creoles to our people, the prejudice of race and religion, which is intense in Cuba. If Cuba were annexed, and a slave State, but proved incompetent to self-government, she would not only be no benefit to the South, but a great calamity. If we are met at the threshold with this difficulty, we might, perhaps, forbear to go further, considering this as conclusive. But I shall pass on.

The next question is, would Cuba be a reliable slave community—that is, would slavery be likely to continue there?

In order to determine this question, we must consider the nature of the population and institutions of Cuba.

I shall put down the population at the lowest estimate, one million two hundred thousand. Of these, two hundred thousand are free negroes. I pause involuntarily at this startling fact; it is worthy to be pondered on by southern men. This army of free negroes are not such free negroes as ours are. Our free negroes are American free negroes, dwarfed by being in contrast with the greatest white race on the globe, the Anglo-Saxon race. There is a vast interval with us between the two races. The free negroes of Cuba are Spanish free negroes, elevated relatively by being in contrast with an inferior white race. There is no abrupt separation between the two races; they approximate and assimilate. Everything is relative in this world. When Gulliver was among the Lilliputians, he towered above them like a huge Titan. He could put whole armies in his pockets; take fleets with no weapons but his spectacles; when he ate a hearty dinner the corn market was excited; when he turned over, Government securities fell. But when he got among the Brobdinags, he was as harmless as an insect; he was the toy of children; he liked to have been drowned in a bowl of milk; a monkey took him on the top of a house, and frightened him out of his wits; the young princess used to put him in her bosom, like a little bird, very much to his alarm, however, for it would have been certain death to him, if he had fallen from this pernicious height. Thus we can understand the difference between the free negroes of Cuba and our own free negroes. Of course there are, among the white race in Cuba, many individual exceptions, which stand out in bold relief from the free negro race; but the remark I make is, nevertheless, true in reference to the Creole masses.

To illustrate my meaning more fully, I take it, that the Creole masses are about equal to the Mexican masses; between the Mexican masses and their free negroes, is no abrupt line of demarkation—the same state of things exists in Cuba. The free negro race stand, in a great degree, upon an equality with the Creole masses—neither have any political privileges. This equality, which I have been dwelling upon, between the races, is fostered by the Spanish Government, as a great political idea, to check any tendencies on the part of the Creoles to revolution. In pursuance of this policy, in some instances, the free negroes have had special and exclusive advantages of schools; marriages between the two classes have been encouraged; and, what is a more striking fact still, free negroes have been enrolled in the army, taught the use of arms, and instructed in military tactics, while the Creoles have been regularly excluded from the army. From these various considerations, I cannot but consider the free negro element in Cuba as most dangerous, and not augering well for the institution of slavery there. Two hundred thousand Spanish free negroes. They strike me more like two hundred thousand half-lit torches, which a single flash may light up, and set the whole island in a flame at any moment. When I remember that it was this same free negro race, under the workings of Spanish and French ideas, which upturned the entire social fabric in St. Domingo, and wreaked such infinite slaughter on the white race, my apprehensions from this source are not, by any means, diminished. Twenty thousand Spanish troops preserve the peace of Cuba now; but under different circumstances, and in the absence of a standing army, would the whites of Cuba be safe? They would, I think, be sleeping over a volcano.

The next element in the population of Cuba is the slaves: there are four hundred thousand of them. These slaves are not christianized, humanized, or civilized, to the same extent as our slaves. A large portion of them have been imported from Africa, and are still half savage. They cannot be relied upon for fidelity and loyalty to anything like the same extent as our slaves. Such are the slaves of Cuba.

I would now refer briefly to some of the slave regulations of Cuba. By the laws of Cuba every slave has the right, on complaint of ill usage, once every year, to hunt a purchaser, and his master is bound to permit him to be absent for a sufficient time for that purpose. When the slave finds a purchaser his master is obliged to sell him, not at his own price, but in case of disagreement between the master and purchaser, at a price to be fixed by a certain public functionary. The slave who can change his master when he pleases is hardly a slave; he is almost free. In populous portions of Europe the free laborer has no other privilege of freedom than the right to change his employer. Not only has the slave a right to change his master, but he has the right to buy himself; and not only the whole of himself, but any part of himself, the one fourth, or one third, or one half of himself; if he buys one fourth of himself, then for three months every year he is free to work for himself and do as he pleases. Every mother, before a child is born, has the right, on paying twenty-five dollars, to have the child declared free. These facts are full of meaning, and they show how the Spanish Government keeps the African idea impending over Cuba, like a portentous cloud, which she flashes up at intervals to retain dominion by the terror of its lurid glares.

There is another consideration on this branch of the case to which I would allude: the slaves brought into Cuba since 1820. Spain, by treaty of September 23, 1817, in consideration of £400,000 paid by England, engaged that the slave trade should be abolished throughout the Spanish dominions from the 30th May, 1820. By the ordinance of the King of Spain, of December, 1817, it is directed, that every African imported into any of the colonies of Spain, in violation of the treaty with England, shall be declared free. By the treaty between Great Britain and Spain, of June 28, 1835, for the purpose of "rendering the means for abolishing the traffic in slaves more effectual," the slave trade is again declared to be totally abolished. Yet, in spite of the treaties and ordinance of the King of Spain, Africans, in vast numbers, have been imported into Cuba. One writer whom I have consulted, puts down the number of these Africans, who are called Bozal negroes, now in the island, at two thirds of the entire number of slaves. He says they abound in the rural districts, and may be easily recognized by their lan-

guage and the marks of the tattoo. An intelligent Cuban has lately informed me that nearly all the slaves in Cuba are Africans imported since 1820, and their descendants; that, until recently, it was estimated the entire slave population died out every ten years. Now, I wish to ask what would be the condition of this class, if Cuba were annexed, and they brought, without any modification of their condition by any supreme authority intermediate between the Spanish Power and our own, under the influence of the law of our Federal Government? This very question has already been decided by our courts. The Supreme Court of the United States, in the celebrated case of the Amistad, 15 Peters, 593, sustaining the decision of the circuit court, hold that "these negroes were unlawfully transported to Cuba, in violation of the laws and treaties of Spain, and the most solemn edicts and declarations of that Government. By those laws, and treaties, and edicts, the African slave trade is utterly abolished; the dealing in that trade is deemed a heinous crime, and the negroes thereby introduced into the dominion of Spain are declared to be free." If Cuba were directly annexed from Spain, without an intermediate state of separate independence in which a new fundamental law could be passed, great difficulties might arise on this point from the efforts of the Abolitionists.

The next item in the population is the white race. This is estimated at six hundred thousand, of which a small proportion are European Spaniards, the residue are Creoles—about equal, as a class, to the people of Mexico. Now, can these people be relied upon to preserve slavery? The country being an old settled country, there would be, as I have already said, no great tide of emigration from the South; the comparatively few southern men who would go there, would be counterbalanced by an equal and adverse emigration from the North. The continuance of slavery would, therefore, depend on the Creoles of Cuba. I would consider this bad security. Slavery is never secure, where the masters are an inferior white race. There is, too, a marked tendency in the Spanish Creole race to emancipation. This is owing to several causes.

1st. The equality of the two races. They assimilate without difficulty; there is no gulf between them. The philosophy of African slavery consists in the superiority of the white race; where this superiority is wanting, there is no basis for the institution to rest upon, and it crumbles like a house without a foundation.

2d. The tendency of the Spanish democratic idea is to ultraism; they carry liberty to the extreme of anarchy. Every Spanish revolution is a socialistic revolution.

3d. Their inability to govern themselves produces bloody struggles, the leaders in which seek the aid of the slaves. Hence it has resulted, that the Spanish American colonies, who have set up for themselves, though under Spain they were slave communities, have all gone into emancipation. Have we any right to expect anything more from the Creoles of Cuba, than the Creoles of Central America? I think not.

From the rapid summary thus taken of the population and institutions of Cuba, I doubt whether Cuba would be reliable upon the slavery issue. Looking at the question of annexation in all its bearings, I doubt exceedingly whether it would be to the interest of the South to annex Cuba now, if it could be done without money or blood. But no one has any idea that Cuba can be thus easily acquired at the present time.

There are only three modes by which Cuba could be acquired, viz: 1. By purchase. 2. By war. 3. By treaty with Cuba as an indepenent Power.

The first method is impracticable, because Spain will not sell. The recent debate in the Spanish Cortez sets that point at rest. I go further, not only Spain will not sell, but no Spanish administration would dare to sell. The announcement of such a treaty would revolutionize Spain, and the Ministry who would have the temerity to sign a treaty so humiliating to the pride of the nation, would be torn to pieces by the infuriated mob. And hence I have always looked upon the mission of Mr. Soulé for this purpose, as a sterile idea, fruitless in itself, and unfortunate, from his European birth, in the agent selected. But, supposing this difficulty overcome, the price would be so enormous—$150,000,000 or $200,000,000—that I would not be willing to give it. I look upon the advantages to the South as too precarious to give so much money, especially when I see that the necessary effect of such an expenditure, would be to fasten a high tariff upon us indefinitely. There is no practical measure within the scope of Government power, from which the South would derive so vast a benefit, as from the reduction of the tariff to the lowest revenue standard. I should be very unwilling to abandon this great practical measure of deliverance to the South, for the uncertain hazards of annexation.

As to the second mode, war, I say nothing of the shocking injustice of wresting from a feeble Power, without provocation, her most valuable possession. I have no doubt we could succeed in this way, but at great cost of money, and men. The Spanish troops would make some resistance, the climate more. I cannot forget, too, that a large portion of the treasure expended would be wrung from the hard earnings of the southern people; and much of the blood shed would be the best blood of the South; for our system of taxation is unequal; and this being looked upon as a southern measure, the gallant young men of the South would volunteer with alacrity. But of all modes which could be devised for the acquisition of Cuba, for the benefit of the South, war is the most fatal. For no one who has any knowledge of the Spanish character, its pride, obstinacy, and revenge, can for a moment image that Spain would stop at any steps to blast the acquisition in our hands. The policy of Spain is obvious: she would cling to Cuba with the tenacity of a dying convulsion, and when she could hold on no longer, she would decree universal emancipation. But, it may be said, we would reverse this state of things in our territory of Cuba. But, just at this juncture, the people of the North, who have the control of the Federal Government, would, by a unanimous voice, bid us stay our hands; that non-intervention was their doctrine; that, by the Spanish law, there were no slaves in Cuba. The result would be, that the South, after all her sacrifices, would have acquired a free negro colony, the greatest curse imaginable. This result would be very amusing to the Abolitionists, but not to me. I have, therefore, no idea of blindly traveling a road which leads nowhere but over a precipice.

Another motive which makes me still more determined not to go to war with Spain for Cuba, is, that we of the South are upon the eve of a great struggle with a hostile majority of the North, and we will need all our resources, not to make foreign conquests, but to defend the very ground upon which we stand. I am, therefore, unwilling to weaken our resources, or complicate our position by an attack on Cuba; others, who hear only the songs of peace in the future, may take a different course.

As to the third mode, treaty with Cuba, this implies that Cuba has thown off the Spanish yoke, and established independence. If it were desirable to acquire Cuba, this seems to me to be the only mode it could be done beneficially to the South. By this mode we would escape the agitation of the slavery question in the territorial condition of Cuba. The question would be in a nut-shell, annexation or no annexation? The Wilmot proviso might precede and prevent annexation, it could not succeed annexation and mar it. Cuba would have organized her institutions. We would be enabled to judge, with some degree of confidence, as to her capability for self-government, and her reliability upon the slavery issue. We would know what we were getting, and run less risk of getting what we did not want. We would have gotten rid of the embarrassing questions arising out of the treaties, ordinances, and decrees of Spain. And then, nationally speaking, she would cost us nothing, neither men nor money.

It may be supposed, from these considerations, that I favor fillibustering. Not so. An impassable gulf intervenes between me and this policy—duty. I cannot interfere with the domestic institutions of other people, for I wish other people not to interfere with the domestic institutions of our people. On the other hand, I cannot shut my eyes to the inevitable future. I see the world is in a transition state, and I feel that the independence of Cuba is only a question of time. The final decision of this great question of annexation belongs appropriately to the future. I say, take no step now in that direction; wait and watch the course of events, and profit by them. I do not wish to shackle the ultimate action of the country. When the future rolls round, and Cuba emerges independent from its bosom, when the fruit is ripe, then let this great question be decided under the light of all the surrounding circumstances. I might stop here, but several hypothetical cases must be disposed of to manifest myself truly.

It may be said, suppose England or France seize Cuba, what then? There are some things so improbable they need hardly be considered, and this is one. After England and France are done with Russia, they will not be in a mood to disturb anybody, much less will they want to jar on the United States. But neither England nor France want Cuba; in their hands it would be necessarily a free negro colony, and, therefore, worthless; but if either of them should want it, their mutual jealousy would prevent either from taking it. But if, in violation of all possibility, they should make the attempt, I say at once I would draw the sword and drive them into the sea.

Again, it may be said, suppose Spain refuses to satisfy our claims against her, what then? My answer is direct. I would not mingle up these claims with the question of Cuba. I would act towards Spain with extreme forbearance, for she is weak and we are strong. The truest greatness consists in great ideas. I would exhibit the country in this light towards Spain. I would act towards her with generosity and magnanimity. I would urge our claims in the most respectful manner. If, after a reasonable time, they were still disregarded, I would propose arbitration. If this failed, then, after assuring myself that our claims were well founded, and after sufficient and final notice, I would send out a fleet of steamers, seize some Spanish ships, pay the claims, and give a receipt in full.

But, it may be said, suppose Spain should attempt to Africanize Cuba, what then? For my part, I am clear that our Government should use every possible means to prevent this. I would stop at nothing, not even war. There is, however, an old saying, and a true one, that an ounce of prevention is worth a pound of cure. I would act upon this maxim. I would remove the causes leading Spain to this course. They are two—the fear of our designs upon Cuba, and the pressure of England. Let us take such a line of conduct as will remove the first cause; the Russians are removing the second cause, in which operation our Government could coöperate efficiently, by encouraging Spain. That, in my opinion, is the true line of our diplomacy. It is the interest of Spain to preserve slavery in Cuba—her interest and our policy concur We would be bunglers, indeed, if, under such circumstances, we could not produce the desired result. The policy of the South is not so much to have more slaves, as to have more people interested in slavery. Spain is so interested; we should let her continue thus.

I am glad to be able to fortify my opinions upon this subject by the authority of Mr. Calhoun. As late as May, 1848, he said, in his speech upon the "proposed occupation of Yucatan:"

"So long as Cuba remains in the hands of Spain, a friendly Power—a Power of which we have no dread—it should continue to be, as it has been, the policy of all Administrations ever since I have been connected with the Government, to let Cuba remain there."

I assume what he says as an axiom. I deduce from it a corollary, that we are not to buy Cuba, or go to war for it; because, if our policy is for Cuba to remain with Spain, it is against our policy to change that possession, with or without the consent of Spain.

This disposes of every mode of acquisition, except by treaty with Cuba as an independent Power. This is, from its very nature, a question for the future. When the contingency arises, then, and not till then, we should render a definite judgment.

Mr. Chairman, the acquisition of Cuba will open a new volume in our history. Former acquisitions were the necessities of location, or of circumstance. This is not. By this step we are fairly launched in the career of conquest, from

which there is no outlet but to storm the future, sword in hand. From this career we have nothing to hope, and everything to fear; for our greatest success would be our greatest disaster.

The history of nations has been the history of their imaginations. The pomp of power, the thirst for dominion, the glare of glory, have been the empty baubles for which they have exhausted their energies, and slaughtered each other. There have been the dim lights by which poor humanity has hitherto advanced. Who can estimate the infinite miseries, the multitudinous slaughters, these barren vanities have entailed upon the human race. The book of time is bloody on every page with the horrid recital. Shall we learn nothing from it? Shall the past turn its sorrowing features upon us in vain? Shall we be insensible to the tears and agonies of history? or shall we furnish another instance of stupendous folly by embarking in the same insane career? I trust not. I trust we shall turn with aversion from the deceitful seductions of false glory, and be instructed by the disasters of universal humanity.

We may extend our dominion over the whole continent, our navies may ride triumphant on every sea, our name may be the terror of Kings, our decrees the destinies of nations, but be assured it will be at the price of our free institutions. I know not how it may be with others, but for my own part, I would not pay this price for all the power and all the glory that ever clustered around all the banners and all the eagles emblazoned in the pantheon of history.

Let us turn from the line of vulgar conquerors to the fathers of the Republic; let us learn from them, that the truest patriotism is the preservation of our institutions, the truest wisdom is moderation. In short, let our history be not the history of our imagination, but the history of our common sense. By this course we may not vaunt so many statues, so many triumphal arches, so many trophies of victory, and boundless dominion, but we shall have what is more glorious than these, we shall have our institutions preserved; we shall have the conquests of peace; the mighty march of civilization; christianity working out, unimpeded, her Divine mission; these will be our statues; these our triumphal arches; these the trophies of our victories; and they will be such as no nation before us have ever had.

THE NATURALIZATION LAWS—POLICY OF THE ROMAN CATHOLIC CHURCH.

SPEECH OF HON. W. R. SMITH,

OF ALABAMA,

In the House of Representatives,

January 15, 1855.

The House being in the Committee of the Whole on the state of the Union.—

Mr. SMITH, of Alabama, said:

Mr. Chairman: Propositions have been already made in this Hall, and at the other end of the Capitol, to repeal or modify the naturalization laws. That question is assuming proportions of considerable magnitude. In fact, sir, it is becoming the great question of the age. The time has come when American legislators will be forced, by the voice of the people, to take a stand upon this subject; and before this question, which in itself embodies the grand idea of American nationality, all mere party organizations will have to give way and retire.

Intimately connected with the advent of this question is the rise and progress of a new order of men, whose name and designation, up to this period, is as yet unknown, but whose existence, however shadowy and mysterious, is a fixed fact; and whose power in this country, for good or evil, has made itself felt from one end of the Union to the other.

Against this party the vituperations of the press have been leveled. Many of our honorable friends here have entered into the discussion of the subjects arising upon it with intense excitement. They behold in this new order nothing that is good, but some shadowy giant—some fabulous Hercules—some *two head and bloody bones*—some mysterious [illegible]yer—some lion, endowed with voracious appetite, going about seeking whom it may devour. For my part, I have not been able to discover any of these dangers; I feel none of these apprehensions; and it is my purpose, on this occasion, to inquire into the existence of these dangers and apprehensions.

Sir, who compose this new party? So far as the public know, and so far as we all know, and so far as it is admitted, the party consists of *native Americans*, not aboriginals, not exactly cannibals, but free-born American citizens. And how can an American behold in an organization of his own countrymen such extravagant terrors? Who will say that an association of native Americans is less worthy of confidence than an association of mixed Americans and foreigners?

I assume that the admitted elements of this organization, being native American, absolutely exclude the idea that, as a party, they can have anything at heart but the glory, honor, and welfare of the country. And what do they propose to do? With all their dangerous appearance, their mysterious organization; with all their test oaths of secresy, as alleged, what do they propose to do? They have but one simple proposition to submit to the country, and that is, *the purification of the ballot-box*. That idea embodies the whole doctrine of the organization of this party. In order to bring about that result, what do they propose to do? They propose to exclude unnaturalized foreigners from the ballot-box, and to check immigration, by wholesome laws for that purpose. That is the utmost extent to which they propose to go.

Intimately connected, however, with this question, is one of a very delicate character—the question of Catholicism in this country. It is said that it is the policy of this new party to exclude Catholics from office. I have no doubt that such a policy is a part of their faith, not only because of their Catholic faith, but because the Roman Catholic Church in this country is so intimately connected with foreign influence in all its branches, that it is impossible to separate the two—and they have to take the whole or exclude the whole.

I do not pretend that I have, upon this occasion, any well arranged plan in reference to the repeal or modification of the naturalization laws. I have, however, some distinct propositions to make, which are radical in their character. I propose to strike at the root of the evil. I do not bring forward my proposition in the form of a bill, because nobody can suppose that this Congress will favor this reformation. It cannot be expected that an Administration which is so distinctly committed in favor of foreigners and foreign influence as this, should take the back track. I do not suppose that during the present session of Congress any bill of the kind will receive any serious attention. I will lay before the committee, however, the propositions which must, in the main, meet the desire of the Native American party; but I do not wish to commit any person but myself for these propositions.

In the first place, it is well known that we now have no law by which a foreigner can be excluded. If there is any law requiring a foreigner to bring a passport, it is so loosely administered as to amount to nothing. Foreigners can come by millions, and there is nobody to exclude them, or to say nay. Is there any other country upon the face of the earth, properly organized, that admits an influx of foreigners without any restriction whatever? None.

RADICAL PROPOSITIONS.

I make this, then, my first proposition, that no emigrant should be allowed to leave the ship in which he comes until, upon his solemn oath, he renounces his allegiance to all foreign Powers, and until he swears that it is his *bona fide* intention to become an inhabitant of the United States. The necessity of this requisition shall be made known to him by the captain of the ship before he takes passage, and his passport shall contain in its face this requisition.

A word, sir, upon this proposition. I stated that we had no law, and no clause of a law, by which to exclude foreigners in any numbers. England, France, and Russia, and all Governments in the East require every man who puts his foot upon their shores, to exhibit a passport. Thereby they can regulate immigration, and say who is to come, and who is to remain. Suppose, sir, that England, France, or Russia, or any other Government have a desire and an intention to make war upon the United States. In the absence of the law to which I refer, before any act of hostility should be committed, they could land upon our shores in merchant ships, in the form of emigrants any number of soldiers, from one hundred to a million. How easy would it be for the Czar to send one hundred thousand Russians to this country as emigrants. One hundred thousand immigrants arriving in New York in a month would create no excitement. Their promenading Broadway would not so swell the tide of that immense population as to be perceivable. They could go and equip themselves with American rifles, furnish themselves with American powder, and American bullets, and go in American cars to any portion of the country, and be ready at any time, to exhibit themselves as an armed force, in the heart of the country. This may never occur, but we know that the landing of an army in an enemy's country, in case of war, is a most important matter, and our laws enable an enemy to flood the country with his soldiers in the form of emigrants. I ask now, of American statesmen, if this thing ought to exist? Will any man say that it is his duty to live alone for this present day. Will any statesman say his duty stops with this hour? Will any statesman say he lives alone for his own age and his own generation? There may be no danger now, but we should look ahead, far into the future, and for that future supply, at this day, the lamentable deficiencies of our laws.

My second proposition, connected with the first, is, that no immigrant shall be allowed to land until he produces a passport from the proper authority of the United States, resident in the country from which the immigrant comes; which passport shall contain upon its face the requirements which I have read.

Now, sir, if there is any law requiring immigrants to bring passports to this country, it is so loosely executed as to amount to nothing.

My third proposition is: our consuls, and such other officers as may be appointed for such purpose, shall be instructed to give passports to no persons except those who are of sound health both in mind and body, of good character for sobriety and honesty; and upon satisfactory proof of the applicant that he has never been convicted for any crime; and the consul shall refuse passports to all notoriously rebellious and seditious persons, and to all persons, who, in their opinion, shall be liable to become a charge upon any of the United States as paupers. I will not pause to enforce this proposition with argument. The necessity of it must be palpable to every American statesman.*

My fourth proposition is as radical as all the rest. I would provide that the naturalization laws shall be so repealed and modified as to prevent all foreigners from voting who shall not have become naturalized, or who shall not have taken steps to

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* The following letter from the Mayor of New York to the President, will illustrate what I have said about felons and paupers:

Mayor's Office, New York, *January* 2, 1855.

His Excellency, Franklin Pierce,

President of the United States:

Dear Sir: There can be no doubt that, for many years, this port has been made a sort of penal colony for felons and paupers, by the local authorities of several of the continental European nations. The desperate character of a portion of the people arriving here from those countries, together with the increase of crime and misery among that class of our population, with other facts before us, prove, conclusively, that such is the case.

It is unnecessary to refer to the gross wrong thus perpetrated upon this city. It requires from me no allusion to the jeopardy of our lives and property from this cause. Men who, by a long career of crime and destitution, have learned to recognize no laws, either civil or natural, cannot fail to produce feelings of terror at their approach.

The inherent right of every community to protect itself from dangers arising from such emigration, cannot be questioned. New York has submitted to it long enough. The disease and pauperism arriving here, almost daily, from abroad, is, of itself, a sufficient evil; but when to it is added crime, we must be permitted to remonstrate. We ask the interference of the General Government, as it is its duty to protect us from foreign aggression with ball and cannon, so is it its duty to protect us against an enemy more insidious and destructive, though coming in another form.

I call your attention to this subject, hoping it will receive from you that action which its very great importance to the whole country demands.

I am very truly yours, &c.,

FERNANDO WOOD, *Mayor.*

become naturalized at the date of the passage of this act, provided all boys who come to this country as immigrants with their parents, and may be at the time under the age of ten, or say fifteen years, shall, at the age of twenty-one, be considered as citizens in every respect.

These four propositions embody what I conceive to be the remedy for the great evils which prevail upon this subject.

I now pass on to some of the evils of these laws, as they exist at this time. Our naturalization laws are surrounded with such difficulties and such deficiencies that they have been maladministered—administered in fraud, negligence, and corruption, from the foundation of the Government. This has been so palpable that the Congress of the United States, in 1824, had to pass a law by which, at one swoop, was cured the illegalities of the naturalization papers of, perhaps, thousands of foreigners, whose papers had been obtained in fraud and violation of the laws. The law of 1824 says:

"No certificate of naturalization or citizenship, heretofore obtained from any court of record within the United States, shall be deemed *invalid* in consequence of *an omission* to comply with the first section of the act entitled an act relative to *evidence* in cases of naturalization, passed 22d March, 1816."—*Stat. at Large, vol. 4, p. 69.*

Here you will see that the Congress of the United States was convinced that for eight years (from 1816 to 1824) the naturalization laws had been corruptly and negligently administered; that for eight years men had been sent to Congress, men had been elected Governors and Presidents by illegal votes and spurious voters; and the Congress, in their blind liberality, passed a law curing the evil, healing the sores, and covering the frauds, by looking back and making these naturalization papers perfect which had been improperly granted.

A distinguished judge in New York recently discovered that for years and years, and perhaps from the very foundation of the Government, the clerks of the courts of that State had been in the habit of taking upon themselves the duties of the judges in granting naturalization papers. Judge Dean, of the supreme court of the State of New York, has published an elaborate opinion, and I will read a small portion of it:

In the matter of the Application of John Clark to become a citizen of the United States.

"The petitioner, a native of Scotland, applied to the clerk of this court for admission as a citizen. A number of other aliens made a like application. The clerk was proceeding to administer the formal oath to the witness of the respective applicants, when the subject was brought to my notice, and, on inquiry, I learned *that the practice had, for many years, been for the clerk to receive and pass upon all applications for naturalization and grant certificates without consulting the court, and that the proof on which aliens were admitted to citizenship, did not ordinarily meet any of the requirements of the statute.* On this state of facts I deemed it my duty to forbid the clerk from entertaining any applications of this nature, directing that all should be made to the court. The application was then made to the court, and, on examination, I found, that *neither Clark nor any one of the other candidates for citizenship, could furnish proof of continuous residence, within the United States, to exceed two or three years, and that each of the applicants was unprepared with any proof as to his conduct or character, during that brief period.*"

I refer to this simply to show the long existence of this error—to show that the clerks of the courts have taken upon themselves, contrary to law, the duties of the judges, and that this thing has been long tolerated. The clerks have been in the habit of making out and perfecting the papers, and the judges of the court have had nothing to do with the matter. I do not refer to this as an authority of any very exalted station or stand, but to show that the error has existed.

I have now shown that the Congress of the United States had to intervene, by an act, to perfect spurious naturalization papers. I have shown that a judge of the New York supreme court discovered that the clerks of the court had been in the habit, from time immemorial, perhaps, of granting naturalization papers contrary to law. I conclude, of course, and legitimately, that the persons elected to office in that State have been elected by spurious votes; for it is no consequence how many votes of this sort are given, so far as principle is concerned, for a few are often sufficient to turn and control an election. And I see, sir, from a recent act of the Senate of North Carolina—called the free suffrage law—that the singular *proviso* is added, "That no unnaturalized foreigner shall vote for Senator or member of the House." This would seem to authorize the conclusion that, heretofore, in that State, unnaturalized citizens have been accustomed to vote.

So much, sir, for the lamentable deficiencies of the naturalization laws.

Let us now take another branch of this subject. Mr. Wise, who has examined this subject with much ingenuity, says:

"The statistics of immigration show that from 1820 to 1st January, 1853, inclusive, for thirty-two years and more, 3,204,848 foreigners arrived in the United States, at the average rate of 100,151 per annum."

Is is not fair to say that, from the foundation of the Government up to this time, there has been an average of 100,151 emigrants coming to this country every year. We are bound to look on the matter in another light. We must look on it in the increased ratio of emigration. We know that, in the last year, very nearly half a million of foreigners arrived in this country. I have here a statement, which I presume is correct, showing:

IMMIGRATION FOR 1854.—There arrived at the port of New York, during the year just closed, 307,639 emigrants, of whom 168,723 were Germans, and 80,200 Irish. The immigration at the same port last year was 284,945. The following is a comparative table of immigration from the year 1847 to 1854, inclusive. In the year 1854 the German immigration has been double that of the Irish:

	German.	*Irish.*
1847	53,160	52,946
1848	51,973	98,061
1849	55,705	112,691
1850	45,535	117,188
1851	60,883	163,258
1852	118,011	118,131
1853	110,644	113,161
1854	168,723	80,200
	684,654	853,484
		684,654
Total		1,538,138

I have to call the attention of the committee to the important fact that, during the last year, while three hundred and fifty thousand emigrants landed in the single city of New York, only about five thousand, during the same period, made application for naturalization. Here you see, then, vast portions of these foreigners spread throughout the country without making any application whatever to become naturalized, and without swearing allegiance to the country. This ought to be corrected. We may safely calculate, Mr. Chairman, according to the increase of immigration for the last two or three years, that in five years more, unless some check be made to it, there will be an advent of a million the year. This ought to present some serious apprehensions to an American legislator. This tide of immigration has heretofore been confined to our eastern coast; but we have now to look to our western coast. The golden sands of California glitter in the face of Japan and China! See the stream of emigration from the Celestial Empire to California! What are we to do with these disciples of Confucius? Forget even, if you choose, for a moment, the German and Irish, and look alone to the West, and see if there is not an appalling picture already displaying itself. What patriot can fail to be inspired with the gloomiest apprehensions in beholding the almost untold millions of Pagans, whose army of eyes, more terrible than an army of bayonets, are sparkling with the reflection of the gleaming waters of California? How long, sir, will it be before a million of Pagans, with their disgusting idolatries, will claim the privilege of voting for American Christians, or against American Christians? How long before a Pagan shall present his credentials in this Hall, with power to mingle in the councils of this Government *There is now no law to prevent it. The American party demands a law to prevent it.*

In five years more, according to the ratio of increase of emigration, there will be a million coming to the country annually; and there is no law requiring them either to renounce their allegiance to their own country, or to swear allegiance to this. But will they come in such numbers? Who can doubt it? The world is looking anxiously to this country. Our fair fields; our golden sands; our salubrious climes, form the animating theme of all the nations of the earth. They will come—come in increasing swarms—and, whatever may have been the liberal policy of the Government heretofore on this subject, the time has arrived when the interest of the American citizen, as paramount to all mere ideas of liberality, should be protected. In behalf of Americans, I claim laws to protect them in the enjoyment of that heritage which was bought by the blood of their sires.

We have seen, sir, that the laws of the land not only invite foreigners to come, but they also place it in the power of Princes and Kings to send their armies here, in the disguise of foreigners, with money in their pockets to purchase American rifles of American merchants.

FOREIGNERS INCAPABLE OF APPRECIATING LIBERTY.

Mr. Chairman, I contend that the mass of foreigners who come to this country are incapable of appreciating the policies of our Government; they do not sufficiently understand our institutions. Patriotism is natural with a native—but it must be cultivated in a foreigner. Their minds are filled with a vague and indefinite idea of liberty. Liberty to them is a sort of chaotic idea. It is not the liberty of law, but of unrestrained license. Their oppressions at home have cultivated and nourished treasonable inclinations, and they come here too often to indulge them. The foreigner believes that America is the natural rendezvous for all the exiled patriots, and disaffected and turbulent persons of the earth, and that here they are to meet, to form plans and concoct schemes to revolutionize all creation, "and the rest of mankind." Well, let us see if there is any truth in these suggestions. Here are the solemn resolutions of the German Social-Democratic Association, of Richmond, Virginia—an association existing in the center of the Old Dominion, in the heart of "the home of the Presidents:"

Reform in the laws of the General Government, as well as in those of the States.

"We demand: 1. Universal suffrage. 2. The election of all officers by the people. 3. *The abolition of the Presidency.* 4. *The abolition of Senates*, so that the Legislatures shall consist of only one branch. 5. The right of the people to recall their Representatives (cashier them) at their pleasure. 6. *The right of the people to change the Constitution when they like.* 7. *All lawsuits to be conducted without expense.* 8. *A department of the Government to be set up for the purpose of protecting immigration.* 9. *A reduced term for acquiring citizenship.*"

Reform in the foreign relations of the Government.

"1. *Abolition of all neutrality.* 2. *Intervention in favor of every people struggling for liberty.*"

Reform in what relates to religions.

"1. A more perfect development of the principle of personal freedom and *liberty of conscience; consequently—a. Abolition of laws for the observance of the Sabbath; b. Abolition of prayers in Congress; c. Abolition of oath upon the Bible; d.* Repeal of all laws enacting a religious test before taking an office. 2. Taxation of church property. 3. A prohibition of incorporations of all church property in the name of ecclesiastics."

Reform in the social condition.

"1. *Abolition of land monopoly.* 2. Ad valorem taxation of property. 3. Amelioration of the condition of the working class—*a.* By lessening the time of work to eight hours for grown persons, and to five hours for children; *b.* By incorporation of mechanics' associations and protective societies; *c.* By granting a preference to mechanics before all other creditors; *d.* By establishing an asylum for superannuated mechanics without means at the public expense. 4. Education of poor children by the State. 5. *Taking possession of the railroads by the State.* 6. The promotion of education—*a.* By the introduction of free schools, with the power of enforcing parents to send their children to school, and prohibition of all clerical influence; *b.* By instruction in the German language; *c.* By establishing a German University. 7. *The supporting of the slave-emancipation exertions of Cassius M. Clay by Congressional laws.* 8. *Abolition of the Christian system of punishment, and introduction of the human amelioration system.* 9. Abolition of capital punishment."

Let every American read this carefully and candidly. It is but a fair sample of the foreigner's *ideas of liberty.* Ought these men be allowed to vote? No President, no Senate, no Sabbath, no swearing upon the Bible, no permanent Constitution, no neutrality, no Christian punishment. Is it even probable that the second generation of such insane fanatics should so be improved as to be capable of voting with discretion? These are the "fundamental principles of reform of the Social Democratic Society of Germans," and are not confined to Virginia, but are ramified throughout the whole Union, wherever the Germans go.

In proof of which, and as kindred to their previous resolutions, I here present a part of the address and regulations of the American Revolutionary League, adopted at the Revolutionary Congress held at Philadelphia from January 29 to February 1, 1852:

"*Fellow Citizens:* The Congress of the 'American Revolutionary League for Europe' herewith submit the result of their deliberations to the judgment of the people, all parties of which were represented in that body.

"Earnestly resolved *to find the means of terminating the desperate condition of the liberty-thirsting people of Europe, firmly convinced that the first great step to the attainment of this goal is the cordial coöperation of all who seek it, it was for us to explore the middle ground upon which all parties could honorably and cheerfully unite their forces.*

"*The conscious determination to achieve a revolution* thorough and complete was the warrant for our actions; and of you, sovereign people, we ask the ratification of this warrant in the readiness with which you shall erect upon the foundation we have laid the superstruction of an extensive, yea, *a universal, fusion of all revolutionary elements.*

"Let us, then, be up and doing! *Our cause is noble, is sacred.* The barriers that cramp the growth of active, intelligent, and high-souled nations are to be stricken down; mankind to be restored to its humanity. Let the motto for the strife be *union, in the American Revolutionary League.*"

Here are the objects of the league, avowed in a regular form:

"The object of the league shall *be the radical liberalization of the European continent; for which are required:*

"1. *The overthrow of monarchy and the establishment of the Republic,* because in the Republic alone can all the horrors of tyranny be prevented.

"2. Direct and universal suffrage, and the recall of representatives by the majority of their constituents; because this alone secures the supremacy of the popular will in the workings of popular institutions.

"3. The abolition of standing armies, and inviolability of the right of the people to bear arms; because the last resource of forcible resistance is the only protection against the last device of forcible usurpation.

"4. *The union for these ends of all persons, associations,* parties, and nations, for the annihilation of oppresion; because without such concerted efforts the organized power of the tyrants is invincible.

ART. III—*Means.*

"SEC. 1. Agitation as well in Europe as in America.

"SEC. 2. Accumulation of a revolutionary fund.

"SEC. 3. *Formation of armed organizations desirous of entering personally into the struggle, and of preparing for it by military exercises.*"

And this is not the mere idle resolves of a club at a town meeting. You will see that they so arranged this league as to extend it to every principal town in the country. As thus appears:

"1. *In the principal towns of every State there shall be established a State committee,* to consist of the executive board of the revolutionary association there located. If there are several revolutionary associations in such principal town, they elect the State committee between them.

"2. The duty of the State committee shall be to receive the communications of the board, and transmit them to the several associations, and to transmit the proposals of associations to the board, to establish new associations, and generally to make all possible exertions in furtherance of the cause in the State assigned to its care."

Here, sir, is a brief outline of a most extensive association, formed and organized upon American soil, by foreign agitators, the avowed object of which is: "*Agitation as well in Europe as America.*" Are these hot bloods capable of voting and mingling in the governmental affairs of this nation? No, sir. The liberty our fathers fought for, and which we enjoy, is not the privilege to sit and hatch treasons; to disturb, with unhallowed plottings, the princes of other realms; to break constitutions at pleasure, to raise armies without authority of law, nor to take from our neighbor his goods, because he has most; but it is the privilege to be protected by laws from the evils of anarchy and oppression. There is no tyrant so relentless as ANARCHY—none so oppressive.

In these proceedings, and regulations, you have frequent mention of "*the accumulation of the Revolutionary Fund,*" and while these patriots are forming constitutions and laying plans, we hear of the financial operations of their allies, Kossuth and Kinkle. We see Kossuth peddling his dollar, of which here is a curious copy:

"HUNGARIAN FUND.—On demand one year after the establishment in fact of the INDEPENDENT HUNGARIAN GOVERNMENT, the holder hereof shall be entitled to ONE DOLLAR, payable at the National Treasury, or at either of its agencies at London or New York, or to exchange the same in sums of Fifty Dollars or over, for certificates bearing four per cent. interest, payable in ten equal annual instalments from one year after said event.

"L. KOSSUTH."

We see the accomplished Kinkle, delighting audiences with his eloquent speeches, and plausible plans; and raising fifteen and twenty thousand dollars a night from the pockets of the *sage inhabitants* of the western States—all to be used either in aid of the American Revolutionary League, or for some kindred purpose. And these money orators are aided in their schemes, and the people kept constantly excited, by such appeals as this:

"TO THE GERMANS IN AMERICA: The news brought to these shores by each successive steamer from Europe, proves that the hour of *insurrection is near;* therefore, the *refugees must organize and hold themselves in readiness.*

"At a mass meeting held November 9, 1853, a commission was elected for the purpose of organization—and that commission, finding unoccupied that difficult position which it was requested to take, now calls upon the German emigration in America to acknowledge them as the center in all matters regarding that affair.

"The commission has adopted the following platform as the basis of its operations:

"*We recognize the solidarity of all revolutionary interests; our first object being, however, the deliverance of Germany from its political thraldom, without our presuming to decide by anticipation other secondary objects. We expect* that the people of Germany will, themselves, decide upon their future political system, and we place ourselves at the disposition of the revolutionary Government."

* * * * * *

"To our former revolutionary companions we say: Be prepared! The approaching struggle between liberty and despotism will be severe; but it will be the last; for it will only terminate with the annihilation of one of the two opposing and irreconcilable principles."

Add to this the sage reflections of Mazzini. In writing to some friend—some member of this revolutionary league, perhaps, he says: "Twenty-four millions of emancipated Italians will be *twenty-four millions of Abolitionists* to aid their brothers in America!"

Nor am I permitted to pause here! These disorganizing sentiments have spread with fearful success! Read the following extract of a speech of Mr. Roedel to the German portion of the audience, made in New York but a few days ago:

"BRETHREN: For the first time I speak in an assembly like this. We have not all the same language, but our feelings are the same; they unite us here with the American people. For the advancement of these sentiments we must not only unite with them in speeches, but also in acts. In our country we have fought for liberty, and many of us have lost, in battle, our fathers, brothers, or sons. Here we are free, but not free enough; we want the liberty of living. [Applause.] We have fought in Germany for liberty of speech and the liberty of the press. The German press is against us in this movement; but we need not care for what those papers say; we must act on our own hook. Here we have social liberty, liberty of speech, and liberty of the press; and when we want anything that is just, we are bound to obtain it. [Applause.] If you don't know your rights yet, hunger will teach them to you. You don't get bread nor wood, and there is plenty of them. At our revolution in June, we obtained three months' credit, and when we had no bread, we soon obtained it, because we were two hundred thousand bayonets strong. *I have nothing further to say than to advise you to put in practice the principles of the social Republic.* The Tribune said, to day, that the rich would give us a million, if they were forced to it; but now they will hold their money in their pockets, and refuse to give it up. When the wolf is hungry he has no consideration, and takes his food fearlessly where he finds it; it must be the same with the masses. Help yourselves, and then God will help you. We must act as the wolf, and we do not want any auxiliaries! Let us act by ourselves." [Applause.]

Hunger is the excuse for these sentiments, sir. I never yet saw an honest, healthy man that could not earn his daily bread; who could not, with the labor of his own right arm, get enough for himself, his wife, and children. It was the pretense of hunger that brought the Danes and Normans to England. It was the pretense of *hunger* that brought the Goths and Vandals to desolate the fairest portions of the eastern world. This plea of hunger may bring millions of immigrant invaders to this fair land, to take from those who have plenty, without law, without justice, but in the name of *liberty*, as interpreted by these plotting, exiled patriots——

Mr. BARRY. If the gentleman from Alabama will allow me, I should like to know whether the meeting in New York, of which he speaks, was a meeting of native Americans or foreigners?

Mr. SMITH. I will not presume to say whether it was a native or foreign meeting.

Mr. BARRY. The gentleman spoke of the meeting as composed of the same persons who were concerned in a European revolutionary league, and I presumed, therefore, that the gentleman knew who were the men who composed it. I do not know, and, therefore, I asked for information.

Mr. SMITH. I do not know. If the speaker was an American, so much the more shameful for him.

Mr. BARRY. To be sure; to be sure; so it is.

Mr. SMITH. The speech is reported in very plain English. If it was an American speaker, he must have been corrupted by foreign influence. [Laughter.] Ah, sir, there is a smile! Are we so far above the reach of foreign influence as to be secure against it? Sir, are we so securely encased in the armor of self-wisdom as not to be beguiled by foreign influence? Sir, the beginning of wisdom is the conviction of our ignorance; the beginning of knowledge is the confession of our weakness; and the sooner we know the power of foreign influence over the manners and habits of our people the better. The sooner our children are taught that the Jesuits and priests have been raised from their cradles to seduce us, the better for us. It has been but a short time, sir, since *all America* was turned upside down by an eloquent foreigner. But to return to the question of the honorable gentleman from Mississippi, [Mr. BARRY;] upon a further reading of the speech referred to, I find that the speaker speaks as a German.

Mr. BARRY. I desire to ask the gentleman another question. I desire to know whether Gavazzi, who is getting up these Know-Nothing organizations, is not a foreigner? I wish to know whether the editor of the Crusader, the great Know-Nothing paper of the country, is not a foreigner? And further, I desire to know whether James Gordon Bennett, the editor of the New York Herald, which is also an organ of the Know-Nothing party, is not a foreigner?

Mr. SMITH. I cannot answer the gentleman. I know nothing of these men, except that, if they are foreigners, they are not natives—*if they are not natives they can have nothing whatever to do with the Know-Nothing organization.* But one thing is very certain: the editor of the New York Tribune, who spends his days and nights in concocting slanders against the Native American party; pouring out, every morning, his boiling cauldron of lies and slanders upon this new party, is the special organ of Abolitionism—and in the same print that denounces the Know-Nothings he parades his slanders against the South, in the form of an array of advertisements for runaway slaves. I have no time to talk about Gavazzi and the Crusader. I like Gavazzi for his exposure of the Jesuits, but I should hate to take him for a Governor. So far as James Gordon Bennett is concerned, I have no respect for him more than I have for any other *Scotch divil.* [Laughter.]

Mr. Chairman, I would not exclude the foreigner from these shores; but I want the privilege of picking the class that comes. I do not want the vermin-covered convicts of the European continent. I do not want the crime-hardened felons of the European prisons. I do not want those exiled traitors, who call themselves patriots, whose oaths of allegiance to their own Kings have already been broken—for who can expect faith from the faithless, or truth from the perjured? I do not want the propagandist, who comes to interpret the Constitution of the United States for us and for our children, and to prate in unmeaning jargon about the policy of Washington. I do not want those swarms of paupers, with pestilence in their skins, and famine in their throats, to consume the bread of the native poor. Charity begins at home—charity forbids the coming of these groaning, limping vampires.

AARON BURR IN FRANCE.

In reference to my proposition to absolutely exclude from the country persons notoriously seditious, I cannot forbear to refer to the French Government.

How admirable was the conduct of the French Government towards the United States on the occasion of the visit of Aaron Burr. He was one of those perturbed spirits of this world, who, being foiled at home in his nefarious schemes, and prostrated under the weight of public odium, fled for succour and countenance from his own to another country. Visiting France, where he expected to find, amongst its combustible elements, ample materials for his genius to mould into any shape, he was met at once, and promptly, with the frowns of the court—marked as a public offender, and an exiled traitor—and we have reason to know that every step he took in France was noted by the authorities. Even the French people, while willing to treat him with their characteristic civility, rather avoided than courted his presence; and it was only in the dark corners of the most mysterious and gloomy parts of the metropolis of France that he could hold his treasonable levees. How

admirable was this conduct of the French Government. True to her neutrality; true to her ancient friendship for us; true to her national dignity, and to international fidelity, she observed, both in spirit and letter, not only the obligations of treaties, but followed those high incentives of reciprocal duty by which princes and nations command the applause of mankind.

How striking a contrast, sir, does this case of the fidelity of France present to that which we exhibited of our duty to Austria, upon the visit of M. Kossuth to this country! I forbear, sir, to comment upon the turbulent scenes which distinguished that extraordinary advent. I forgive all, to "the spirit of liberty" and to the too magnanimous generosity of my deluded countrymen. We will grow wiser as we grow older. Time and experience is to teach us, that without stability there can be no true liberty; without the observance of the strictest duty in international reciprocities, there is no national respect.

NECESSITY OF OUR ALIEN LAWS.

We have no sufficient law and no power to banish aliens. We should have such a law. Recently the Emperor of France has decreed the banishment of the Russians from the Empire. Will any man say that such a power ought not to exist? Will any man say that such a power should not be exerted whenever the peace and quiet of a country should demand it? The liberties of the American people, the homes of the American people, the rights of the American people, are no less dear to them because they have adopted a Republican Government; and a Republic is no less in need of all the attributes of sovereign power than any other Government.

FOREIGNERS WHO FOUGHT FOR US ALREADY REWARDED.

But I am told that we were aided in our revolutionary struggles by foreigners. There is a shadow of fallacy in this. The hint is thrown out that we are ungrateful. Sir, gratitude is not, and ought not to be, a national virtue. No generation has a right to burden another with its gratitude. No Government should be grateful at the expense of its citizens. "Sufficient for the day is the evil thereof." But have we been ungrateful? We rewarded the men who fought for us in giving them the best of homes and liberty. We have rewarded their relatives by the most liberal laws of naturalization. That is enough. Individual gratitude, consulting alone its own interest and feelings, might go further. But a nation should not be required to do more than we have already done. Sir, we never promised, no body ever expected, that we would make this country the common receptacle of the filth and rottenness of Europe. It was never in the minds of our fathers to fight for liberty and then surrender it to the Pope!

But the foreigners who fought for us were a part of us. They remained with us after the war. Our victory was theirs. Their swords made them patriots, and *the Constitution made them natives.* The homes they won were made comfortable; their fields blossomed around them, and after the fullest enjoyment of the blessings of liberty, they died and were buried in the land which their valor redeemed. Their children were *born Americans*, and are now a part of us. Do they complain? How absurd, Mr. Chairman, upon reflection, then appears this hackneyed idea, that gratitude for the foreign aid that was received in the Revolution should embrace the unborn generations of Europe! that our gratitude should make America a great alms-house for the pauper patriots of all creation!

THE AMERICAN PARTY DEFENDED.

I now propose to say something in defense of the organization of the American party.

A MEMBER. Do you know anything about it?

Mr. SMITH. I do not profess to know any thing about it. But if there be any such organization of "*Native Americans*," I am not ashamed of my countrymen, and I am perfectly willing to be considered as one.

The first objection which has been urged—and by no one with more earnestness and ability than by my honorable friend from Mississippi, [Mr. BARRY,]—is *the secrecy of the order.*

The first reason of defense is, that, in all political movements, *secrecy is the great element of success.* I take it for granted that the American party, called "Know-Nothings," is in *earnest.* They intend to finish what they have commenced. As a matter of party discipline, they have a right to be secret in their meetings, and upon the broader ground of political sagacity. Solomon says:

"A fool's mouth is his destruction. Whoso keepeth his mouth and his tongue keepeth his soul from trouble."

Old Polonius advises his son thus:

* * "Give thy thoughts no tongue
Nor any unproportion'd thought his act.
* * * * * * * * * *
Give every man thine ear, but few thy voice:
Take each man's censure, but reserve thy judgment."

Burns says:

"Ay, free, aff han' your story tell,
When wi' a bosom crony;
But still keep something to yoursel'
Ye scarcely tell to ony.
Conceal yoursel' as weel's ye can
Frae critical dissection;
But keek thro' every other man
Wi' sharpen'd, sly inspection."

Lord Bacon tells us that "secrecy is the helmet of Pluto which maketh the politic man go invisible." Now, upon these "wise saws," I say, that, as a matter of political sagacity, it is not only their right, but their duty, if they want to be successful, to preserve in their halls the most inviolable secrecy.

Again, sir, as a matter of party tactics, this new party has a right to keep its own secrets. It has the examples of the two old parties. True, political conventions are usually held with open doors; speeches are made, and resolutions adopted. But this is a mere publication of the acts of secret committees; *the moving cause and reason for the resolves* being unknown and unseen. When the great elections are pending, does not each party have its secret agents in Washington—meeting in dark conclave—flooding the country with sealed packages? And does not the party in power *keep the key of the post office in his pocket?* Is not then the finger pressed on the lips? "*Say nothing!*" "*Keep dark!*" These and other cabalistic words, with all the mysterious inuendoes of conspiracy, are uttered with low tones and smothered breath; and all justified, commended, practised, and applauded. Why then, sir, may not the American party keep its own secrets?

But, sir, the great justification of the secrecy of this order is yet to be stated. The American party *is not warring with Americans.* It is warring with an *enemy sworn to secrecy*, JESUITS AND PRIESTS? Are not the Roman Catholic priests the *keepers of the secrets of their congregations?* Is not the Jesuit sworn to secrecy? Does he not go prowling about the country with his tablet and pencil, culling all information; looking into everybody's business, peeping over every man's shoulder; winding himself into every man's confidence; lifting the curtain of every man's window; and with his meek, mysterious eyes smiling like a saint, does he not hurry away to reveal this information whenever it is of sufficient importance? This, sir, is the fearful and disguised enemy, an enemy whose name is *legion*, with which the American party is at war. Here is the Jesuits' oath:

"I, A. B., now in the presence of Almighty God, the blessed Virgin Mary, the blessed Michael, the Archangel, the blessed St. John the Baptist, the holy Apostles St. Peter and St. Paul, and the saints and sacred hosts of Heaven, and you my ghostly father, do declare from my heart, without mental reservation, that—(Pope Gregory, or the present incumbent)—is Christ's Vicar, and is the true and only head of the Universal Church throughout the world; by that virtue of the keys and of binding and loosing given to his Holiness by Jesus Christ, he hath power to depose heretical Kings, Princes, States, Commonwealths, and Governments, all being illegal without his sacred confirmation, and that they may safely be destroyed; therefore, to the utmost of my power I will defend this doctrine, and his Holiness's rights and customs, against all usurpers, and all heretical or Protestant authority whatsoever, especially the new pretended authority and Church of England, and all adherants, in regard that they be usurped and heretical, opposing the Sacred Mother Church of Rome.

"I do denounce and disown King, Prince, or State, named Protestants, or obedience to any of their inferior magistrates or officers. I do further declare the doctrines of the Church of England, of the Calvinists, Huguenots and other Protestants, to be damnable, and those to be damned who will not forsake the same. I do further declare that I will help, assist, and advise all, or any of his Holiness's agents, in any place wherever I shall be, and do my utmost to extirpate the heretical Protestants' doctrine, and to destroy all their pretended power, legally, or otherwise.

"I do further promise and declare, that notwithstanding *I am dispensed to assume any religion heretical, for the propagation of the mother church interests, to keep secret and private all her agents' counsels as they intrust me*, and not to divulge, directly or indirectly, by word, writing, or otherwise, any matter or circumstance whatsoever, but to execute all that shall be proposed, given in charge, or discovered unto me by you, my ghostly father, or by any of this covenant.

"All of which, I, A. B., do swear by the blessed Trinity, and blessed sacrament, which I am now about to receive, to perform, and, on my part, to keep inviolable; and do call the heavenly and glorious host to witness my real intentions to keep my oath. In witness whereof, I take this holy and blessed sacrament of the Eucharist, and witness the same further with my hand and seal, in the face of this holy covenant."

Sir, the American party, with all its alleged secrecy, avows to the world that one of its great objects is, as connected with the growth of foreign power in this country, to PROSCRIBE, *as a party rule, Roman Catholics* from office. With this object in view, and looking upon this oath of the Jesuits, I ask if the American party has not a right to hold its meetings in secret, to make its resolves in secret, and to keep its proceedings secret. There is an old saying, and never more appropriately used than now: "*When you fight the devil, you have a right to fight him with fire.*"

HISTORY OF THE JESUITS.

But who are these Jesuits? wherein are they dangerous? Let us inquire. This order was founded after the Reformation by a thwarted military aspirant. They were called the "Society of Jesus." Its name indicates a purely "religious" organization, but its main end was "political." Pope Paul III. confirmed the order upon *condition* that, in addition to the three usual vows, of poverty, chastity, and monastic obedience, the order should take a fourth vow: *to be obedient to the Pope*, binding themselves *to go wheresoever he should command, for the service of religion.* They bound themselves to implicit and blind obedience to the Court of Rome, and also to an implicit and unlimited allegiance to the GENERAL of their society; this general, of course, being subordinate to the Pope, and knowing no allegiance except to the Pope.

The number of this order was first confined to sixty; but this restriction was removed year after year, so that, in less than half a century after its foundation, the order had established itself in every country which adhered to the Roman Catholic Church; and in the year 1700, the number of Jesuits was twenty thousand. By this time they had the charge of all the schools in the Catholic countries. They had become the *confessors* of nearly all the monarchs; they were the spiritual guides of nearly every person of eminence and rank; they possessed the highest confidence and interest with the Pope, and were regarded as the most zealous and able advocates of the authority of the Papal Court. They were relieved from the ordinary duties of the other monks. The monks were left to their spiritualism. The Jesuit monks were taught to consider themselves as formed for *action*, and bound to exert themselves continually as soldiers in the service of God and the Pope, His *Vicar* upon earth. They were required to attend to *matters of the world; to study the nature of mankind; to wind their way into the confidence of men of rank and power; to cultivate their friendship, probe their designs, and communicate their secrets.* Action and intrigue were infused into every member of the order, and all their movements were covered with the impenetrable veil of secrecy! The form and constitution of the order was purely monarchical.

"The General, who was elected for life, possessed a power which was supreme and independent, extending to every member, and to every case! He nominated all officers, and could remove at pleasure! In him was vested the sovereign administration of all the revenues and funds of the order! Every member belonging to it was at his disposal, and by his uncontrollable mandate he could impose upon them any burden, or employ them in whatsoever task he pleased. They had to yield to him not only outward obedience, but to resign to him the inclinations of their own wills, and the sentiments of their own understandings."

Sir, this is a brief sketch of the power of the General of this order. Was ever anything so tyrannical? Was ever despotism so complete? You must remember, too, that this General, with all this power over the members of the order, had himself taken a *vow of implicit* obedience to the Pope—so that all this despotism centered in the Pope.

Let us now see how this power was exercised. It not only extended to the monks shut up in the monasteries, but it reached to every corner of the Roman Catholic world. By what ingenuity do you suppose this General could manage this wide-spread society? The order had divided its labors by establishing what is called: 1. Professed Houses; 2. Houses of Approbation; 3. Residences; 4. Colleges; 5. Boarding Schools; 6. Missions, Seminaries, and Provincials. It was carefully provided that the General should be perfectly informed with respect to the character and abilities of his subjects. The provincials and heads of the several houses were obliged to transmit to the General, regular, frequent, and minute reports concerning the members under their inspection. These reports were digested and arranged in registers, by which the general might, at a glance, easily survey the state of the society in every corner of the earth, observe the qualifications of its members, and select the proper instruments for any necessary service. The General also received frequent reports from his comptrollers as to the fiscal affairs of the society. And all these reports were so completely made out, that he had constantly before his eye full information concerning the transactions of nearly every Province and State in the world. This general had nearly as many ministers as the President of the United States! He had five ministers, (heads of departments of Italy, France, Spain, Germany, and Portugal,) to prepare matters belonging to their respective assistancies, and to put them in methodical and disposable shape.

Let us pause a moment and contemplate this vast power! How ingeniously devised! How skillfully exerted! Behold, in some gorgeous chamber—I say gorgeous, for everything Roman Catholic is gorgeous, except the cells of its lousy monks, and the dark cloisters of its lock-shorn nuns—behold, in some gorgeous chamber, this General! this almost imperial master of a society whose arms reach from sea to sea—from continent to continent. Behold him in the midst of the images of idolatry, clothed as a Cardinal, with hundreds of clerks at his bidding! Behold him, with his ingenious and learned minions, quick to observe, eloquent to teach, and rapid to execute! Behold him, turning over the pages of these carefully compiled registers, in whose cabalistic leaves are noted the strength of every State's army; the amount of every prince's fortune; the size and position of every monarch's fleet; the secrets of every king's bed-chamber; the inclinations and passions of every man and woman of power, rank, and character. Behold him, with the lines of communication by sea and land, lying open before him. Behold him, as if standing upon a tall cliff, which overlooks the universe, with his eyes reaching the institutions of every country, and scrutinizing the policy of every Prince. Behold this Richelieu, leaving his messenger the alternative of success or death in the rapid and safe execution of a trust. See all this! and more—if your imagination can enlarge itself upon the subject of this vast organization—and ask yourself, is not this a fearful power? A power exerted not for the free, not for liberty! not to disinthrall mankind, but to sustain the claims of the Pope to be supreme in temporal and spiritual affairs.

Well! You have seen the Cardinal in his gorgeous chamber, his council house, surrounded by his waiting emissaries, his willing messengers! You have seen this great central power—now, let us look upon it as it diverges upon the thousand channels of communication, both by sea and land. Who is that splendid chevalier, dashing by with the rapidity of lightning, with relays of fleet horses awaiting him at every point; he moves like a bearer of dispatches; he flies to the Pope? Behold that dusty traveler winding his slow way along the purlieus of a city, keeping in the background, sluggish and lazy to all outward appearance, but with a bright eye, and a face blazing with a secret! who is he?—he, too, is going on a mission to the principal of some far distant monastery, with a communication from the General of the Jesuits! Behold that anxious emigrant creeping from the bunk of some lately arrived ship, casting his glad and mysterious glances along the fresh coasts, and opening his ears to the liberty-chanting hills of America! Behold him with his greasy sack entering the lanes and avenues of the unwalled cities of the free! Who is that emigrant? Who but an emissary of that central power—that potent Cardinal!

Sir, the Jesuit comes in all shapes, in all forms. They are spread all over the United States. They are men of the highest order of intellect, education, and learning. They are educated diplomats, skilled in all the arts and contrivances which tend to the concentration of power in the Pope, and to the diminution of power in the people. They have charge of nearly all the Roman Catholic colleges, nunneries, seminaries, and churches in the United States. Having sworn obedience to the Pope, they swear no allegiance—except with mental reservations—to the Constitution of the United States. They are ready to teach the Catholic laity who apply for citizenship, that the oath to support the Constitution of the United States is no oath at all, when it conflicts with their duty to the Pope or to his bishops.

The main end proposed by this order is to gain converts to the Romish church; with this view they disperse themselves in every country and nation, "and with amazing industry and address, pursue the end of their institution. No difficulty so great that they cannot surmount; no danger so imminent that they will not undergo; and no crime so shocking that they will not perpetrate, and have not perpetrated, in the advancement of their cause." So ingenious and persevering has this order been in times past, that they established churches in China and Japan three hundred years ago, the remains of which still exist. "They obtained, in the last century, admission into the fertile province of Paraguay, where they so secured the confidence of the people, that a few Jesuits presided over many hundred thousands of the natives." They take four vows—chastity, poverty, monastic obedience, and *implicit* obedience to the Pope. They break, at pleasure, the vows of chastity and poverty, but were never known to break the vows of obedience and secrecy. The order was annulled, for its many crimes, in the last century. The Pope who annulled it is thought to have been poisoned for his temerity. And now, again, they are restored to the bosom of the church, enjoying, as common, the fullest confidence of the Pope.

This order has been guilty of every crime and enormity which could degrade and disgrace mankind! History proves the truth of these charges. There is abundant evidence to show that the Jesuits, in many parts of the earth, have carried out the pledge, upon dispensation, "*to assume any religion heretical*," in order "to propagate the Mother Church." One of the most remarkable instances is recorded in the career of Ricci, the Jesuit, who established Romanism in China.

"He persuaded the Chinese that the doctrines of Confucius and those of the Gospel were not essentially different, and that Jesus Christ had been known and worshipped in their nation many years before. He allowed the Chinese converts to retain their profane customs and the absurd rites of their Pagan ancestors."

And Pope Alexander VII., *after investigation, by solemn Bull granted the Chinese this indulgence.*

This, sir, is the secret organization which strikes not only at our liberty, but at the liberty of all free nations.* This is the secret organization against whom the American party has taken its stand. These are the priests (many of them) who are the keepers of the secrets of their congregations; whose *ears* are the only *speaking trumpets* through which an audience is to be asked or secured in Heaven!

So much, then, Mr. Chairman, in defense of the secrecy of the American party. The justification is complete. If I had but five words to speak to this party, I would say, *preserve your secrecy.* Remember the fate of Samson. Let no Dalilah delude you. Samson was a giant, invincible as long as he kept his secret. When that was surrendered, "The Philistians took him and put out his eyes, and bound him in fetters of brass."

THE ALLEGED OATHS OF THIS NEW ORDER.

This American party is charged with taking oaths. What if they do? For the sake of the argument, let this be admitted. They are native Americans; they are educated to allegiance. It is not to be supposed that they could swear to anything which would be inconsistent with that allegiance. I know that we are commanded to "swear not at all;" but ages and sages have not been able to discover any other purificator. In all the courts of Christendom, the oath is the only test of veracity. The feebleness of mankind makes it necessary; the custom of the world makes it honorable. An oath, solemnly taken, is an element of purity. But this order finds its justification in the practice of its adversaries. The two most distinguished adversaries of this order, are the eloquent statesman of Virginia, and the learned gentleman from Pennsylvania, [Mr. CHANDLER.] Mr. Wise, himself, after assailing the order for its test oaths, utters, in his letter, this solemn sentiment:

"Oh! my countrymen, *did not that 'pledge' bind them and us, their heirs, forever to faith and hope in God and to charity for each other—to tolerance in religion, and to 'mutuality' in political freedom?* Down, down, with any organization, then, *which 'denounces' a 'separation'* between Protestant Virginia and Catholic Maryland—between the children of Catholic Carroll, and of Protestant George Wythe. There the names stand together among the 'signatures,' and *I will redeem their 'mutual' pledges with my 'life,' my 'fortune,' and my 'sacred honor,' so far as in me lies—so help me Almighty God!*"

The oath of the honorable gentleman from Pennsylvania is no less solemn.

Mr. CHANDLER. Do I understand the gentleman from Alabama as ranking me with the opposers of the Know-Nothing party?

Mr. SMITH. Certainly. I heard the gentleman's speech.

Mr. CHANDLER. I would scorn to oppose a party of which no gentleman in this House has admitted himself a member. [Laughter.]

Mr. SMITH. This remark of the gentleman from Pennsylvania is not more full of Jesuitism than his whole speech. The only retaliation I have to make to that venerable gentleman is, to condemn him to read *his* own speech, so fresh

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* In a quarrel, recently, between the Neapolitan Government and the Jesuits, the reader will see, from the extract below, what the Jesuits think *majesty and liberalism*, and how supple they are to claim and to surrender opinions, either for themselves and the Pope:

"TURIN, *December* 6.—A curious quarrel has lately broken out between the Neapolitan Government and the Jesuits in that kingdom. It appears the latter had been in the habit of teaching that the Pope was superior to all the other sovereigns of the earth, and the former has, for some unexplained reason, quite recently thought proper to regard this, not very novel doctrine among Roman Catholics, as highly revolutionary in its tendency. The consequence was, that M. Mazza, the director of police, sent for Padre Giuseppe, the chief of the Jesuits, the other day, and told him they must discontinue this practice, and should recollect that, in 1848, they were sent out of the country in carriages; 'but if these things continue,' said the worthy minister, 'the Government will kick you out of the kingdom.' '*Noi vi caccere mo a calci*,' were the precise words. The reverend father, much distressed at the result of this interview, hastened back to his convent, and lost no time in compiling the following protest, which was published at Naples a day or two after:

"*To his Royal Majesty Ferdinand II., of the Kingdom of the two Sicilies.*

"Sacred Royal Majesty:

"Sire, with much surprise we have heard our sentiments doubted regarding absolute monarchy.

"Majesty, we not only in olden time, but also recently, on our reëstablishment in 1821, until the present day, have always inculcated respect, love, and devotion for the King, our Lord, for his Government, for the form of the same—that is, absolute monarchy.

"This we have done, not only from conviction, but also because the doctors of the company, who are Francesco Suarez, the Cardinal Ballarmino, and many other theologians and publicists of the same, have publicly taught absolute monarchy to be the best form of Government.

"This we have done, because the internal economy of the company is monarchical, and therefore we are, by maxim and by education, devoted to absolute monarchy, in *which Catholicism*, by the wisdom and zeal of a pious King, can *alone* have secure defense and prosperity.

"Majesty, that we both think, and believe, and sustain that absolute monarchy is the best of Governments, is demonstrated by the damage we suffered in the year 1848. *We were the victims of liberalism, because all liberals* were, and are well persuaded, also, that *the Jesuits are the supporters* of absolute monarchy.

"These things, oh, Majesty, are well known; and liberals would more easily believe that the sun would not rise to morrow, than admit that the Jesuits could favor them; and, therefore, every time they attempt a revolution, their first object is to despoil the Jesuits.

"Certainly, the Jesuits have never been, at any time, or in any place, accused of liberalism; and what motive should they have for not loving and defending the absolute Government of the august Monarch, Ferdinand II., who has covered them with benefits?"

So speak the Jesuits in Italy. How do they speak in the United States? You have only to change the word *majesty* for *liberty*, and *monarchical* for *republican*, in the foregoing protest, and you have the whole. If they are *dispensed* to assume any religion *heretical* for the benefit of the church, so they assume any politics heretical for the same purpose.

from his lips, and then for him to say *again* that he "would scorn to oppose the Know-Nothings," and to inquire of himself, *against whom did I level these vituperative phrases?**

* Not doubting that, in the above remark, the venerable gentleman from Pennsylvania [Mr. CHANDLER] intended to be personally offensive to me, and seeing that the sentiment is calculated to be offensive to, at least, a very respectable number of the best members of this Congress, who are the advocates of the American party, I cannot allow that gentleman to escape from the extraordinary position in which his denial places him. He is not the first man who, for the sake of a little premature wit, has ventured to be glaringly inconsistent.

The gentleman "would scorn to oppose the Know-Nothing party."

What are the facts? In the reply to the speech of the honorable gentleman from Mississippi, [Mr. BARRY,] who had vigorously assailed the Know-Nothing party, the Hon. Mr. BANKS made a speech in defense of the organization and doctrines of the so-called Know-Nothings, in which he referred, with much power and force, to the Roman Catholic question. The gentleman from Pennsylvania, a week or two afterwards, put himself up as the *champion* of the Roman Catholic Church, to answer the said speech of Mr. BANKS, and to *defend* the Roman Catholic Church against the imputations, not only of Mr. BANKS, but of the Know-Nothings. He refers to the speech of the honorable gentleman from Massachusetts, in his *defense of the secret combination to put down the Catholic religion* in this country, by denying to its members the full rights of citizenship. He says, in the opening of his speech: "I purpose making some reply to the remarks of the honorable gentleman from Massachusetts, [Mr. BANKS,] who recently addressed this House, in committee, on *some of the prevailing topics* of the day, and made *special* and *inculpatory* allusion to the creed of the Roman Catholic Church." Let us remember that these "*prevailing topics of the day*," which the honorable Mr BANKS had discussed, were the topics brought up by the "Know-Nothings;" and this "*inculpatory allusion*" was a notorious charge of the *Know-Nothings* against the Roman Catholic Church. And the honorable gentleman from Pennsylvania took it upon himself to reply, "believing," as he said, "that an attempt at such a reply as the charge of the gentleman from Massachusetts would suggest to a Catholic, is expected from me, as the oldest of the few, the very few, (I know but one besides myself in this House,) who are obnoxious to any censures justly made against professors of the Catholic religion."

The gentleman devoted an hour to the defense of the Roman Catholic Church against the "inculpatory allusion" of a speaker who defended the Know-Nothings. He enumerates, also, and answers this Know-Nothing charge:

"It is charged that Roman Catholics even now admit the right of the Pope to interfere between subjects and their allegiance, and between citizens and their duties to the Republic, in some other form, since the power to depose Kings is no longer possible. I deny it; I have denied it for myself plainly, clearly, specifically."

It is generally understood that the making a defense for one party against the charges of another party, is *opposing* the assailing party. This idea would be even carried further by the gentleman's religious dogma, which he admits "*he who is not for me is against me.*"

If the gentleman "scorned to *oppose* the Know-Nothing party," against whom or what party, I ask, did he level those denunciatory phrases which beslime the otherwise harmonious columns of his speech? Such as the following:

"Of the *cruelty* of disturbing the public mind with such questions, and disfranchising well-disposed citizens, I shall not now speak. I shall leave to other times, and other persons, and in other places, too, the task of impeaching and of developing the motives upon which such *discreditable* and *unrighteous* proceedings rest. I shall leave to those who have *more bitterness* [?] of temper than I possess, to show that, though newly revived, *the charge is as old as the hostility of Paganism to Christianity; and that those who are vitiating public sentiment in thus ministering to the appetite which they have made morbid, have their prototypes in the malignants who would crucify the Saviour*"

Again, he says:

"It is mean, it is cowardly, as well as false, for any man, or *set of men* to *assert that*, in combining to exclude all Catholics from office, they do no more than exercise the right not to vote for individuals."

There can be no mistaking this. The Know-Nothings say this, and no other class says it. But this wholesale vulgar denunciation is not "*opposing* the Know-Nothings."

Again the gentleman says:

"*Atheism* is *now* at work, as it ever has been busy, against the Christian faith and Christian prohibitions. *It assails* the Roman Catholic first, because that creed is more extensive; and without considering the evil which each is doing to religion, Christian *men are yielding themselves, unconsciously, co-workers with infidelity* by their active hostility to each other. If this country is to fall by any other means than ordinary decay or local convulsions, the mischief will be wrought by infidelity."

Here the Know-Nothings are denounced under the head of "atheists," or, if not atheists, as *men* yielding themselves as "co-workers with infidelity."

But again, the gentleman says:

"Shall the heart of the American Catholics be wounded with *stale rumors—rumors revived for party action*—uncredited tales to their dishonor, or *hypothetical charges* of concealed treason, which, while it ventures upon no specification, disturbs the public mind, awakens slumbering prejudices, sharpens religious animosities, and gives occasion *for the mean, the ignorant, and the vulgar ambitious to rise into power, by the combination of their own class with those, failing in other combinations, hide their disgrace, and avenge their former defeat by such associations as make minorities contemptible in themselves, and render majorities dangerous to the Republic.*"

Mr. CHANDLER cannot convince any man that these paragraphs do not constitute *opposition* to the Know-Nothings. Then what becomes of *that scornful denial*, uttered, as it was, in a sort of convulsion of indignation? The gentleman's excessive *dignity* reminds me of Shakspeare's idea of

"Vaulting ambition which o'erleaps itself,
And falls on the other side."

But the gentleman's interruption shall not have its designed effect; it shall not divert me from reading his oath. Here it is:

"With my hand upon my heart, and my eye on Heaven, I call this House, and (I speak with reverence) I call my *God to witness the truth* of all the assertions, made from my own convictions and knowledge, and my entire confidence in the credibility of all the testimony which I have adduced from others."

Now, sir, it is not very common for a member of Congress to swear to his speech; but I admit the right to do so. General Jackson swore, "By the Eternal." Cicero swore, "Pro dii immortales." Mr. Wise swore, "So help me, Almighty God." Mr. CHANDLER swears, "With my hand upon my heart, and my eye on Heaven, I call God to witness."

Now, sir, of these oaths, which is the most solemn? Hannibal, at his father's knees, swearing eternal enmity to the Roman people, uttered not the oath more solemnly than did the honorable gentleman from Pennsylvania. I do not censure the gentleman for swearing. He has the undoubted right; but I deny that he has it *exclusively*. I deny that it is proper for him to swear, and improper for the Know-Nothings to swear. I have already given you the Jesuit's *oath*. It is hard to class the Roman Catholic mode of attestation and asseveration under the head of *oaths*. They more particularly belong to the head of DAMNS, CURSES, ANATHEMAS. Then, sir, away with this objection. The native American is the keeper of his own conscience. He will never surrender it to a priest—he will never apply for *absolution* of perjury. He knows his duty. He will not falter.

ARROGANCE OF THE ROMAN CATHOLIC CHURCH.

I now approach, Mr. Chairman, the most delicate and important subject that has ever engrossed the attention of the American people. It is my duty to proclaim to my countrymen the dangerous tendency of the Roman Catholic religion. From its first days to the present, it has, on all occasions, without the slightest exception, been averse to liberty, and to free constitutions. It recognizes the doctrine of the *infallibility* of the Pope. Its greatest writers say, infallibility in the Pope is synonymous with *sovereignty* in a monarch. "The true principle is," says De Maistre, "that *sovereignty* comes from God." This is the origin of the idea and phrase, "*The King can do no wrong.*" This same writer (who is a Roman Catholic) says: "There must always be *one* to whom it never can be said, *you have erred.*" "Now," he says further, "if there be anything certain to *reason* as well as to *faith*, it is that the universal church is a monarchy. The very idea of *universality* supposes this form of government—so all Catholic writers, worthy of the name, agree unanimously, that the rule of the church is monarchical." (*De Maistre, Pope, p. 2. 3.*) "Monarchical Government, once established, *infallibility* becomes a necessary consequence of supremacy." (*Ibid* 4.) "He who would have a right to say to the Pope *that he was wrong*, would also, on the same grounds, have a right to *disobey* him, which would entirely do away with supremacy, or infallibility." "Every divinely instituted society supposes infallibility." (*Ibid* 7.) This same distinguished Catholic writer says: "But there is nothing *new* in the church, and it will never *believe* what it has *not always believed.*" Had he lived a little longer, this last phrase would have sorely troubled him, since the Pope has lately proclaimed, as an article of *faith*, (belief) the Immaculate Conception of the Virgin Mary!

Bellarmine says: "The Pope *cannot err*, as a Pope;" "the decrees of the council are infallible."

Bishop England says: "We believe that a general council is *infallible* in doctrinal decisions."

De Maistre says: "I do not pretend to raise the least doubt in regard to the infallibility of a general council." Further: "I firmly believe that God has preserved the truly ecumenical council from all error contrary to sound doctrine."

I beg my hearers (and readers) to remember these authorities; we shall need them as we advance in the argument; and let me say, once for all, that, on this grand subject, I have not relied upon Protestant writers. I have taken nothing from report, rumor or *newspapers*. I have consulted the purest sources of information; and I pledge myself to the country that my facts are taken from the most authentic writers—most of them professed and obedient Roman Catholics,

EARLY HUMILITY OF THE ROMAN CATHOLIC BISHOPS.

In the earlier history of the Roman Catholic Church, the bishops were meek and lowly men, after the fashion of Peter and Paul, the fisherman and tent maker. They professed to be the *servant of servants*. For six or seven centuries they preserved their character for Christian humility. I here quote from Bowers, the author of an elaborate work—the LIVES OF THE POPES. He was a Catholic himself when he began the work; but became a Protestant in the course of his investigations. He was not only a Catholic, but a councilor of the Inquisition at Nacerata. He says:

"I do not believe that the Popes designed, *at first*, to run those lengths, or carry the Papal prerogative to that extravagant height they afterwards did. The success that attended them in the pursuit of one claim encouraged them to set up and pursue another. Of this no one can doubt who peruses, with the least attention, the records of those ages, and compares the Popes in the beginning of the seventh century with the Popes in the latter end of the eleventh. We shall find them, in the first mentioned period of time, submitting, with all humility, to princes, claiming no kind of authority or jurisdiction whatsoever, but in virtue of the canons of councils, or the rescripts of Emperors; glorying, or pretending to glory, in the humble title of *servants of servants;* acknowledging themselves subjects and vassals of the Emperors, and patiently waiting the will and pleasure of their liege lords, to take upon them the Episcopal dignity, or exercise the functions of that office. Such were the Bishops of Rome in the beginning of the seventh century. How different from those in the latter end of the eleventh! They were then vested with the *plenitude of all power*, both spiritual and temporal; above councils, and uncontrolled by their canons; the fountain of all pastoral jurisdiction and authority; and, by *Divine sanction*, empowered to enact, establish, abrogate, suspend, all ecclesiastical laws and constitutions: they were then become *lords and masters*—the most haughty add imperious lords, the most severe masters mankind had ever groaned under. They no more begged, but dispensed titles, boasting a power of setting up Kings, and pulling them down at pleasure; of calling them to an account, absolving their subjects from their allegiance, divesting them of their dominions, and treating, in every respect, as their slaves and vassals, those whom one of their best and greatest predecessors had acknowledged *superior to all men*, and thought himself *in duty bound to obey*. This plenitude of power, as they style it, was not acquired at once, but by degrees, some of the Popes being more and some less active, crafty, and aspiring. But what is *very remarkable* of the one hundred and fourteen Popes between Boniface III., who laid the foundation of Papal grandeur, and Gregory VII., who raised it to the highest pitch, *not one ever lost an inch of ground his predecessor had gained*. And thus, by constantly acquiring, and never parting with what they acquired, and by tying the hands of their successors by the irreversible entail of *Divine* right, they became the sole spiritual lords, and had almost made themselves the greatest temporal lords of the whole of the Christian world."

GRADUAL RISE OF THE ROMAN CATHOLIC CHURCH.

For seven hundred years, as I have stated, the bishops were meek and lowly men. It was in the *dark ages*, when ignorance and superstition overshadowed the world, when the Popes advanced to power. And it was not until the days of Gregory VII., in the eleventh century, that a Pope had the audacity to say to a monarch: "You have forfeited your kingdom, *and your subjects are absolved from their oath of fealty.*" In the case of Henry IV., the Pope declared, that the "Emperor was amenable to the Papal court of judicature," before which he was summoned. He was next deprived of his throne, and his subjects were absolved from their oath of allegiance! The Pope claimed the right to dispose of Henry's empire, *with absolute authority, as a fief of St. Peter!* This case was referred to and detailed and justified by, the honorable gentleman from Pennsylvania, [Mr. CHANDLER.] The same gentleman admits:

"Undoubtedly, the Pope has proceeded to dethrone Kings, and thus to release subjects. History declares that more than one monarch has been made to descend from his throne by the edict of the Pope, and that the allegiance of his subjects has been transferred, by that edict to a succeeding monarch."

This is an admission—the argument would be quite sufficient for our purpose. But before I pro-

ceed to reply to the gentleman from Pennsylvania, I propose to establish the historical fact, that for six or seven hundred years, the Bishops of Rome (the Popes,) have claimed and exercised the right —as a *divine right*—to depose monarchs, and to *absolve* their subjects.

In 663, when the Emperor Constans went to Rome, the Pope went out six miles, with all his clergy, to meet him, and attended him, during his stay in Rome, as his *lord and master*. But in 1161, Henry II., and Louis of France, "met the Pope, and they gave him such marks of respect that they both *dismounted* to receive him, and *holding, each of them, one of the reins of his bridle*, walked on foot by his side, and conducted him in that submissive manner into the castle—a spectacle to God, angels, and men, and such as had never before been exhibited to the world."

About this period, began the serious disturbances between the Kings of England and the Pope. Hume says:

"The usurpations of the clergy, which had at first been gradual, were now become so rapid, and had mounted to such a height that the contest between the *regal and pontifical* was really arrived at a crisis in England, and it become necessary to determine *whether the King* or the Priests, particularly the *Archbishop of Canterbury*, should be sovereign of the kingdom."

THE WAR BETWEEN THOMAS A BECKET AND HENRY II.

The memorable history of this struggle cannot fail to be interesting, as well as profitable, in this investigation. Henry had appointed Becket Archbishop of Canterbury. Becket had made himself a favorite with the King as well as with the people:

"The pomp of his retinue, the sumptuousness of his furniture, the luxury of his table, the munificence of his presents, exceeded anything that England had ever before seen in any subject.

"But no sooner was Becket installed in this high dignity which rendered him, for life, the second person in the kingdom, with some pretensions of aspiring to be the first, than he totally altered his demeanor and conduct, and endeavored to acquire the character of sanctity. He wore sackcloth next his skin, which, by his affected care to conceal it, was necessarily the more remarked by all the world. He changed it so seldom that it was filled with dirt and vermin. His usual diet was bread, his drink water. He tore his back with the frequent discipline which he inflicted on it; he daily, on his knees, washed, in imitation of Christ, the feet of thirteen beggars, whom he afterwards dismissed, with presents; he gained the affections of the monks by his frequent charities to the convents and hospitals; and all men of penetration plainly saw that he was meditating some great design, and that the ambition and ostentation of his character had turned itself towards a new and more dangerous object.

"Becket waited not till Henry should commence those projects against the ecclesiastical power which, he knew, had been formed by that Prince. He was himself the aggressor, and endeavored to overawe the King by the intrepidity and boldness of his enterprises.

"The ecclesiastics in that age, had renounced all immediate subordination to the magistrate; they openly pretended to an exemption in criminal accusations, from a trial before courts of justice; and were gradually introducing a like exemption in civil causes; spiritual penalties, alone could be inflicted on their offences; and, as the clergy had extremely multiplied in England, and many of them were, consequently, of very low characters, crimes of the deepest dye, murders, robberies, adulteries, rapes, were daily committed with impunity, by ecclesiastics. It had been found, for instance, on inquiry, that no less than a hundred murders had, since the King's accession, been perpetrated by men of that profession, who had never been called to account for these offences; and holy orders were become a full protection for all enormities."—*Hume.*

Such was the condition of things at that time:

"A *clerk* in Worcestershire having debauched a gentleman's daughter, had, at this time, proceeded to murder the father; and the general indignation against this crime, moved the King to attempt the remedy of an abuse which was become so palpable, and to require that the clerk should be delivered up, and receive condign punishment from the magistrate. Becket insisted on the *privileges of the church*; confined the criminal in the bishop's prison, lest he should be seized by the King's officers; maintained that no greater punishment could be inflicted on him than degradation; and when the King demanded that, immediately after he was degraded, he should be tried by the civil power, the primate asserted that it was iniquitous to try a man twice upon the same accusation, and for the same offense." "Henry, laying hold of so plausible a pretense, resolved to push the clergy, with regard to all their privileges, which they had raised to an enormous height, and to determine, at once, those controversies, which daily multiplied, between the civil and ecclesiastical jurisdictions. He summoned an assembly of all the prelates of England, and he put to them this concise and decisive question: *whether or not they were willing to submit to the ancient laws and customs of the kingdom?* The bishops unanimously replied that they were willing, *saving their own order.*"

Henry, however, persevered, until he procured the enactment of the constitutions of Clarendon, in which he gained a signal victory over all the English ecclesiastics, except the invincible Becket, who refused obedience to the constitutions of Clarendon, until, abandoned by all the world, he was obliged to submit, and to promise "*legally, with good faith, and without fraud or reserve.*" But Henry was still baffled. He sent his constitutions of Clarendon to Pope Alexander, "and required that Pontiff's ratification of them; but Alexander condemned them in the strongest terms—abrogated, annulled, and rejected them."

Becket then repented of his consent; "and endeavored to engage all the other Bishops in a Confederacy to adhere to their ecclesiastical privileges. Henry, informed of Becket's present dispositions, applied to the Pope that he should grant the commission of legate in his dominions; but Alexander, as politic as he, though he granted the commission, annexed a clause that it should not empower the legate to execute any act in prejudice to the Archbishop of Canterbury." The King, however, persevered until he triumphed over Becket, for the primate was "condemned of a contempt of the King's court, and as wanting in the fealty which he had sworn to his sovereign; all his goods and chattels were confiscated."

But this war still raged between the King and Becket. The Primate defied the King. "He put himself and his See under the protection of the supreme Pontiff." About this time Becket fled from the kingdom, and was received by the Pope with the greatest marks of distinction. He was not idle in his banishment.

"In order to forward this event, he filled all places with exclamations against the violence which he had suffered. He compared himself with Christ, who had been condemned by a lay tribunal, and was crucified anew in the present oppression, under which the church labored. He took it for granted, as a point incontestable, that his cause was the cause of God; he assumed the character of champion for the patrimony of the Divinity; he pretended to be the *spiritual father of the King*, and all the people of England. He even *told Henry that Kings reigned solely by the authority of the church.* That prelate, instigated by revenge, and animated by the present glory attending his situation, pushed matters to a decision, and issued a censure *excommunicating the King's chief ministers* by name, and comprehending, in general, all those *who favored or obeyed the constitutions of Clarendon.* These *constitutions he abrogated and annulled; he absolved all men from the oaths they had taken to observe them;* and he *suspended* the spiritual thunder *over Henry only that the Prince might avoid the blow by a timely repentance.*"

But it is fruitless, and a waste of time, to give all the details of this quarrel; yet it created more intense interest and excitement in Europe than had ever, or has ever, been felt in any of those great wars, in which armies annihilated each other! Finally, *plenipotentiaries on both sides were appointed, to negotiate a treaty of peace!* And the King had to *surrender* his pretensions, *in order to relieve his Ministers from the sentence of excommunication, which Becket, even in his exile, had thundered against them!* Here is a history of the terms of the treaty:

"Becket was not required to give up any rights of the church, *or resign any of those pretensions*, which had been the *original ground of the controversy.* Becket and his adherents were to be restored to all their livings, and even the possessors of such benefices, and had been filled during the primate's absence, should be expelled, and Becket have liberty to supply the vacancies. In return for *concessions which entrenched so deeply on the honor* and dignity of the Crown, Henry reaped only the *advantage of seeing his Ministers absolved from the sentence of excommunication*, and of preventing the INTERDICT which, if these hard conditions, had not been complied with, *was ready to be laid on all his dominions.* So anxious was Henry to accommodate all differences, and to reconcile himself fully with Becket, that he took the most extraordinary steps to flatter his vanity, and even, on one occasion, humiliated himself so far as *to hold the stirrup of that haughty prelate while he mounted.*"

Here you see, sir, in the twelfth century, a shining instance of the complete triumph of the power of the Pope over the haughtiest and most powerful monarch in Europe. And the supreme autocracy of the Archbishops is strikingly illustrated in the fact, that, no sooner had Becket returned to his diocese, than he began thundering his excommunications against his enemies, so lately "the *King's friends and coadjutors.*"

What is an excommunication? The excommunication of a King, the interdict of a kingdom, is illustrated in the history of King John, the son of Henry II. The power and authority which the Archbishop of Canterbury had acquired, by Becket's triumph over Henry, shows itself in the next reign; and the King and kingdom of England are placed under interdict, the effect of which may be seen by the following historical account of it:

"The nation was, of a sudden, deprived of all exterior exercise of its religion; the altars were despoiled of their ornaments; the crosses, the reliques, the images, the statues of the saints, were laid on the ground, and, as if the air itself were profaned, and might pollute them by its contact, the Priests carefully covered them up, even from their own approach and veneration. *The use of bells entirely ceased* in all the churches; *the bells themselves were removed from the steeples* and laid on the ground, with the other sacred utensils; mass was celebrated with shut doors, and none but the priests were admitted to that holy institution. The laity partook of no religious rite, except baptism to newly born infants, and the communion to the dying. *The dead were not interred in consecrated ground; they were thrown into ditches*, or buried in common fields; and their obsequies were not attended with prayers, or any hallowed ceremony. *Marriages were celebrated in the churchyard*; and, that every action of life might bear the marks of this dreadful situation, the people were prohibited the use of meat, as in lent, or times of the highest penance; were debarred from all pleasures and entertainments, *and even to salute each other*, or so much as to shave their beards and give any decent attention to their person and apparel. Every circumstance carried symptoms of the deepest distress, and of the most immediate apprehension *of divine vengeance and indignation.*"

Such is the force and power of an interdict; it can be better imagined than described.

Let us here add, for the information of our friends, the form of a personal excommunication:

"In name of the Father, and of the Son, and of the Holy Ghost, and of our blessed and most holy Lady Mary; also, by the power of the angels, archangels, &c., we separate M. and N. from the bosom of the Holy Mother Church, and condemn them with the *anathema of a perpetual malediction.* And *may they* be *cursed in the city, cursed in the field, cursed be their barn, and cursed be their store*—CURSED AS THE FRUIT OF THEIR WOMB, and the fruit of their land—cursed be their coming in and their going out. Let them be cursed in the house, and fugitives in the field; and let all the curses come upon them which the Lord, by Moses, threatened to bring on the people who forsook the divine law; and let them be anathema maranatha—that is, let them perish at the second coming of the Lord. Let no Christian say an Ave to them. Let no priest presume to celebrate mass with them, or give them the holy communion. Let them be buried with the *burial of an ass, and be dung upon the face of the earth.*"

This is the simple excommunication of an individual. But much more terrible, indeed, is the excommunication of a King or Queen, as we may readily see from the opening of an excommunication of Queen Elizabeth, by Pius. It opens thus:

"The *damnation and excommunication* of Elizabeth, the pretended Queen of England, and her adherents."

In the excommunication of a King, all his adherents are included. John was excommunicated; and the sentence proceeded *to absolve all John's subjects from their oaths of fidelity and allegiance*, and to declare every one excommunicated who had *any commerce with him, either in public or in private!* In vain did King John attempt to hold out against the Pope, and he was finally driven to subscribe to all the conditions which the Pope was pleased to impose upon him:

"That he would submit himself entirely to the judgment of the Pope; that he would restore all the exiled clergy and laity who had been banished; that he would make them full restitution of their goods, and compensation for all damages; and that every one outlawed or imprisoned for his adherence to the Pope, should immediately be received into grace and favor. *Four barons swore, along with the King*, to the *observance* of this ignominious treaty." "But the ignominy of the King was not yet carried to its full height. Pandolf, the legate, required him, as the first trial of obedience, *to resign his kingdom to the Church.*" "John, lying under the agonies of present terror, made *no scruple of submitting to this condition;* he passed a charter, in which he said, that *not constrained by fear, but of his own free will*, he had, *for the remission of his own sins*, and *those of his family*, resigned England and Ireland *to God, St. Peter, and St. Paul, and to Pope Innocent, and his successors in the Apostolic Chair*; he agreed to *hold* these dominions as *feudatory of the Church of Rome*; and he stipulated that if *he or his successors should ever presume to revoke or infringe this charter*, they should instantly *forfeit all right to their dominions.*" "In consequence of this agreement, *John did homage to Pandolf, as the Pope's legate, with all the submissive rites* which the feudal law required of vassals before their liege lord. He came disarmed into the legate's presence, who was seated on a throne; he *flung himself on his knees before him*; he lifted up his joined hands, and put them within those of Pandolf; he swore fealty to the Pope."

Here, sir, in this picture, you see a King of England on his knees before the legate of the Pope! Here you see the legate of the Pope, elated by the triumph of sacerdotal power, exulting over a crushed King! Here you see the successors of St. Peter acknowledged to be *supreme in temporal as well as spiritual affairs!*—and that, too, in a country the most enlightened of the age!—and by a King in whose veins was the blood of William

the Conqueror. In fact, sir, from the period of the death of Thomas à Becket in England, to the triumph of the Reformers, the Archbishop of Canterbury was greater in power in England than the King himself!

Not only did the papal power presume to hurl its thunders of excommunication against individuals and Kings—but against *assemblages of people*, for whatsoever purposes met together. It is interesting to note, in the same reign of John, that after the disgrace of the King, the Barons met and adopted "MAGNA CHARTA." But the Pope (Innocent) "*considering himself as feudal lord of the kingdom*," issued a bull, in which, from the plenitude of his Apostolic power, and "from *the authority which God had committed to him, to build and destroy kingdoms*, to plant and overthrow," he annulled and abrogated the *whole charter*, and pronounced a *general excommunication against every one who should persevere in maintaining such treasonable and iniquitous pretensions!*

These historical facts show, not only the grasping and aspiring inclinations of the Pope, but prove the absolute supremacy of his temporal powers as it existed in the thirteenth century. Similar scenes and similar struggles to those already described in England, were of continual occurrence in all the countries in which, at that day, the Romish Church had foothold! It needed but little—a slight offence was sufficient to cause this arrogant Pontiff to turn loose his anathematic bull! and the furious animal, blinded with a thousand curses, rushed madly amid the indiscriminate masses of mankind!

It seems strange to us of this age—nay, sir, we are astounded—when we look through the telescope of centuries, and behold afar off, in a dim chamber, a feeble old man, alone as it were, holding his court amid the deserted ruins of an ancient city, without an army, without a fleet, without a sword, weighing in the hollow of his hand the mighty empires of the world: Conquering mankind with no weapon but arrogance, with no power but the all-invincible superstitions which surrounded his throne!

And, to uphold this arrogance, he had his faces of brass, and his arms of iron, in every nation; and to spread this superstition, he had his cowled emissaries prowling all over the face of the earth.

And these cowled emissaries! who were they? History, with its burning scroll, declares them to have been the most degraded and degrading of mankind, given to all the sins and iniquities that human flesh, in its weakness, is given to.

But, it is said, there is no more danger of the encroachment of Popery. The Reformation redeemed men and kingdoms. The nations of the earth are freed from the chains of superstition; and the Pope is now but a sort of innocent father confessor to the priests. Sir, be not deceived. When the lion sleeps, who so foolish as to approach him in his slumbers? A mouse has too much sagacity to approach a snoring cat, as if in its small cranium could be crowded the grand idea "*eternal vigilance is the price of liberty.*" The Reformers prevailed. The Pope surrendered nothing. He retired, in sullen silence, to the gloomy recesses of the Vatican, to brood over his fallen fortunes; to frame new forms of *curses;* to learn how to *damn* with intense gusto, and to mingle the wine *of the Sacraments in the ink* with which he wrote his anathemas, in imitation of one of his infallible predecessors. No, sir, the Pope was not dead; "*the snake was scotched*, not killed."

His anathematical bull was only turned out to grass.

> "I who was once as great as Cæsar,
> Am now reduced to Nebuchadnezzar;
> And from as famed a conqueror,
> As ever took degree in war,
> Or did his exercise in battle,
> Have been turned out to graze *with cattle.*"

True it is, sir, that the "thunders of the Vatican" no longer shook the corners of the earth. The Pope sat in his quiet court, seemingly feeble in every respect, as if waiting for a gentle and immortalizing martyrdom. He who yesterday had been the builder of kingdoms, the maker of monarchs, and the destroyer of constitutions, was now the weakest of mankind. But we find him shaking his puny arm over Henry the Eighth, and grinding his teeth at Queen Elizabeth.

Impotent old man! He could find but one person in England who had the temerity to circulate his excommunication of Elizabeth.

At the risk of being tedious, I have collected these historical facts; and I will add an illustrious Roman Catholic authority, from whom I shall quote a few observations *upon the claims and power of the Pope to interfere with and depose monarchs, and to absolve their subjects.* The *illustrious De Maistre*, (as he is called by the Roman Catholics) in his truly elaborate and able performance, in a legal treatise upon the various powers of the Pope, thus argues in reference to the above question:

"As they had at their command, moreover, all the science of those times, the very force of things gave them an undisputed title to that superiority which at the time was indispensable. The true principle, *that sovereignty comes from God*, strengthened besides those ancient ideas, and there came to be formed an opinion, almost universal, which attributed to the Popes a certain jurisdiction over questions in which sovereigns were concerned. This opinion was quite sound, and certainly far better than all our sophistry. The Popes did not at all interfere so as to embarrass wise Princes in the exercise of their functions; still less did they disturb the order of the succession of Sovereigns, so long as things were conducted according to the ordinary and known rules; it was only when there was great abuse, great criminality, or much doubt, that the Sovereign Pontiff interposed."

"*And it matters little here whether the Pope held this primacy by Divine or human right*, provided it be clear that during several ages he exercised throughout the West, with universal consent and approbation, a power assuredly most extensive."

"The theory alone, therefore, would be immovable. But what can be said against facts, which are everything in questions of politics and Government?

"None doubted—Sovereigns themselves did not doubt this power of the Popes; and Leibnitz observes, with much truth and delicacy, as is his custom, that the Emperor Frederick, in saying to Pope Alexander III., '*Not to you, but to Peter*,' confessed the power of the Pontiffs over Kings, and only contested its abuse.

"This observation may be generalized. Princes, struck by the anathema of the Pope, disputed only its justice, so that they were constantly ready to make use of it against their enemies, which they could not do without obviously acknowledging the legitimacy of the power.

"Voltaire, after having related, in his own fashion, the excommunication of Robert of France, remarks, '*that the Emperor Otho III. was himself present at the council in which the sentence of excommunication was pronounced.*' The Emperor, therefore, acknowledged the authority of the Pope; and it is a very singular thing that modern critics will not see the manifest contradiction into which they fall, in observing, as they all do, with admirable unanimity, 'that what was most deplorable in those great judgments, was the blindness of the Princes who disputed not their legitimacy, and who themselves often begged to have recourse to them.

"But if the Princes were agreed, the rest of mankind were so likewise, *and there is no longer question but as to abuses*, which exist everywhere."

This great writer concludes: "Thus the authority of the Pope was contested only by those against whom it was leveled. *There was never, therefore, a more legitimate power*, as there never was a power so little contested."—(De Maistre's Pope, 188.)

But the honorable gentleman from Pennsylvania disclaims for himself, and for certain colleges and councils, that the Pope claims any power to depose or interfere with monarchs, or to absolve their subjects. His personal disclaimer can amount to nothing except so far as the gentleman himself is concerned. The disclaiming of the colleges and councils amount to nothing except so far as the individuals are concerned who compose the colleges and councils. Besides being in the face of the historical *acts* of the Romish Church for six or eight centuries, they are positively contradicted by the *legal Catholic book of De Maistre*, which I have above quoted.

The English editor of De Maistre's profound work claims "The *temporal throne* as the *patrimony* of the *galilean fisherman*." (St. Peter.)

The bull which excommunicated Henry IV., claims the power expressly "*ex parte omnipotentis dei.*"

The bull of excommunication against King John, the interdict laid upon England and *Magna Charta*, expressly claim, by words, the *power* as *given by God* to St. Peter, "to build and pull down kingdoms." (Hume, 299.)

If the power is given by God, what right has the Pope to surrender it? He would be faithless to surrender it. "He is infallible," says the Church. Therefore he cannot err. Therefore he cannot surrender a divine right. Therefore he has not surrendered it. Therefore the proposition of the honorable gentleman from Massachusetts, [Mr. BANKS,] "that the Roman Pontiff has never, in any authoritative form, disclaimed the right," remains still to be answered, notwithstanding the complacency of the gentleman from Pennsylvania.

The colleges may be allowed to publish what they please, so long as they stick to the interest of the Church, for *the time being*, and so long as they promote the interest of *the* Church in *the particular place* where questions may be discussed. The Pope will not call them to account, until the *interest* of the Church should make it necessary to denounce *their* heresies. When that becomes necessary, the Pope *will act* and denounce *their* colleges, and *excommunicate and damn all who presume to utter such doctrines.* This would be in accordance with the history of the Romish Church. The councils of the Romish Church are in the habit of condemning the doctrines and decrees of the preceding councils. What can be considered as stable in that Church, sir, which does not scruple to condemn its own Pope as a *heretic long after he is dead!* A general council, which Bishop England, in a letter read by the gentleman from Pennsylvania, declares to "be infallible in doctrinal decrees," *condemned* POPE *Honorious* as a HERETIC!—and some of his doctrines as heretical! If they can condemn a dead Pope as a heretic, what may they not do with persons, colleges, and bishops? Honorious as a Pope, being infallible, must have gone to heaven upon his death. The Romish Church inculcates the idea that the Pope is bound to go to heaven. But, sir, in the case of Honorious, the council pronounced him a *heretic*, (while he was in heaven,) and as a heretic cannot go to heaven, the council, of course, *put him in purgatory*, by their decree of condemnation!! and this Church, by their decree, virtually *denies the powers of Jesus Christ* to keep this heretical Pope in heaven. Sir, how long will it be before St. Peter shall be condemned for his old sin of denying his Master? How long is St. Peter safe in the bosom of his LORD? He will never be safe, sir, so long as the Romish Church shall *presume*. I have no doubt he is alive to serious apprehensions. I have no doubt that since the condemnation of Honorious, his immortal soul has been jarred everytime the *cock crows*.

There are many notable contradictions in the speech of the honorable gentleman from Pennsylvania, [Mr. CHANDLER.] In one part of his speech he says, in the most positive and emphatic terms:

"The Roman Catholic Church *neither holds* nor *inculcates* a doctrine of power in its head to interfere in the affairs of temporal Governments, *to disturb the monarch*, or release the subject. It never has held any such doctrine."

In another sentence he says, in an earlier part of his speech:

"Nowhere is *the right to such power claimed, as of divine right*, by the Catholic Church."

This admits that the right to such power *is claimed, but not as a divine right*, and presents a palpable contradiction to the above positive denial.

In another part he says:

"The most distinguished instance of *the exercise of the Papal power of deposing a monarch*, is that by Gregory VII., (Ganganelli,) who excommunicated and deposed the Emperor Henry IV."

How could the right be exercised without being claimed? How could the power grow into a right without having been *inculcated* by the Church?

But, sir, it would be impossible to review the gentleman's speech in an hour. This is no place for controversial investigations. How could any man be expected to establish any controverted point with a Church which has been nearly nineteen hundred years in finding out the immaculate conception of the Virgin Mary?

THE TERROR OF EXCOMMUNICATIONS.

But giving to the Church the benefit of all the gentleman's disclaimers, there still exists the divine right to excommunicate, and it is the moral power and terror of personal excommunication, the exercise of which this country has to dread. In reference to deposing monarchs, the Church might even safely surrender the power to depose, and let it all rest upon the divine right to excommunicate. According to the showing of the gentleman from Pennsylvania, "*excommunication, unless removed* within a year, was to assist in working out *depositions.*"

The gentleman admits that he believes in all the religious dogmas of the Romish Church. He says:

"I acknowledge all my obligations to the Church of

which I am an humble member, *and I recognize all the rights of the venerable head of that Church to the spiritual deference of its children;* and I desire that no part of what I may say, or what I may concede, in my remarks, may be considered *as yielding a single dogma of the Catholic Church.* I believe all that that Church believes and teaches as religious dogmas."

The gentleman declares "that he would oppose the invading army and navy of the Pope, were such a thing to occur!" But the Pope does not *war* with "*armies and navies.*" He comes not with "all the pride, and pomp, and circumstance of glorious war." His excommunication is the only sword he needs—his armies are the innumerous hosts of superstition, whose name is legion, which come thronging the atmosphere of the imagination. The very "daggers" of the air, which appall the firmest heart, unnerve the stoutest body, and paralyze the strongest intellect. Will the gentleman say that against an excommunication he would dare to raise his head, his hand, or his voice? No, sir He yields not one of the religious dogmas of the Church. Would he not be liable, now, *while a member of Congress*, were he to commit evil, to be excommunicated, as a person, by the Bishop of his Church? Certainly. If excommunicated, would not all Roman Catholics be obliged to refuse him meat or bread, or countenance, or shelter? and would it not be their duty *to the Church to persecute him?* Yes. What then would be his condition? As a Catholic, his spirit would be prostrated, his mind would be unhinged; his soul would be crushed; an American Congressman would be denied entrance into the lowest Catholic hovel in the purlieus of Washington.

Suppose the gentleman was President of the United States—and his name, I believe, has been honorably mentioned in that connection—*as a man* he would still be liable to excommunication by an American Bishop! And in his person the habitation of the President would be liable to become a whited sepulcher! and the Chief Magistracy of this Union would be groveling in the dust at the foot of the Roman Catholic power. So it is of no moment whether the Pope claims the right to depose or not, if, under the terrors of excommunication, the mysterious and prostrating powers of the Church can be as well and effectually put to work.

I have already spoken to the desolating effect of an excommunication. We cannot well imagine its extent. And I cannot forbear, in this connection, to refer to an instance of the powers of a priest, in this country, over a member of his congregation. I give it as I find it in a newspaper, and do not, of course, vouch for its accuracy:

"SINGULAR PROCEEDINGS IN A ROMAN CATHOLIC CHURCH IN JERSEY CITY.—We have already mentioned the differences between Father Kelley, the Priest of St. Peter's Church, in Jersey City, and the officers of the Montgomery Guards, the former having, on several occasions, denounced the latter from the altar for alleged violations of the church relations.

"We learn that on Sunday, at 'last prayers,' Captain Farrell, of the Guards, *entered his pew in St. Peter's, from which he had been previously forbidden by the priest, Father J. Kelley.* This act was the cause of much excitement. *The priest appearing before the altar, and addressing the congregation, stated that he would not proceed with the services until pew No.* 31 (*Captain Farrell's*) *was vacated.* The captain hesitated to remove, but, at the urgent solicitation of some of the congregation, he finally walked out of his pew, at which most of the members of the congregation, and members of the Guard, of which he is commander, became highly excited, and insisted on his returning and taking possession of his pew. The captain was prevailed upon to reënter the pew, *but the priest still persisting in his determination not to proceed* with the services until said pew was vacated, the captain finally yielded his post and retired. The service then proceeded."

I do not know that Captain F. was a member of the Church. It is sufficient to know that *the priest*, surrounded by the gorgeous and imposing gewgaws of his altar, possessed the moral power to drive a freeman from his pew! This is excommunication in miniature!

Then what virtue is there in the protestation of patriotism which the honorable gentleman so emphatically makes? It did not extend to the moral power of the Pope; and even, in another sense, the gentleman, in effect, takes it back.

His protestation of patriotism is made—as he admits—*in the face* of what he says is "*really an impossibility.*" What good is there in making pledges against an *impossibility?* Here are his words:

"In the early part of my remarks I took occasion to say what would be my course, if, by any remarkable—*but really impossible*—concurrence of circumstances, the army and navy of the Pope should invade the country."

If the invasion of the United States, by the Pope, with an army and navy, is an *impossibility*, what virtue is there in this ostentatious display of patriotism? The gentleman fortifies himself by referring to the remarks of Bishop England. That learned and eloquent prelate said:

"But if the Pope were to declare war against America, and any Roman Catholic, under the pretext of spiritual obedience, was to refuse to oppose this temporal aggressor, he would deserve to be punished for his refusal."

In the understanding of the gentleman from Pennsylvania, this means: "If the Pope should declare war against the United States—which is '*really an impossibility*'—any Roman Catholic who should refuse to oppose the Pope—though it would be *impossible for the Pope to do such a thing*—would deserve to be punished!" There is certainly very little danger of any man being punished for disobeying his Government in an order which could only be given to him upon the *happening of an impossibility.*

Sir, I do not doubt the patriotism of the honorable gentleman from Pennsylvania, [Mr. CHANDLER.] I only regret that he has involved it in so much mystery, and expressed it in such dubious phrases.

A WORD ABOUT MENTAL RESERVATIONS.

The church gives to her Bishops and Archbishops, the right of mental reservations in oaths. The Archbishop of Canterbury, the invincible Thomas à Becket, swore to the constitutions of Clarendon, under Henry II., to *observe them* "*legally, with good faith, and without fraud or reserve.*" (1. Hume, 211.) He afterwards refused to keep his oath, and when upbraided by the other bishops of England he said "he had, indeed, subscribed the constitutions *legally, with good faith, and without fraud or reserve;* but in *these words was virtually implied a* SALVO for the rights of their ORDER, which, being connected with the cause of God and His Church, *could never be relinquished by their oaths and engagements.*" (1. Hume, 214.)

The gentleman from Pennsylvania shows us that the late Bishop England held a contrary doctrine in the United States. Be it so. But when the opinions of that learned and eloquent prelate shall have perished; when his name shall occupy but a bare *inch* in the compressed volume of renown, when the last paragraph of *his* remembrance shall have been, by the moths of ages, entirely *eaten out of the encyclopedias of posterity*, the name and fame of Thomas à Becket will stand immortal in the archives of the Vatican, and in the history of the world, as a great intellectual cliff, from which the vain waters of oblivion, age after age, recede in their fruitless efforts at submersion.

This great Archbishop may be called the practical father of the Jesuits. He has never been condemned; his doctrines never disavowed; his practice authorizes theirs. Then, sir, when this arm of the Roman Catholic Church is uplifted in America, tell me not there is no danger! This is the song of the Siren. I warn my countrymen to be armed. Let every Protestant make himself a sentinel on the watch towers of liberty.

Yet, in the face of all this, we are told that there is no necessity for this secret order of Americans! The eloquent and distinguished statesman of Virginia, Mr. Wise, tells us, speaking of the Protestant clergy: "They are as a whole church militant, with their armor bright." They are zealous, jealous, watchful, and organized, banded together against Papacy. They are learned, active, and "politic, too, as any brotherhood of Monks." "They need no such political organization to defend their faith." "In the name of their religion," he exclaims, "*I ask, why not rely on God.*" Sir, they have no right to rely on God alone. They are God-appointed sentinels.

Not to the slothful, not to the indolent, not to the idle and lazy of his followers does God give his rewards. The servant who hid his talent and returned it unimproved to his master, was driven away. He who had improved it, was made master over many things, and admitted to enter into the service of the lord.

"*Watch and pray*," is the Divine injunction; which, if it needs any interpretation, means, HOPE and WORK. Shall the lion rely on his strength and not use his muscles? Then the lamb could devour him. Sir, there is a practicability in all these Divine injunctions, which is well illustrated by the lives of the reformers, in the sleepless vigilance and active energy of their labors. This practicability is more humorously carried out by Cromwell in his great battles. That renowned commander always went into battle with a prayer to God—but not a prayer merely—his words were: "*Bless God* and PICK YOUR FLINTS." It was by this practical working of his faith, with his ceaseless vigilance and activity, that he was enabled to effect a revolution which made his name immortal, and aided in grafting many branches of freedom on the great tree of English liberty. And to this practical working of the Divine injunctions, I trust that all Protestants will bend their energies, and not be deluded by any dream of fancied security. The Protestant clergy are God-appointed sentinels. I warn them not to be lulled to sleep; I warn them by the fate of Alectryon; I warn them by the fate of Argos; I warn them by the fate of the unprofitable servant.

NO LAW PROPOSED AGAINST CATHOLICS.

But we are told that the Constitution declares that "no religious test shall *ever* be required as a qualification to *any* office or public trust under the United States." Also in the first article of the amendments to the Constitution, it is declared "that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." What is the meaning of this? It means that Congress shall pass no law making a religious *test* a qualification for office. And it leaves every individual free to say that he will or will not *vote* for a man for office who professes certain religious principles or holds a certain religious creed.

Does the American party propose to enact any law to exclude from office Roman Catholics? No, sir. It says for its members, we will not vote for Roman Catholics; and when we get the power, we will, as a party, turn out Roman Catholics, and put in Protestant natives, as a party rule—a rule which has been exercised time out of mind by the Democratic and Whig parties in this country. You may call it proscription, if you choose; but party proscription has been made respectable, as a rule of action, by both the great defunct parties.

I have sworn, upon more occasions than one, to support the Constitution of the United States, and there is no clause in it for which I have more reverence than that which secures to all men the freedom of religious opinion. The American party will never infringe that sacred clause of the Constitution. The war it wages is a war for the *freedom of religious opinion!* It wars against the tyranny of priestcraft; and aspires to the privilege of laying a pure Bible before the laity of the Roman Catholic Church; and demands that they be permitted to read and interpret. It aspires to a reformation of the schools.

We do not wish American children to be taught from their infancy to reject portions of the sacred Scriptures, and to "believe in apostolic and *ecclesiastical traditions*," as their faith requires, as will be seen from this extract from the Roman Catholic prayer book:

"I most fully admit and embrace Apostolic and ecclesiastical TRADITIONS: I also admit the sacred Scriptures, ACCORDING TO THE SENSE IN WHICH OUR HOLY MOTHER, THE CHURCH HAS HELD, AND DOES HOLD THEM, TO WHOM IT BELONGS TO JUDGE OF THE TRUE SENSE AND INTERPRETATION OF THE HOLY SCRIPTURES. NOR WILL I EVER TAKE AND INTERPRET THEM OTHERWISE THAN ACCORDING TO THE UNANIMOUS CONSENT OF THE FATHERS."

It is time to dissipate these blind teachings. It is time the young mind should be allowed to see the beauty of thought, the value of logic, the power of reason, the necessity of investigation.

What kind of freedom of religious opinion is it, when the child is taught from infancy to think alone through the priest? When Protestant books, primmers, and catechisms are torn from the hand of the child, and burned as heretical? When every fibre of the young intellect is strung with the scorpions of superstition overpoweringly imposed by the gorgeous displays at the Catholic altar of paintings, and music, and symbols.

I propose no law to invade the sanctity of the Roman Catholic altar—or to touch, with rude hands, the sacerdotal robe. I invoke *public opinion.*

I would expose its absurdities, rebuke its idolatries, ridicule its mockeries. Sir, to see the unlettered PERUVIAN bowing and kneeling to the SUN, and worshiping it as the Great God of light—an admitted omnipotence—is not surprising; nay, sir, there is something awfully solemn, grand, and ennobling in the superstition. It exhibits the open and humble admission of an over-ruling Divinity. But to see the best educated men of the country bowing down to *images* and *baptising bells, to scare away, with their sounds, the evil spirits of the air*, is, indeed, humiliating!

Sir, we do not wish our children taught that *a bell can scare away the devil*. We wish to teach American wives that their husbands are their only confessors; American children that their fathers and mothers are their only confessors. To correct these evils we invoke public opinion, and proclaim that we intend to practice party *proscription*. We ask no law; *but give us a pure ballot box*.

And let no native suppose that he has before him an easy task. The Roman Catholic Church has already acquired immense power in America. Their system is, never to relinquish an *inch of soil*. They do not build log cabins to preach in; they make no perishable plank houses to preach in. They are not humble enough for that. They leave that to the *heretical* Methodist, Baptist, Presbyterian, and others. In their swaggering pride, they forget that the fathers of the Church were "fishermen" and "tent-makers." When they build an edifice, its foundation is laid deep in American soil, and its spires rise high into the American heavens. They are already millions! This enemy is formidable. Then let every man go to work—let every Protestant be a sentinel on the watch-towers of liberty.

GEORGIA AND OHIO AGAIN.

MR. STEPHENS, IN REPLY TO MR. CAMPBELL,

IN THE HOUSE OF REPRESENTATIVES,

January 15, 1855.

The House being in the Committee of the Whole on the state of the Union on the Pacific railroad bill—

Mr. STEPHENS, of Georgia, said:

Mr. CHAIRMAN: I do not propose to discuss the Pacific railroad bill. Some weeks ago, sir, the gentleman from Indiana [Mr. MACE] gave notice of his intention to introduce in this House a bill to prohibit slavery in Kansas and Nebraska, and accompanied that notice with a speech, to which I replied. To the remarks then submitted by me, the honorable gentleman from Ohio [Mr. CAMPBELL] made a reply. That speech of the gentleman from Ohio has been, according to the notice which he gave, considerably amplified and elaborated, as it appears in the Globe. It is to that amplified and elaborated speech that I intend to devote what I have to say on this occasion.

Mr. CAMPBELL. It is very true, Mr. Chairman, as the gentleman from Georgia [Mr. STEPHENS] remarks, that I did, pursuant to notice, amplify and enlarge my remarks, as is usual, under similar circumstances. Still, it is certainly but just to me that the gentleman should couple with his notice of the fact, the further truth that I permitted him to elaborate, just as much as he desired, the various remarks made by him during the hour allotted to me. I submitted to him all the notes of that speech, and gave him the opportunity of making, in his remarks, all the alterations that he desired to make. And even after the proof-sheets were prepared, I again extended the same courtesy to the gentleman, or rather, I made the proposition to him, that he might amplify just as much as he desired. I wish this statement to go with the suggestion of the gentleman from Georgia.

Mr. STEPHENS. If the gentleman has no other more pertinent interruption to make during my remarks, I trust he will permit me to proceed without thus encroaching upon my time.

It is true, Mr. Chairman, that I revised and corrected that portion of the remarks made by myself. It is true that the gentleman submitted the proof-sheet of his speech, as printed, to me, but I did not choose to reply in that way to any matter, except such points as were drawn out in the debate between us on this floor, in that speech. I chose to reply here, and in the way I now propose to do. This is what I was just going to state if I had not been interrupted. As to the amplification of his speech, I do not object. I did not state the fact in the spirit of objection. It is not to that point I was speaking. But this was my object in stating the fact: Inasmuch as, in the speech published, I do appear to have appeared and taken part in a discussion with the gentleman on some points; and, inasmuch as there are many matters elaborated in the published speech, which are inserted before my answers to the gentleman's interrogatories, it may, to some not aware of the reason, seem strange that I made no reply to the gentleman upon these points. It is for this reason I made the statement, and it is for the purpose of replying to the gentleman's statistics, I now desire to occupy some of the time of the committee. I do not object to the gentleman's amplification. Not at all, sir. But, sir, I have something to say in reply to these statistics, which were not exhibited by the gentleman on the floor. I have, sir, a great deal to say in reply to them; and I therefore avail myself of this opportunity—the earliest that I have had—to reply to them. I have more to say in reply to them, much more than I can speak in one hour, the limited time that I have.

But, sir, before going into the statistics given in the forepart of the gentleman's speech, in which he attempted to reply to some of the positions assumed by me in answer to the gentleman from Indiana, [Mr. MACE,] I wish to state a few things in passing; and I will here say that, so far as my consistency is concerned, (the main object of the gentleman's attack,) I have nothing now to add to what I have heretofore said. My record may stand as it is made up. I have no desire to change or modify it in the least; not even to cross a *t* or dot an *i*. By it, as it stands, I am willing to abide while living, and by it to abide when dead. It was not made for a day, or for an election, but for all time to come. But to proceed.

The gentleman from Ohio, in the tenor of his argument, makes me use language which I did not utter on this floor—or, at least, he seems to put words into my mouth that I did not use. Now, when an argument is not stated fairly, it argues either a want of comprehension, or a consciousness of the want of capacity or ability to answer it on the part of one who thus fails fairly to present it. Either alternative does not bespeak much for the formidable qualities of an opponent. I have, Mr. Chairman, too high a regard for the intelligence of the gentleman, to think that he did not understand my argument. I believe that his object was rather to size the argument to his capacity to reply to it, as he supposed.

For instance, Mr. Chairman, the gentleman says, in his speech, "we are told that the South gets nothing, that the South asks nothing." Now, sir, in my reply to the gentleman from Indiana, [Mr. MACE,] I spoke of the great fact, well known, living, and "fixed fact," that the industrial pursuits of the South do not, in the main, look for the protection or fostering care of the Government, and that the general industrial pursuits of the North do. I did not say that the South gets nothing, or that the South asks nothing. I said that the South asks but few favors; and I repeat it, sir. Nor am I to be answered by being told that General Jackson and Mr. Clay—southern men—were in favor of fostering, as far as they could by proper legislation, the interests of the North. That does not disprove the fact which I uttered, that the South does not generally look to the Government for protection, and that the North does. Sir, it rather proves the opposite, and confirms my statement. Because I stated that the industrial pursuits of the North look to the Government for protection, is that statement disproved by the fact that southern men, or even myself, have voted to favor those interests, as far as was consistent with public duty? So far from disproving, it tends rather to establish it. What I stated on this point was in reply to the gentleman from Indiana, whose tone of argument was, that the South carried measures promotive of their interest by bluster.

But, sir, to come down to the argument as the gentleman states it! If he cannot or does not wish to meet me on the ground that the South asks but few favors, as I stated it, and that the North does look more to the Government for its fostering care to protect its various interests than the South does, very well, I will meet him on his own ground. If he cannot answer my position, but must size my argument so as to make it stand as he has it, that "the South asks nothing, and gets nothing," I will come down even to his ground, so far as his answer is concerned.

The gentleman says, in the first place, putting the language in my mouth, "The South asks nothing, gets nothing;" and he then replies "Certainly not," and refers us to the acquisition of Louisiana. And then, putting the words in my mouth, again he says: "The South asks nothing."

"'*The South asks nothing!*' In 1803, we paid fifteen millions to get Louisiana.

"'*The South asks nothing!*' In 1819, we paid five millions to get Florida.

"'*The South asks nothing!*' In 1845, her policy brought Texas into the Union, with a promise that she might carve herself up into five States.

"'*The South asks nothing!*' Her Texas annexation brought the war with Mexico, and more territory was demanded as 'the fruits of that war.'"

I think he does great injustice to the North when he says that the acquisition of Louisiana was for the exclusive benefit of the South.

Mr. CAMPBELL. It is true that, at the time I made a reply to the gentleman from Georgia, I caught the idea which he presented, that the South asked nothing, from his manner of expression, and those were the words which I used at the time as they were reported.

Mr. STEPHENS. I cannot yield to the gentleman unless he be very brief.

Mr. CAMPBELL. I call the attention of the gentleman to what he did say. He did say, as reported, "all that we ask of you is to keep your hands out of our pockets. That is all the South asks, and we do not even get that."

Mr. STEPHENS. Yes, sir. The gentleman will find not only those words, but others in my speech "as reported," all going to establish the leading point in that part of the argument, that the South asked but "few favors" compared with the wants of the North. That was my position, and not that we asked "nothing" or got "nothing." Some of these favors I specified; but, in the main, I asserted, or meant, in substance, to assert, as every one well understood, that the greatest desire of the South was, that the General Government would keep its hands out of her pockets. And this is true; and the gentleman did not attempt to reply to it, except as I have stated. I come now, then, to the gentleman's reply to the position that the South "asks nothing." To this he says, "that we paid $15,000,000 for Louisiana." To this I say, it was not the South alone that secured the acquisition of Louisiana. Nor was it alone for the benefit of the South. There were but twenty-three votes in this House against that acquisition. It was a national acquisition. Sustained by national men from all sections, there was hardly a show of opposition to it from any quarter. I should suppose that Ohio would be the last State in this Union to raise her voice against that measure, or hold that it was exclusively for the benefit of the South. What would have become of her trade and commerce if Louisiana and the mouth of the Mississippi were still in the hands of Spain or France? If the fifteen millions of money, which we paid, be the grounds of the gentleman's objection, all that has been more than refunded by the sale of public lands embraced within the limits of that acquisition. These sales, up to this time, have amounted to $25,928,732 23, besides what is yet to be realized from the hundreds of thousands of square miles yet to be sold. So the fifteen millions was no bonus to the South, even if the South had carried the measure for their own benefit.

Again, was the acquisition of that territory made to extend the southern area of the country? Let us examine this view of the subject. What extent of territory was comprised within the limits of Louisiana? It extended not only far up the Mississippi river, to Iowa and Minnesota, but westward to the Rocky mountains even, without now mooting the question, whether Oregon was

not then acquired. Grant, for the sake of this argument, that Oregon was not then acquired. The Territory of Louisiana stretched from the extreme south on the Gulf to the extreme north on parallel 49° of north latitude. All that immense domain, including Kansas and Nebraska, was part of it. Was all this southern territory? The object of the gentleman from Ohio in alluding to this subject seemed to be to intimate that all this acquisition was for the South. But how is the fact? Let us look at it. By this acquisition, taking all the Indian territory into account, the South acquired only 231,960 square miles, while the North got by it 667,599 square miles! Is this the way that the South is to be taunted? When the very acquisition, held up as the taunt brought more than double the extent of territory to the North than it did to the South!

Again, in the acquisition of Florida, the gentleman from Ohio says that the South carried that measure at a cost of $5,000,000. This is the tenor of his argument. Sir, this measure was not carried by the South, nor for the South exclusively. There was not even a division in this House on the question. As to the extent of the acquisition, if we did not get Oregon when we acquired Louisiana, we certainly acquired it when we purchased Florida. It was by the treaty then made that we got Spain's relinquishment to Oregon. The North, by this measure, got 308,652 square miles of territory, including the Territories of Oregon and Washington, while the South got only the State of Florida, 59,268 square miles. If the South carried this question by her votes, I ask were those who gave the votes sectional in their policy? Did not the South, if that be the gentleman's argument, gain quite as much, nay, more, nay, double, nay, more than five times as much territory for the North in that acquisition, as she obtained for herself? Again, in the acquisition of Texas, considering the Mexican war as part of that proceeding, as the gentleman does, the South only secured 237,504 square miles, while the North secured 632,157 square miles, including California, New Mexico, and Utah.

The gentleman says, that the North is opposed to acquisitions; that she never looks outward, she looks inward; and that while the South is always looking to the extension of territory, the North is looking to the improvement of what we have. This, so far as looking to acquisition is concerned, I think, is not true of the North entirely. It may be true of some men there. But it is not true of all her statesmen. In the early history of this country, there were men at the North, and one in particular, who had no such circumscribed views as those attributed to the North generally. The man to whom I allude stands first, in my opinion, of all the northern statesmen of his day. Indeed, he stands, in my judgment, amongst the men of his day—next to him who has no equal in any age or country. That man hailed from New York, and for strength of judgment, for profound thought, for far-seeing statesmanship he has never been equaled by any of the illustrious men since brought upon the public arena by that honored State. That man, sir, was Alexander Hamilton; and at the formation of our Constitution, after that provision in the original draft, that new States to be formed out of territory then belonging to the United States might be admitted into the Union, was so modified as to leave out the restriction, so that other States (not confining it to the then territory of the Union) might come in, Mr. Hamilton is said to have expressed the opinion, with approbation, that, in time, we should get Florida, Louisiana, Texas, Mexico, and even ultimately squint towards South America. That was the man, sir, who, in his day, was, every inch of him, a "Sampson in the field, and a Solomon in council." Nay, more; he was one of those gifted geniuses who caught from the "sunrise of life" that "mystical lore" which enabled him to see those coming events which were casting their "shadows before."

I take this occasion thus to speak of Mr. Hamilton, because he is a most striking exception to the gentleman's remark, and, also, because in his day it suited the purposes of many of his cotemporaries to detract from his merits, his name, and his character; men who barked at his heels, just as the wolves and the hyenas do, upon the track of the noble king of the forest; men who never met him in open conflict but to be vanquished, and many of whom even quailed from his presence.

But, sir, let us look, for a moment, to all our acquisitions. So far as Louisiana is concerned, if the gentleman begrudges the money paid for it, even if it had not been reimbursed by the sale of lands, the State of Georgia, alone, has long since more than paid that debt by her munificent grant. She ceded to the United States that large territory out of which the two flourishing States—Alabama and Mississippi—have since been made; out of which, and from which, you have realized, by sale of lands, much more than the whole cost of Louisiana. I have now before me a table of the proceeds of the sale of the public lands in the States of Alabama and Mississippi. It amounts to $32,205,612 18; the consideration paid to Georgia was $1,250,000; with the extinguishment of the Indian title within her own limits; all this amounted to about $11,000,000; so that if it be the amount of money that lays heavily upon his breast, it may be some consolation to the gentleman to know that from this grant by Georgia, a southern State, you have a clear gain of over $20,000,000.

But, let us look at all our acquisitions. There are now, according to the census report, belonging to the United States 2,936,166 square miles of territory, including States old and new, as well as Territories. There have been acquired, outside of the old thirteen States, 2,599,105 square miles. Of all these 2,599,105 square miles thus acquired, there lies north of the line of 36° 30', 1,845,701 square miles, and there lies south of it but 753,404 square miles. Here, sir, take Louisiana, take Florida, take Texas, take all our acquisitions, the Georgia and other State grants or cessions, leaving out the Mesilla Valley, acquired at the last session of Congress, which is a small item, and you see this astounding fact, in answer to the remarks of the gentleman on this point, that 1,845,701 square miles of these acquisitions lie north of 36° 30', and only 753,404 lie south of it! If all north of 36° 30' is to be considered northern territory, then the North has got by acquisition more than double what the South has!

Will the gentleman, then, pretend to answer me, when I say, that the South asks but few favors, by pointing to these acquisitions? Were these especial, peculiar, and great favors to the South? When I have shown that they were carried by patriots from all sections of the Union, and that more than double the square miles acquired north of that line which is usually referred to as defining northern and southern limits?—am I, I say, to be thus answered in the face of these facts? Sir, if the wild boy in the forest, with his bow and arrow, were vain enough to imagine that he could bring down the moon by the prowess of his arms as a huntsman, and should as vainly make the attempt, he would not come further short of his mark than the gentleman from Ohio does by letting fly such a shaft as this, either at me or my argument.

But again, he asks, who was it, at the last session of Congress, that desired to place in the hands of the President $10,000,000 for the acquisition of Cuba? I can say to him that I did not, and if there is any gentleman upon this floor from the South that did, I did not know it. I know of no such movement in this House, either at midnight or open day, or any other period of the twenty-four hours. But I tell the gentleman, in passing, as he has alluded to Cuba, that I am for the acquisition of that island. I believe its acquisition would promote the best interest of the island and of this country; and that it would promote the interest of Ohio more than of Georgia. I am not governed by sectional feelings or interests on this question. Its acquisition would advance the interests of both countries; and it would advance the interest of the North quite as much, if not more, than the South, so far as its trade and its commerce is concerned. But I was not, and am not, for putting $10,000,000, or any other sum, in the hands of this Administration to buy it. I do not believe that they desire it. I have never believed that it was either their wish or policy to obtain it, as several of the most ardent friends of Cuba on this floor very well know. I gave them this opinion long ago, when some of them questioned its correctness. The sequel will show whether I was right or not. But, sir, as I have been drawn into saying thus much on this subject, it may be proper that I should say more. I am not for this acquisition upon any plan or principles inconsistent with the strictest national honor and national faith. But I am in favor of a repeal of those laws on our own statute book which make it penal and punishable as a crime of high grade for an American citizen to take part in any revolution that may take place in Cuba—any effort of the people there to throw off Spanish domination and oppression?

If the people of Cuba were permitted to exercise their own free will and volition, unawed by the superior power of Spain, as I am informed and believe, they would not remain a day, much less a month or year, longer, under the heavy taxes, burdens, and exactions of that country which now claims their allegiance only to oppress and to plunder them. And if they do thus desire to throw off the yoke of their oppressors, why should we punish American citizens for no reason but aiding them in their patriotic attempt? Why should we keep the peace for Spain? When did she, by her conduct towards us, put us under such obligations? Was it when she held the mouth of the Mississippi, or Florida? Was it when she armed the savages of the frontiers against our undefended people? Was it when she nurtured in her bosom such enemies to our peace—such wretches as Ambrister and Arbuthnot—whom General Jackson had to hang without judge or jury? When, I say, did Spain, by her comity and good neighborhood, put us under an obligation to punish our citizens for aiding the native Cubans not only to rid themselves of present heavy and onerous burdens and unjust impositions, but to prevent that ultimate destiny which French and English policy has concocted for them? In this matter I may have a little more sympathy for my own race than the gentleman has. Why should we hold while Spain skins? I feel no disposition to stand by and see one of the fairest islands of the world—the Queen of the Antilles—despoiled, rifled, and plundered, and then made a St. Domingo or a Jamaica of, any more than I would to see a stately ship, well freighted, pillaged by pirates, scuttled, and then sent adrift to sink, without one hand to save. This, sir, is pretty much the present condition of Cuba. She is now undergoing the pillaging process; how soon she will be scuttled and sent adrift to sink I know not. Sir, Mr. Webster, as early as the delivery of his Panama speech, intimated very strongly that the policy of this country never would or could allow Cuba to pass into other hands than those of Spain. Mr. Everett in his celebrated and most masterly letter on the proposed tri-party treaty, very clearly follows up the same views. And Mr. Clay is generally understood to have maintained, until the day of his death, that this country ought to go to war rather than permit Cuba to fall into the hands of England. But who, sir, would not infinitely prefer to see England hold it, than to see her policy carried out of extirpating the white race there and filling the island with Guinea negroes and African savages? If the first would justify a national war, the latter may, in my opinion, much more justify us in barely permitting such of our citizens, as see fit, to prevent it, if they can. If such a course should bring acquisition by the free choice of the people of Cuba, without consulting Spain, I say let it bring it. It is a matter in which I should be governed much more by the wishes of the people of Cuba than the interests of Spain.

Our trade with Cuba is now large; but this would be greatly augmented if it were part of this country, and under our laws. We should not only be relieved of the heavy duties paid on our exports there, but the productions of the island consumed in this country would be largely increased, and her capacity to consume our products, agricultural and manufactured, be increased in the same ratio. I have a document before me that gives the amount of duty levied and paid now on our exports there upon being introduced into the island. On beef is $3 14 per barrel; pork, $4 89 per barrel; hams, $3 14; lard, $4 19; lumber, $5 60; hoops, $8 39; coaches, $261. But I cannot read all. The same document gives the price of a cargo, shipped from New Orleans to

Havana, of flour, hams, and lard—valued at New Orleans at $6,121 52—on which the duties paid were $8,028 93. This cargo was made up of such articles as Ohio produces in abundance. These are her staples. Would it not, therefore, be greatly to her interest to have the same access to the markets of Havana as to New Orleans? I cannot now dwell, indeed scarcely refer, to the vast interest that shipping men and merchants generally, as well as manufacturing capitalists, have in this acquisition.

So far as the African and slavery is concerned, I ask the gentleman, and the candid of all parties everywhere, whether the condition of that population would not be better under our Government than under the Spanish Government? If there be real sympathy for the African, and real opposition to what is called the atrocities of the slave trade, would not that trade be immediately abolished on the island becoming part of the United States? View the subject, therefore, commercially or politically, as it affects interests North or South, what rational objection can there be to it? Why, then, should gentlemen be opposed to it, either in open day, or, if need be, at midnight?

Mr. Chairman, I did not intend to dwell on the subject as long as I have done, I only intended to make a very brief reply to the gentleman's remark about a ten million affair, of which I know nothing; but, in passing, I have taken occasion to tell him what I am for. And I repeat, in conclusion on this point, that, on the score of humanity, on the score of public interest and statesmanship—indeed, in every point of view, where is the objection to the acquisition of Cuba, if it can be honorably and properly acquired? I see none, but an obstinate, fixed, and blind dogmatical nonsense.

With this digression I pass to those other points in the gentleman's speech to which I wish to reply. In the remarks submitted by me, Mr. Chairman, on the occasion referred to, I made an exhibit of statistics, showing that Georgia, with less than half the population, with nearly a third less land in quantity, and less than a third in value, compared with Ohio, not only equaled, but exceeded, that State in her agricultural productions, according to the census returns of 1850. This I did, not for the purpose of showing, as the gentleman argues, that the labor of an African slave is *better* calculated to develop the natural resources of a country than the labor of an American freeman, but for the purpose of showing the utter futility of the argument against African slavery founded upon the assumption that it is inconsistent with such development, even in a highly prosperous degree. It was from no unkind or ungenerous feeling towards Ohio, her people, or her interests, on my part, that I selected that State for the comparison. On the contrary, it was because I looked upon her as one of the most, if not the most, prosperous of all our northern States; and, also, because Georgia and Ohio are both eminently agricultural States. The comparison of States engaged in similar pursuits is much better to illustrate the working of different systems, than that of States whose people follow different pursuits. So much, then, for my object. To the statistics exhibited in pursuance of that object, and that object only, the gentleman has made an elaborate reply. That reply it is my purpose now to review.

What I said on the former occasion, together with the calculations then presented, I have before me, and ask attention to it. Here it is:

"I had occasion, some time since, for another purpose than the present, to look a little into the statistics of Georgia, compared with those of other States. I selected the State of Ohio, because it was one of the most prosperous of the North—often styled, and, perhaps, justly too, the Giant of the West. According to the census returns in 1850, Ohio had of improved lands 9,851,493 acres—Georgia had only 6,378,479 acres; the cash value of the Georgia land, so improved and under culture, was $95,753,445, while the cash value of the Ohio lands was returned at $358,758,603—Ohio had nearly one third more land in a state of improvement than Georgia had, and returned at more than three times the cash value of the Georgia lands. The whole population of Ohio was 1,980,329, the whole population of Georgia, white and black, was 906,185. The population of Ohio, therefore, was more than double that of Georgia. Here we see her free labor more than double in number, working one third more land, worth, by valuation, more than three times that of Georgia. From these elements it might not be surprising to see her agricultural products greatly exceeding those of Georgia, without resorting to the 'curse of slavery' to account for it. But how stand the facts? Ohio produced the following articles:

Wheat	14,487,351 bus. at	80 cents	..	$11,589,880
Buckwheat	638,060 "	40 "	..	255,224
Indian corn	59,078,695 "	30 "	..	17,723,608
Rye	425,918 "	50 "	..	212,959
Barley	354,358 "	50 "	..	177,179
Oats	13,472,742 "	25 "	..	3,368,182
Peas and beans	60,168 "	$1 00	..	60,168
Irish potatoes	5,057,769 "	40 "	..	2,023,107
Sweet potatoes	187,991 "	50 "	..	93,995
Tobacco	10,454,449 lbs.	7 "	..	731,811
Cloverseed	103,197 bus.	$4 00	..	412,748
Flax	448,932 lbs.	10 "	..	44,893
Flaxseed	188,880 bus.	75 "	..	141,660
Maple sugar	4,588 209 lbs.	6 "	..	275,292
Molasses	197,308 gals.	35 "	..	69,057
Wine	48,207 "	$1 00	..	48,207
Garden products returned in money, value			..	214,004
Orchard " " "		"	....	695,921
Aggregate				$38,137,695

"This list includes nearly every agricultural product of the earth in that State except hay, which is omitted, because, in Georgia, there is no return for fodder, which, in that State, answers the same purpose of hay in Ohio, as food for stock. The quantity of each product produced is given from the census tables. The values run out are such as are believed to be the usual average values of each article in that State, except the products of gardens and orchards, which are taken from the tables—no other values are put upon the products in the tables. The estimate above stated is believed to be a fair one. Now let us take up the returns for Georgia and place upon them a like estimated average value. Here we have:

Wheat	1,088,534 bushels at	$1 00...	$1,088,534
Indian corn	30,080,099 " "	50...	15,040,049
Cotton—bales	499,091 400 lbs. at	8...	15,970,912
Rice	38,950,691 lbs. at	4...	1,558,027
Peas and beans	1,142,011 bushels at	$1 00...	1,142,011
Sweet potatoes	6,986,428 "	25...	1,746,607
Irish potatoes	227,378 "	50...	113,689
Oats	3,820,044 "	37½...	1,432,516
Cane sugar	1,642 hhds., 1,000 lbs.,	6...	98,520
Molasses	216,150 gallons at	25...	54,037
Orchard, products of			92,766
Garden, products of			76,500
Aggregate			$38,414,168

"An amount, so far from falling under that of Ohio, as might have been expected, actually exceeds it above a quarter of a million, without extending the Georgia list to rye, barley, tobacco, and other articles which are produced in that State. Away, then, with this prating cry about slavery's paralyzing the energy of a people, and opposing the development of the resources of a country."

In commenting upon these exhibits, or tables, the gentleman files no objection to the items of products, except the article of hay, which, he says, ought not to be omitted in the Ohio list. He complains, however, of the prices or values, and the basis on which the estimates are founded. He objects to putting Georgia wheat at one dollar, and Ohio wheat at eighty cents. This is what he calls a "sliding scale." He insists that the products of both States should be placed on the same basis, and estimated on the same scale of prices. This is what he calls the basis of equality. On this point we are at issue, and, in determining this issue I am willing to abide by the principles laid down by the ablest writers on political economy. The basis of my calculations, was the usual or average rates or prices in each State, respectively, at that time. I did not make those calculations to answer the purpose of an hour speech here, or an electioneering campaign. But I based them upon principles that will stand the test of time, and which can never be successfully assailed. If the committee will indulge me, I will give the gentleman the principles referred to. I read from Adam Smith:

"There is in every society or neighborhood an ordinary or average rate of both wages and profit in every different employment of labor and stock.

"There is likewise in every society or neighborhood an ordinary or average rate of rent," &c.

Again:

"These ordinary or average rates may be called the natural rates of wages, profit, and rents, at the time and place in which they commonly prevail."

The same principles are laid down by all writers upon the same subject. The basis upon which the value of any products of industry are to be, or should be, estimated, in comparing one country or State with another, is not that of *equality* as the gentleman proposes, but the ordinary or average rates or values at the time and places respectively. I gave the ordinary average values of the Georgia products at the time, soon after the census was taken, and the place—Georgia—where they were produced. I did the same by Ohio.

Here, sir, I might leave the subject, so far as the principles are concerned upon which the estimates were made, and so far as the gentleman's objection to the sliding scale is concerned; but so far as the justice or correctness of the scale adopted for Ohio products is concerned, I have this to say: That if there is any inaccuracy in it, or injustice done to Ohio by it, as a whole, no one is more chargeable with it than the gentleman himself. And this, I say, in my own vindication. For it so happens that I have preserved the calculations made by me in the construction of these tables more than two years ago, and amongst the papers I find a *memorandum*, given to me, upon my request, by the gentleman from Ohio, which furnished me with the *data* upon which I framed the Ohio table. These tables, as I said before, were prepared soon after the census was taken, for quite another purpose than their exhibition in this place. And here is the paper, with a list of the products grown in Ohio, which I submitted to him with a request that he would put down opposite each article its ordinary average value or price in Ohio, at that time. This he did; and here is the paper:

	About the average at Cincinnati.
Wheat per bushel	80 cents.
Buckwheat	40 "
Rye	50 "
Barley	50 "
Maple sugar, per pound	6 "
Molasses, per gallon	35 "
Irish potatoes, per bushel	40 "
Sweet potatoes, per bushel	50 "
Oats per bushel	25 "
Tobacco	7 "
Peas and beans	1 dollar.
Cloverseed	5 "
Flaxseed	75 cents.
Indian corn	35 "

He put the price of wheat at 80 cents per bushel; buckwheat at 40 cents, rye at 50 cents, and so on. The whole list is identical with the value in the table I made for Ohio products, with the exception of Indian corn, which he put at 35 cents, and cloverseed at $5. I put Indian corn for Ohio at 30 cents, and cloverseed at $4; because other gentlemen from Ohio, whom I likewise consulted on the subject, gave it as their opinion that 30 cents for corn, and $4 for cloverseed, were fair average rates for those articles. And moreover, his average was for Cincinnati. And I wished to get as near as possible to the average for the State. In Georgia I did not take the Savannah or Augusta prices of wheat or corn, but what I thought a fair average throughout the State. Fairness and accuracy were my objects.

Now, sir, the gentleman, in reply to me on the facts deduced from his list of prices, has given another list, vastly different from the one he furnished me with. Let us look at some of these changes—80 cents a bushel was what he put wheat at on my list; $2 per bushel is what he now rates it at—Indian corn he then put at 35 cents per bushel; he now puts that article at 90 cents. The changes in these two products, without going further in the investigation, make a difference of over $45,000,000 in favor of Ohio! This is "*sliding*" with a vengeance, as we say sometimes, down South! And it is in this way that he now gets the Ohio products to run up to $145,838,232 51. And no wonder! Sir, I based my calculations and estimates upon principles from which I will never slide; upon these principles the tables prepared by me were given to the world. I maintain them now. As the distinguished gentleman from Missouri, [Mr. BENTON,] when in the other wing of the Capitol, said of his plan of the Mexican war—these tables, sir, "will do to keep." And I intend to keep them; not, however, in my pocket, as I believe he kept his plan of the war, but, to use another phrase of that honorable gentleman, I intend to keep them by spreading them upon the "parliamentary history of the country."

But I will not let the gentleman off with this exposition, which is certainly quite enough to establish the accuracy and fairness of my tables. What he complains most of, is what he calls the sliding scale—that is, fixing Georgia wheat at $1, and Ohio wheat at 80 cents. He insists that the estimation for both States should be on the same scale of prices. Well, sir, I will meet him on that ground. I will take, as a basis for the value of the products of both States, the very paper he

furnished me with for Ohio. I will bring the scale of prices of Georgia products down to the average which he put upon similar products in Ohio, but not in New York.

Mr. CAMPBELL. I suppose the gentleman would not misstate my positions, and I beg leave to set him right.

Mr. STEPHENS. Be very brief, for I have no time to spare.

Mr. CAMPBELL. Then I will not take up the gentleman's time; I merely say that he does not state my position correctly.

Mr. STEPHENS. I understand the gentleman's position, as he stated it, to be, that the products of Ohio, and those of Georgia, should be taken at New York prices.

Mr CAMPBELL. I said I considered it as the great market of the country.

Mr. STEPHENS. Very well. Then I was not mistaken in his position. He insists that the products of both States should be estimated at New York prices, which, I say, is as erroneous as to estimate the value of the lands in each State at New York prices. New York is not the market for Georgia sweet potatoes, or Ohio corn, or Ohio hay. The proper basis for the value of each is the average values in each State, upon the plan on which my tables were framed. But, for the sake of the argument, I say, I will adopt, as a basis, the Ohio prices, as the gentleman gave them to me himself, and make the Georgia products square with that basis, so far as we produce similar articles. I will bring Georgia corn from fifty cents down to thirty-five, and raise Georgia potatoes up to fifty cents, which is just as absurd as it would be to estimate a town lot in the small village in which I live at either Cincinnati or New York prices, for the same quantity of land. And I will put cotton, which Ohio does not produce, at the commercial value fixed upon it for that year at the custom-houses, which is quite as fair as to put it at the Cincinnati market price, inasmuch as it would cost quite as much to get it there as to the sea-board. By House Doc. No. 136, 1st. sess. 32d Cong., the price of the cotton crop embraced in the census returns, was valued at 11¼ cents, and a little over. Then, sir, estimating the values of the products of both States, not at New York prices, but at Ohio prices, as given by the gentleman, and putting cotton at the actual value placed upon it officially, by this official report which I hold in my hand, how stands the result? I have made the calculation. I have the result before me. Here are the figures:

Ohio List.

Wheat	14,487,351	bushels at	80	$11,589,880
Buckwheat	638 000	" at	40	255,220
Indian corn	59,078.695	" at	35	20,677,543
Rye	425,918	" at	50	212,959
Barley	354,358	" at	50	177,179
Oats	13,472,742	" at	25	3,368,185
Peas and beans	60,168	" at	$1 00	60, 61
Irish potatoes	5,057.769	" at	40	2,023,181
Sweet potatoes	187,991	" at	50	93,907
Tobacco	10,454,449	pounds at	7	731,995
Cloverseed	103.197	bushels at	$5 00	515.985
Flax	446,932	" at	10	44,693
Flaxseed	188,880	" at	75	141,660
Maple sugar	4,588,209	pounds at	6	275,292
Molasses	197,308	gallons at	35	69,057
Wine	48,207	" at	$1 00	48,207
Garden products				214.004
Orchard products				695,921
				$41,204,870

Georgia List.

Wheat	1,068,534	bushels at	80	$870,827
Indian corn	30,080,079	" at	35	10,528,034
Cotton—bales	499,091	400 lbs. at	11¼	22,625,458
Rice	38,950,691	pounds at	4	1,558,027
Peas and beans	1,142,011	bushels at	$1 00	1,142,011
Sweet potatoes	6,986,428	" at	50	3,493,214
Irish potatoes	227,378	" at	40	90,951
Oats	3,820.044	" at	25	955,011
Barley	11,501	" at	$1 00	11,501
Cane sugar—hhds	1,642	1,000 lbs.,	6	98,520
Molasses	216,150	gallons at	35	75,652
Tobacco	423,924	pounds at	7	29,644
Rye	53,750	bushels at	50	26,875
Orchard products				99,766
Garden products				76,500
				$41,675,021

And on this basis of calculation the Ohio products amount to $41,204,870, and the Georgia products to $41,675,021; making a balance in favor of Georgia of $470,151—near half a million—and larger, by $183,678, than the balance in her favor upon the system, which was the correct one, adopted by me at first. So I meet the gentleman upon his own ground, and results similarly favorable to Georgia are arrived at.

But the gentleman insists that hay should not be left out of the Ohio list of products. My reasons for leaving it out were given before. It is because there is no return in the census for fodder or shucks, that species of forage that we use for stock in Georgia. We produce at least 600,000,000 pounds of fodder, estimating 1,000 pounds to every 50 bushels of corn; besides immense quantities of corn shucks, which constitute the food for our stock, just as hay does in Ohio. For this large and valuable product there is no return.

But the gentleman says that, in Ohio they make more corn than we do, and hence more fodder. Not so, sir. In Ohio they do not save their fodder; at least it is not usual with them to do it. They put their labor upon saving hay. We grow an immense amount of grass in Georgia, but we do not cut it or save it. We put our labor in saving corn blades and shucks; and we might as well claim our uncut grass in our cornfields, as a product to go into the estimate, as for the gentleman to claim the unsaved corn blades which grow on their corn stalks. And besides this, sir, there is no return in the census for cotton seeds, which, in Georgia, amount in value, annually, at a moderate estimate, at not less than $1,000,000. So, for these reasons I did omit the article of hay, as I stated, and did so properly, as I conceive; and with its omission, and the omission of the corresponding products of Georgia, upon the gentleman's own basis of calculation—not his last one, of New York prices, but the basis he gave me two years and upwards ago—Georgia, with a population of less than half that of Ohio, and with land a little over two thirds in quantity, and something under one third in value, produced, in 1849, according to the census returns, agricultural products exceeding those of Ohio in amount nearly $500,000.

But, sir, I do not intend to stop here with the gentleman and his statistics. I will even follow him to New York, and his prices there. I have his tables of estimates, by which he made the annual products of Ohio amount to $145,838,232 51, and those of Georgia to only $65,488,267 18. These tables are not given in his pamphlet speech, though they appeared with the speech as published in the Globe. But I intend to preserve them, whether he does or not. I shall preserve them as we do uncurrent coin in my country. For that purpose I have brought them here this day to exhibit to the House and the country; and, in the face of the gentleman, the House, and the country, to nail them to the counter as spurious in their elements and composition. Upon what principle can he estimate Ohio hay at $16 per ton, because hay sells in New York at that price, when, perhaps, a bundle of Ohio hay never went there for sale in the world? Upon what principle can he put Ohio wheat at $2 per bushel because wheat sells in New York city at that price, when, by his own account of it, in the list furnished me, he put its price in Ohio at 80 cents? Nay, more upon what principle is it that he now puts Georgia sweet potatoes at 50 cents per bushel, when they are notoriously selling in New York at 25 cents a half peck, or $2 a bushel? I have a daily New York paper before me, giving the market price of sweet potatoes at the rates I have mentioned. Upon what principle is it, I say, that the gentleman makes up a table of such a character as this? Why did he not give the New York prices to the entire list of Georgia articles, if he took that as the National market? The difference in the Georgia products, in his table, on this one article of sweet potatoes, amounts to more than ten millions of dollars against Georgia. It is for this, and divers other great errors, I nail his table to the counter, here in open day, that the results deduced from them may not mislead the uninformed and unsuspecting elsewhere or anywhere.

But, sir, I said I would take up his results, attained, as they were, and meet the gentleman even on this, his own, ground of last retreat, in a comparison of the agricultural prosperity of the two States, according to all just and correct principles of political economy. And it is upon such principles alone, I will treat or argue such a subject.

According to his exhibit, the cash value of the Georgia farms, is..... $95,753,444
Value of farming implements and machinery, is..... 5,894,150

This gives a capital of..... $101 647,594

The cash value of the Ohio farms, is $358 758,603
Farming implements and machinery, is 12,750,585

This gives a capital of..... $371 509 188

The products of Georgia, upon the principle of his calculation, which I have exhibited, amount in value to..... $65,488.267
And those of Ohio, to..... 145.838 232

In this way the gentleman arrives at the conclusion, where he boastingly says, that Ohio was ahead of Georgia, annually, $80.349,965.

But let us see how such a conclusion can be drawn, even if the results were as he has figured them out, upon any sound principles of political economy. According to these well settled principles, in comparing the relative prosperity of any State, or business, with another, the amount of the capital, as well as the products, is to be taken into the account. All writers upon this science, for it is a science—and one of the profoundest of the sciences which real philosophers ever taught—lay this down as one of the axioms, or the postulates, upon which they build their systems. However they may disagree upon other matters, all agree upon this fundamental truth. Mr. McCulloch, whose work I have before me, after stating that the species of labor, or kind of employment, is not to be looked at so much as its results, says:

"It is not, therefore, by the absolute amount of its capital, but by its power of employing that capital with advantage—a power which, in all ordinary cases, is correctly measured by the common and averaged rate of profit—that the capacity of a country to increase in wealth and population is to be estimated."

And, further on, he says:

"The average rate of profit would seem to be, on the whole, the best barometer—the best criterion of national prosperity."

Now, what is here stated of National prosperity, or the capacity to produce wealth, is as true of States as of nations. And the main object of the gentleman from Ohio seemed to be to show, that the capacity of Ohio, with her free labor, was much greater in the production of wealth, or the development of her resources, than that of Georgia, with her slave labor. Then, sir, let the case stand as he puts it. Ohio, with free labor, on an investment of $371,509,188 in capital, produces, with her labor, $145,858,232. This is 39 per cent. That is, the Ohio product towards capital, bears the ratio of 39 per cent., while Georgia on an investment of capital of $101,647,594 produces, with her labor, $65,488,267, which is 64 per cent. And this is just 25 per cent. in favor of Georgia, upon the gentleman's own extravagant and erroneous assumptions. The gentleman may say that the value of the slaves should be added to the Georgia capital. Not so, sir; for the purposes of this argument and the object of the gentleman, which was to show the superiority of voluntary over involuntary, or free over slave labor, in the amount of production and in the development of a country's resources. The question he presents has but a single point, and that is, the productiveness of labor. Here we have Ohio labor as it is, whether free or hired—which is a way of buying at a high price—working her capital in land, and suitable implements in husbandry, and producing, in gross, at the rates of 39 per cent. on capital; and Georgia labor as it is, whether free or bought, working her capital of the same character in like business, throwing off like productions, in gross, at the rates of 64 per cent. on capital.

But the gentleman says that the live-stock in each State should be taken into the account of the annual products. This is a most singular idea. But let it be done, and then how stands the result? Still more favorable to Georgia. Every step he takes plunges him deeper in the mire of his errors. For Georgia has much more live-stock, in proportion, either to her population, white and black, or capital, than Ohio has. Of neat cattle, Georgia has 1,097,528. Ohio, with about double the population, has only 1,358,947. This is exclusive of

swine or hogs. For when the gentleman talks of driving Ohio fat hogs to Georgia, he must be reminded that Georgia has more hogs than Ohio has. Georgia, by the census, had 2,168,617 hogs, while Ohio, with her much larger population, had only 1,964,770. But if the whole value of the live-stock in each State be taken into the account, I say the result will still be more favorable to Georgia. The Ohio live-stock is put down at $44,121,741. In Georgia it is put down at $25,728,416. If these amounts be added to the respective products before stated, we shall have the Ohio aggregate, as the gentleman states, $189,959,973, and the Georgia aggregate, $91,216,683. We should then have the Georgia capital, of $101,647,594, producing $91,216,683, which is 89 per cent., and the Ohio capital, of $371,509,188, producing $189,959,973, which is only 51 per cent. Being a production at the ratio of 38 per cent. on capital in favor of Georgia.

I have, Mr. Chairman, gone through with this illustration more for the purpose of exposing the fallacies of the gentleman than for any other purpose; and to show that, notwithstanding his most untenable assumptions as to the basis of prices, and his want of adherence, even to his own basis, first, in not abiding by his own list furnished me for Ohio products, and then in not putting Georgia potatoes at the New York city market price, when he adopted that basis; that, notwithstanding all this, his effort to make it appear that the agriculture of Ohio, under her system of labor, is more prosperous than that of Georgia under her system, has, according to the soundest principles of political economy, most signally failed. I, therefore, leave this branch of the subject where I left it before. The same exhibits I then made on this subject, I again make, and hold them up to the strictest scrutiny. Their results may astonish many who have never devoted attention and investigation to the subject; but the principles upon which they are founded, and the great truths they illustrate, may be railed at, but they can never be refuted.

But, Mr. Chairman, my time is fast passing away, and I, too, must pass hurriedly on.

The gentleman says there are other statistics besides those of agriculture; and he goes into an enumeration of several classes of them in comparing the physical, as well as intellectual, developments of Ohio with Georgia; he instances manufactures, public improvements, colleges, churches, and some others I can only glance at.

The first he gives, is the following table:

MANUFACTURES, ETC.

	Capital invested.	*Raw material.*	*Annual product.*	*Per cent. profit.*
Ohio.....	$29,019,538	$34,677,937	$69,647,959	49.97
Georgia.....	5,460,483	3,404,917	7,086,525	36.06
Ohio ahead..	$23,559,055	$31,273,020	$53,560,734	13.91

From this table one would suppose that Ohio had the capital here stated invested in manufactures, with the result stated; but, sir, by turning to the census returns, we shall find that much more is covered by the *et cætera* than by manufactures; under this *et cætera* comes mechanic arts and mining. But in the census I find no clue to what these mechanic arts are, or the details of mining—I do; however, to manufactures proper, which is the heading title of the table. We have in the census (Compendium, page 180) the manufacture of cotton, woolens, pig iron, wrought iron, iron castings, and distilleries and breweries; these are all the detailed heads of manufactures proper that the census gives—and the whole capital in Ohio, invested in all these branches together, is but $6,161,644!

Here is the exact amounts taken from the census:

Capital invested in manufactures of				cotton.....	$297,000
"	"	"	"	woolens.....	870,220
"	"	"	"	pig iron.....	1,503,000
"	"	"	"	wrought iron.	164,200
"	"	"	"	iron castings.	2,063,650
"	"	distilleries and breweries....			1,262,974
					$6,161,644

I do not include fisheries and salt-making, for how they can be properly classed with manufactures I cannot imagine; so that *et cætera* covers a large portion of the $29,019,538, set down by the gentleman under the head of manufactures, etc. And now, sir, I will take up two of the most important of these manufactures proper, to wit: cotton and woolens, and see how they stand, respectively, in Ohio and Georgia:

GEORGIA MANUFACTURES.

	No. of establishments.	*Capital invested.*	*Value raw material.*	*Cost of labor.*	*Product.*	*Per cent.*
Cotton...	35	$1,736,156	$900,419	$276,818	$2,135,044	55
Woolen..	3	68,000	30,392	19,615	88,750	56

OHIO MANUFACTURES.

	No. of establishments.	*Capital invested.*	*Value raw material.*	*Cost of labor.*	*Product.*	*Per cent.*
Cotton..	8	$297,000	$237,060	$56,691	$394,700	33
Woolen.	130	870,220	578,423	257,215	1,111,027	31

From this it appears that, in the manufacture of cotton and woolens, (which are those things that the mind generally turns to when speaking of manufactures,) so far from the State of Ohio being 13.91 per cent. ahead, when we take the ratio of capital to production, she is, in the first, 22 per cent., and in the other, 25 per cent. *behind*. I have not looked into the manufacture of iron, to see how the result would stand, because Georgia has very little capital invested in that business, and Ohio has certainly not enough to make it a matter of great importance there.

Under the head of distilleries and breweries, I find that Ohio has a capital invested of $1,262,974, in which they used 330,950 bushels of barley, 3,588,140 bushels of corn, and 281,750 bushels of rye; out of which, they made 96,943 barrels of ale, and 11,865,150 gallons of whisky! But the price of the corn or grain is not given, so that it is impossible to tell what ratio the value of the product in this business bore to the investment. But it may be that it is under this head that a very heavy percentage was counted, which increased the mean average on manufactures in all branches taken as a class. But in Georgia, on the manufacture of cotton, the production, after taking off the cost of labor and raw material, bears to capital invested the ratio of 55 per cent.; in Ohio but 33 per cent. In Ohio, on woolen manufactures, the similar ratio of product to capital is 31 per cent.; in Georgia 56 per cent! I cannot dwell upon these things.

Mr. CAMPBELL. You are wrong there.

Mr. STEPHENS. No, sir. I am never wrong upon a matter I have given as close attention to as I have given to this

Mr. CAMPBELL. I can prove it.

Mr. STEPHENS. You had a chance to show that I was wrong once before, but you signally failed. Try it again.

I come, now, to railroads. The gentleman says that Ohio has 2,367 miles of railroad in operation, while Georgia has but 884 by the census, placing Ohio 1,485 miles ahead. Very well, sir. This is a very good showing; and if she had five times as many more miles, it would have nothing to do with what I said about agricultural products. But, sir, as favorable as this showing seems to be for Ohio, if we look a little into the matter, it will not be so bad for Georgia as the gentleman seems to imagine. I find, by looking into the Railroad Journal, and taking all the roads in Ohio and Georgia—the condition of which is given in that publication—that 1,071 miles of the Ohio roads, which have a capital of $18,094,102, have, also, a *funded debt* of $12,225,400; while in Georgia, 553 miles of her roads, the capital of which is $9,099,975, have a *funded debt* of only $732,401.

From this it appears that the roads in Ohio, as far as I have been able to get information, are two thirds unpaid for; while in Georgia less than one twelfth of hers is unpaid for. If all the roads in each State, therefore, stand in a similar condition; or if the 1,071 in one, and 553 in the other, may be taken as a sample for the whole in each State, then Georgia has more road completed and paid for than Ohio has. Two-thirds of 2,367, the number of miles of the Ohio roads, is 1,578, which, taken from that sum, leaves only 789 miles in operation and unpaid for. While one twelfth taken from 884 miles of the Georgia roads, leaves 811 miles complete and paid for. And why should not these improvements, boasted of, as they are, as evidences of prosperity, be subjected to this test? Is it any more evidence of the thrift or prosperity of a people, that they have railroads for which they are *heavily* encumbered, than it is of the thrift or prosperity of a man, from the fact that he accumulates property by running in debt for it? A man's real thrift can only be correctly ascertained by knowing not only what he has, and what he makes, but what he owes. And the same principle is equally applicable to States or communities. With this view of the subject therefore, and especially when we take into consideration the much greater population of Ohio than Georgia, the railroad showing is, by no means, prejudicial to the character of the latter State, for that sort of progress, which pays as it goes, and which never fails in the end to secure the most lasting and permanent prosperity.

But the gentleman says that "there is another sort of development to be considered—that of the mind." And he cites us to the colleges in Ohio, 26 in number, against 13 in Georgia, putting Ohio 13 ahead. Now, sir, let us see if he is entitled to this boasting exultation upon any just principles of comparison. Ohio, it is true, has, by the census returns, 26 colleges, while Georgia has but 13. But Ohio has a white population of 1,955,050, while Georgia has but 521,572. Ohio, therefore, might very well be expected to have more colleges; but if the gentleman claims the number of colleges as evidence of greater development of mind, Ohio ought to have a number equal to the ratio of her population to that of Georgia. And upon this *basis*, she ought to have 48 instead of 26, so that she is really 22 behind what she ought to have, instead of being 13 ahead.

But, sir, there is another view of this subject that the gentleman did not present, but which is one much more interesting to those looking after mental development than the number of colleges, and that is, the number of pupils or students at them. Georgia, at her 13 colleges, by the census, has 1,535 pupils; and Ohio, to have as many, in proportion to her population, ought to have 5,852, but, in fact, as the returns show, she has only 3,621. So, here again, upon the basis and ratio of white population, she is 2,231 behind. Georgia, by the census, has one pupil at college for every 339 of her entire white population, and Ohio has only one for every 539 of hers. In this particular, Georgia, by the census returns, is not only ahead, and a long ways ahead, of Ohio, but of every State in the Union, and of any and every other State or nation in the civilized world!—This I will set down as a legitimate "set-off" against the gentleman's array of those who cannot read and write in Georgia. On this head he says, that Ohio has but *one* to every *twenty nine* of her population who cannot read and write, while Georgia has *one* to every *twelve* of hers. I shall not dispute the returns of the census takers on this head, either in Georgia or Ohio; but there is one singular fact about it which strikes me as something worthy of note, and that is, that out of the foreign population—alien born—of 218,099, in Ohio, there should be found no more than 9,062 adults who cannot read and write. If this be true, then much that we hear said of the ignorance and want of intelligence on the part of that class of people, cannot be well founded.

But I have this to say of this showing against Georgia: Much of it is owing to some important facts in her history. Georgia, it is true, as the gentleman says, was one of the old thirteen States; but, in point of settlement, she should be ranked junior to several of the new States, particularly Ohio: It has not been twenty years since she got possession of her entire territory. And for forty years after independence was declared, she had possession of but little over half of it. It was held by the aborigines, while the Indian title to at least two thirds of the Ohio territory—if I am not mistaken—was extinguished by the treaty of Greenville, in 1795. Ohio was admitted as a State in 1802; and, as early as 1817, the Indian title was extinguished throughout her territory, with the exception of some small reservations. It was not until 1838—more than twenty years afterwards—that the Indians were removed from that large and fertile section of our State known as the Cherokee country. This is now, by far, the most densely populated of any part of the State. The policy of Georgia in lottering off her lands in small tracts of 202½, and 160, and 40 acres each, without any price, except the grant fees, naturally induced

the landless, and the most indigent, whose means for education in early life had been most limited, in the neighboring, and even distant, States, to look to her cheap domain for homes whenever any portion of it was expected to be opened for settlement. Many of these pioneers, uneducated themselves, went into the woods, with hardly anything save a horse and a cart, an ax and a gun, a wife and, perhaps, not a few "little ones." Without convenient schools for several years, the older members of the rising families grew up as their fathers had done. Amongst this class is to be found much the greater number of those adults amongst us who can neither read nor write; but, with industry and frugality, where labor meets with the returns it does with us, competency and comforts soon followed. Then came "men servants and maid servants;" and then, also, commenced that physical development which it is my pride here to-day to exhibit in such a high degree of prosperity; and, what to me is a source of still more pride and gratification in contemplating the working of our institutions, is, that many of that great number of students, both male and female, who now crowd our colleges and halls of learning, with such distinguishing honor to the State, are the younger sons and daughters of parents who, thirty and forty years ago, commenced life's career in our then wilderness, poor, illiterate, and destitute, as I have described. Moreover, Georgia has never received any aid from this Government for educational purposes. Ohio has received 69,120 acres of land for colleges, which, at Government prices, is $86,400. She has, besides, received, for common schools, 704,488 acres of land, which, at the same estimated rates, makes more than $800,000. And, for internal improvements, she has received 1,050,287 acres more. And to this may also be added over half a million of dollars she has received as a percentage on the amount of land sales in her limits. Georgia has been your benefactor to the amount of millions in the grant of public domain, but the recipient of none of these favors. She made herself what she is by her own exertions, energy, and enterprise.

But, sir, I pass on to churches. The gentleman gives us this table:

	No. of churches.	*Accommodation.*	*Value.*	*Average value.*
Ohio.....	3,936	1,457,294	$5,793,099	$1,471
Georgia.....	1,862	627,197	1,269,359	679
Ohio ahead....	2,074	830,097	$4,523,740	$792

Here the gentleman again, as usual with him, sets down Ohio as *ahead!* But let us see if such be the fact? Ohio has more churches, it is true, and ought to have, for she has more people. But how does the number of churches stand in proportion to the population in each State? By the census, the church accommodation in each is as follows: Georgia 2 05 to every 1,000 population; Ohio 1.99 to every 1,000 population; that is, Georgia has over two churches to every one thousand of her entire population, white and black, while Ohio has less than two to the same portion of her population. To have her full ratio of churches, according to population, to be equal to Georgia, Ohio ought to have 4,059, instead of 3,936. So that, so far from being two thousand and seventy-four *ahead*, as the gentleman says, she is really, and in fact, 123 *behind!* It is true the Ohio buildings are estimated at a higher cost or value than those in Georgia; and this may be according to the fact. But with us we do not look so much to the splendor of architecture, or the outward appearance of our temples of worship, as we do to having a house of some sort where the people of all classes, including the "poor," yea even the "*slave*," may have "the Gospel preached to them!"

Now, sir, as the gentleman has seen fit to leave the original issue of the comparative agricultural developments of the two States, and has given us statistics on other matters, I will follow his example, and call attention to one or two other subjects which will throw some light upon the workings of their respective social systems. The exhibition of churches is only one side of the moral picture. Let us turn it, and look at the other. How stand the lists of crimes in these States? By the census, in Georgia, during the year for which the returns were taken, there were but 80 criminal convictions in the whole State; while in Ohio there were 843! There were, in Georgia, in the penitentiary, 89 convicts; in Ohio there were 406! and of these 406 then in prison for crime in Ohio, 44 of them were blacks! Forty-four, out of a free black population of 25,279. This is a most striking fact, showing the immorality of that particular class of people, as well as their degradation. If crime existed in the same ratio amongst the whites in that State, there would be over three thousand of them in the State prison! The gentleman spoke of "carrying the war into Africa." I thought that was the last place he would be disposed to carry it, as the sable sons of that unfortunate land seem to be his especial favorites. But as he has carried it there, it is but proper that the result should be duly chronicled.

Again, the general condition of a people is, to some extent, indicated by the amount of want and destitution amongst them. On this head, comparing Georgia with Ohio, the census presents the following results:

	Paupers.	*Annual cost of support.*
Georgia.....	1,036	27,820
Ohio.....	2,513	95,950

But, Mr. Chairman, my time is nearly out. There are many other matters, I did wish to allude to, which I must pass over and omit. I wanted to say something about the present condition of things in some of the northern States, particularly in the city of New York, where it is now found that there is, after all, something in life worse than being required, or even made, to work. This is the great evil the negro in the South is subjected to, in the opinion of those who rail so much against our social system. But that greater evil which is now felt in New York, is the want of work to do, by which means may be earned to keep from starving. "Hunger is a sharp thorn" was, a few days ago, the banner motto, born by thousands in that great mercantile metropolis. Under our system, sir, we never have such scenes. We have, it is true, our afflictions of diseases, and epidemics, and disasters of drought, floods, and hurricanes; but the wail of thousands crying for bread, has never yet, under the blessings of Heaven, been heard in our land of sunshine and plenty, "*cursed*," though it be, with slavery! Even the curses of our enemies seem to fall as blessings on our heads. We have a "Social Providence," to use a late very appropriate designation given by the New York Tribune, which prevents all this. A system by which capital, accumulated in the years of plenty, is required to sustain labor in the years of want. These matters I wished to go somewhat into, but I cannot. But enough has been said to show a development, whether considered physically, morally, socially, or intellectually, quite sufficient to place Georgia (with domestic institutions as much abused as they are by those who know so little about them) fully along side of Ohio, "the giant of the West," or any other State of this Union. That was my proposition, and I think I have made it good.

I want, in conclusion, however, to say a few things, Mr. Chairman, about one of our great staples. I omitted it in its proper place, but it will do, perhaps, just as well here. I mean the article of cotton; and I wish to say what I do on that subject, from the fact that I have seen it stated that the Ohio hay crop was equal to the Georgia cotton crop, and that the hay crop of the United States annually is quite equal in importance, as an agricultural product, to this great southern, or, I should rather say, national staple. Those who thus think, or talk, or argue, take a very narrow, imperfect, and unphilosophical, as well as unstatesmanlike view of the subject. As to the mere money value of this article, or its excess in value over the other, it is not my purpose to speak; that—great as, in fact, it is—is a small matter, infinitely small when placed by the side of other larger and more comprehensive considerations of the question. Some things have values extrinsic as well as intrinsic. Cotton is eminently one of these. Gold and silver are not so much entitled to be placed on the list of such things as it is. The extrinsic value of these metals arises from their agency as the adopted representatives of all values. With their displacement, however, many substitutes could be obtained. But what substitute could be procured for the agency of cotton?

Let us look, for a moment—and I have but a moment or two left—into some of the relations of this product to the active business operations of the world. To illustrate, I will state simple facts. These facts are collected from the very able report I hold in my hand. It was made by Mr. Andrews, a northern man. It is Ex. Doc. No. 136, 1st. sess. 32d Cong. Full credit, therefore, may be given to the facts. They come with the stamp of the highest authority. From this document it appears that the cotton crop of this country gives employment to at least 120,000 tons of inland steam tonnage, and 7,000 persons in transporting it to points for shipment. It gives employment to 50,000 American seamen, and one million of American tonnage in its coastwise shipment. It gives employment to 800,000 tons of American shipping, and 40,000 American seamen, in its foreign shipment. Twenty-five thousand other persons, at least, are engaged in receiving and shipping it. It gives employment to at least 100,000 operatives in American factories, whose annual wages are over $17,000,000. In these factories there are invested eighty millions of American capital, which turn out, annually, at least seventy millions worth of products! With these facts before him, the writer of the report uses this language. I ask the attention of the committee to it, because it is no less graphic than truthful:

"Every interest throughout the land—at the North and the South, in the East and the West, in the interior, and on the Pacific as well as the Atlantic coast—receives from it (cotton) active and material aid. It promotes, essentially, the agricultural interests in those States where cotton is not produced. It is the main source of the prosperity of the mechanic, the artisan, and other laboring classes, as well as that of the merchant, and manufacturer in every section of the Union. Everywhere it has laid, broad, and deep, and permanent, the foundations of the wealth and strength of the United States, and of their independence of foreign nations. More than anything else has this product made other nations, even the most powerful, dependent on the 'United States of America.' More than any other article, nay, more than all other agricultural products united, has cotton advanced the navigating and commercial interests of the eastern Atlantic States, and of the whole Union. It, more than any other agricultural product, has cherished and sustained those interests, not merely by its direct contribution, but by awakening commerce in other countries, from which they have received profitable employment. Neither the whale fisheries, nor the mackerel and cod fisheries have been of the same importance and value to those interests as the annual cotton crop of the United States, since the war of 1812, has been, for its transportation coastwise and exportation to foreign countries. Like the light and heat of the sun, the genial effects of this inestimable blessing which Providence has bestowed upon this favored people, reach every portion of the land. They extend to every city, and town, and village, and hamlet, and farm-house—to the ship, to the steamboat, to the canal barge, and to the railroad."

Yes, sir, throughout the length and breadth of this vast Confederation of States, there is not a tenement, whether cabin or palace, where the life-giving and life-sustaining influence of this southern product is not felt and realized. And besides this, it may be added that the same article gives employment, and the means of supporting human life, to at least three millions of persons in Europe, and the investment of at least three hundred millions of their capital! Figures almost fail, sir, to calculate the extent of the influence of this article upon the comfort, the happiness and well being of mankind. The one sixth, at least, of all these results is due to that portion of this product contributed by Georgia. This sketch gives us but a slight glance at some of the extrinsic values of cotton, to which the money value, to the grower, great as it is, is but a drop in the ocean. But who, in the face of these facts, and these grand results, can be bold enough to maintain that this product of the South, in value and importance, is to be put in the balance and weighed down by the hay crop of the North? Or, that the cotton crop of Georgia, that contributes one sixth of all these results, is, in like manner, to be put in the scales against the hay crop of Ohio? The dried grass, the cow food, that sustains life for a season in their herds of cattle; though they were countless in number! The subjects hardly allow a contrast, much less a comparison; and whoever attempts it, does injustice, not only to his own intelligence as a statesman, if he has a spark of it about him, but he does gross injustice to one of the most important elements of his country's greatness! To

adopt the figure of the author of the report I have just read from, we might much better compare the lard lamps, or wood fires, or whatever else lights up the dwellings of the nineteen hundred thousand inhabitants of that State every night, to the full blaze of the "glorious King of day" at noon shedding abroad, not only light, but heat, animation, and life upon a smiling world around us.

PEACE MEDIATION.

SPEECH OF HON. E. M. CHAMBERLAIN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

January 24, 1855.

The House being in the Committee of the Whole on the state of the Union, on the French Spoliation bill—

Mr. CHAMBERLAIN said: I do not propose to enter into a discussion of the question now directly pending before the committee, for several reasons—one of which is, that I have not given such consideration to the question as to render me competent for the task. Another reason, and the paramount one, is, that if national honor and justice need any vindication before this committee, or the country, it has been triumphantly done by the answer we have just heard from the gentleman from Ohio [Mr. DISNEY] to everything, either that has been or could be said against the justice of these claims.

There was another question pending before the committee upon which I was desirous to have been heard, and that was, the question of the construction of the Pacific railroad by the aid of this Government. When that subject was under discussion, having no position upon the committee which enabled me to present prominently my views upon that or any other question, and having been unable to obtain the floor during the week or ten days that the question was pending, to present my substitute—which embraced propositions too numerous and of too much magnitude to allow me even to name them in detail in a five-minute speech, and upon which, in my humble judgment, that road will be built, if it is ever done by the aid of the General Government—and overborne, also, perhaps, by some little degree of modesty, that discussion passed by, and I remained comparatively silent. There is another question which, if it has not gone by, I trust in God soon will go by, and that is the question raised by the resolution of the gentleman from North Carolina, [Mr. CLINGMAN]—the question of the interposition or mediation of this Government in the now existing war between Russia and the allied Powers. Upon this subject I propose to make a few remarks, preparatory to which I desire that the resolution should be read by the Clerk.

The resolution was then read, as follows:

A Joint Resolution requesting the President to tender the mediation of the United States to the Powers engaged in the Eastern war.

Whereas, the people of the United States see, with regret, that several of the great Powers of Europe are engaged in a war which threatens to be of long duration, and disastrous in its consequences to the industrial and social interests of a large portion of the civilized world; and being, under the favor of Providence, in the full enjoyment of the blessings of peace, distant from the theater of conflict, disconnected with the causes of quarrel between the parties belligerent, and, as a nation, having no immediate interest in the contest, and no purpose to interfere, forcibly or in an unwelcome manner, nevertheless are of opinion that the controversy may be susceptible of pacific adjustment, through the interposition of a neutral and friendly Power: Therefore—

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we would view with satisfaction a tender to the belligerents of the mediation of the United States, provided it should be in accordance with the President's views of the public interests.

Mr. CHAMBERLAIN. Mr. Chairman, this measure meets my unqualified disapprobation. I want this Government to confine itself within the limits of its own legitimate sphere of action, and not only let other people alone, but also let our own people alone. Hands off, sir, is my doctrine, because it is the doctrine of the Constitution. Babble as we may of the wise counsels of the Father of his Country, when, admonished by the weakness of our infancy, the doctrine of strict neutrality was adopted; and the admonition of the Apostle of Liberty, who, with equal wisdom, warned us against "entangling alliances," the policy of this Government, on the questions directly involved in the discussion of the resolution introduced by the gentleman from North Carolina, since those great men closed the mortal part of their immortal career, has oftener than otherwise been an outrage upon the rights of man, the genius of our political institutions, the Constitution of the country, and the precepts inculcated by both of those inspired statesmen.

To appropriate here the thoughts of another, suggested by a kindred theme—

"How sickly and soulless a matter is the subject of human freedom in the hands of its precise and deliberate expounders. And yet, with what a free, generous, and noble spirit ought it to be made to meet the exigencies, the wants, and the woes, of a disordered and down-trodden world. Instead of trammeling it with the nice calculations of diplomatic exactitude, we should suffer it to well out into all the diversified channels of our relations and intercourse with the whole human race, attacking, in its course, the solemn mockeries of legalized falsehood, and the brazen insolence of conventional diplomacy; assaulting the glaring and shameful political humbugs of the day, exposing the hollow pretenses of political quackery, *brushing away the gewgaws and trappings of court etiquette*, and in our national policy, spurning the sneaking mendacity of sordid avarice, blasting the foul usurpations of injustice and tyranny, and claiming, as a right, the exercise of the inherent power of reforming now, and ultimately of regenerating the world."

"Instead of presenting it merely to the Fourth of July orator, as a sickly theory, a sort of skeleton figure of something, possibly to be tolerated by the generations of coming ages, we should hold it up, in the light of that meridian effulgence which now, in the middle of the nineteenth century, shines upon and reveals our giant strength, as the ministering angel of the world. We should call it the hand-maid of religion, the forerunner of that political philosophy which, thus scattered abroad, shall germinate and take the forms of manifold and vigorous life wherever and whenever God shall breathe his spirit upon it. Such a policy would be worthy of the name we boast, and the age in which we live. It would give to our statesmanship a character of unspeakable importance and resistless influence, and carry with it a halo that would pierce into the dark places of the earth."

Such is the mission of the spirit of freedom, and how is she straitened until it be fulfilled.

Yes, Mr. Chairman, when the question of human freedom is involved, every generous impulse of our nature, every consideration of the great ends for which we enter upon the struggle of life, every principle of our political institutions—which are the price of invaluable sacrifices of blood and treasure—every example of our heroic ancestors, and every lesson of liberty their precepts have taught us, revolt at the thought of degrading it to a question of dollars and cents. But I regret to say that considerations like this, as to how much the European war may temporarily affect our pecuniary interests, enter largely into the argument of the gentleman from North Carolina, in support of his resolution. And yet, sir, were we, in this momentous crisis, involving, as it does, the freedom of the world, to stoop so low, so inconceivably to degrade the question, as to view it in this light, all reason, all experience, teaches us that even here, when its legitimate influences upon our mercantile and commercial interests shall have had time to develop themselves, even here, the argument is against him.

But, sir, I will not magnify this branch of the argument by stopping to give it undue consideration. Nor shall I stop to consider in what particular direction specie may just at this moment be flowing, for this is not a question to be settled in Wall street. But suppose it is going out, in payment of our debts, for which we have more than its equivalent in railroad iron, and other material which has gone to build up our present unprecedented national improvement and prosperity, and to meet some portion of the five hundred million, which the gentleman informs us is the cost to the belligerents of the first year of their war, what then? Why, it only goes to prove that the despots are involving themselves, and not us, in irretrievable disaster, and results in the most conclusive answer to the financial part of his speech.

But, it is also said, that "our shipping interests are suffering." Grant it, sir. That the first shock of this war, in its influences upon the commercial interests of the world, should be felt, at present, to some extent, in the depreciation of our shipping interests, and the number of vessels constructing, only goes to prove the great extent of its disastrous influences upon others, rather than upon us, in turning the commerce of Europe out of its usual channels; because the commercial enterprise of our people, standing aloof, as we do, from all participation in the conflict, is, in the mean time, gathering new energies to force its way into new channels, and over all obstacles, with a degree of successful activity hitherto unknown in its history. And more especially will this be the result under the influence of that policy on which we have always insisted, and are now about successfully to demand, the acquiescence of the commercial world that "free ships make free goods"—that "the flag covers the cargo."

It struck me, Mr. Chairman, that the gentleman was equally unfortunate in his reference to history; at least, so far as this nation is concerned, for instances of the benign influences of intervention in procuring peace. If my recollection is not at fault, they were all instances in which peace was preserved, or had ensued without intervention. I recollect one case in our history in which our national difficulties were submitted to an umpire, and an award was made. And that, sir, was the memorable case of our northeastern boundary difficulties with England, which Daniel Webster promised to settle "some Fourth of July." In that memorable case, intervention ended in an equally memorable abortion. The umpire—the King of the Netherlands—gave a characteristic decision. Right along the deepest bed of the river St. John's, he found the range of highlands dividing the waters flowing north into the St. Lawrence from those flowing south into the Atlantic; which was as clearly defined in the treaty of 1783, as the road to mill. This award was, of course, rejected; and Daniel Webster, who was always in favor of giving away territory—especially to England—rather than acquiring it, settled the controversy, as I would never have settled it, by yielding to Great Britain about all she demanded.

But, sir, the gentleman tells us that the successful exercise of this mediatorial office will add another page to our national glory. Well, sir, from whom are we to receive this adulation? Why, from the crowned heads of Europe, in grateful consideration of the crowns we shall have saved them. Sir, I covet no such glory. And if we have the power, I protest against this prostitution of it. Rather let the crowns fall, with the heads that wear them.

Sir, there is another glory to which the genius of liberty aspires. She, too, is ambitious of empire. But it is that empire of freedom in which, crowned with the star-spangled diadem which sheds its hallowed light upon the world, she symbolizes the family of man as a brotherhood of sovereigns.

And is it true, as the gentleman asserts, that "we shall gain great consideration with the masses of Europe by this intervention," to save these regal baubles, which, while they exist, are to these self-same masses but so many emblems of their hopeless misery and degradation? I must conclude that, in a special manner, this part of the gentleman's argument was not well considered. It is true that, as the passive instruments with which this bloody war is prosecuted, the masses there do suffer, and bleed, and die. But would he have us thence conclude that, if this war should cease, these masses would cease to suffer, and bleed, and die—the same passive instruments, in hopeless subjugation to their tyrant masters. Why, sir, the very armies with which these nations are contending—in strife so terrific as to convulse the civilized world—are, in numbers and appointment, little more than the ordinary peace establishments with which they hold these same "masses of Europe" in subjugation.

Give peace to Europe, then, by your proposed intervention, and what do you do? Do you, in the slightest degree, ameliorate the condition of those masses, or give them one ray of hope that they have any share in the benefits of the world's progress? No sir, you do but thrust them back into that most hopeless of all conditions, where the silence of despotism is the synonym of peace.

Sir, compared with this condition, the rattle of musketry, the roar of cannon, the shrieks of the wounded, the groans of the dying, and rivers of blood, are but the music, the shout, and the insignia of jubilee.

But the gentleman also tells us, "that none of

the European wars have resulted in successful revolution, or the advancement of the cause of freedom. That European revolutions have always occurred in times of peace!" Grant it, and it is also true, that all these revolutions have consequently resulted in abortion. The separate and isolated nationalities, whose struggles for independence and freedom have checkered the otherwise uniform history of European despotism, have, consequently, been crushed in detail, for want of concert of action on their part, and by comparative preparation and vigor on the part of their oppressors, resulting from a season of peace.

"Order reigns in Warsaw," has therefore become the proverbial language in which the disastrous termination of these revolutions has been announced.

Yes; quiet has been restored to Ireland; but it is the quiet of exile, of starvation, and the grave.

Yes; the storm of revolution has swept by, and repose is given to Hungary; but it is the repose given by Austrian bayonets, presenting the alternative of obedience or death.

Yes; peace reigns in the Eternal City, and Rome once more is quiet; but it is peace given her by the *Imperial* armies of *Republican* France.

Yes; "Order reigns in Warsaw;" but it is order dictated by the despoiler of Poland, at the point of three hundred thousand Russian bayonets.

Sir, does the gentleman hope to gain strength to his cause by calling up to our recollection reminiscences like these? Is this the fruit of the boasted peace which he holds out to awaken, for our kind offices, the gratitude and "great consideration of the masses of Europe?" If so, then, sir, in full answer to him, I would also recall to his recollection the counterpart to that blushing page of history, thus passed into a proverb, and ask him to remember, that

"Hope, for a season, bid the world farewell,
And freedom shrieked when Kosciusko fell."

Mr. CLINGMAN. I understand the honorable gentleman from Indiana to assume the position that the people of Europe suffer greatly from these military despotisms, because they are forced to support vast armies in the field. Then, let me ask, how, by getting these Governments at war with each other, and having more men called out and killed, and a heavier taxation, the masses are benefited?

Mr. CHAMBERLAIN. I am just coming to that point, and the gentleman will perceive that almost the entire residue of my remarks will be in direct response to his inquiry. And I will now pass to the more practical consideration of this question. Great Britain has never allowed any opportunity to pass unimproved to strike us at every vulnerable point, as if to remind us of her great supposed superiority, both in wisdom and prowess. Well, sir, let us now quietly take her at her word, and admit to this extent—both that we need teaching and are teachable. As mere spectators, if not pupils, apparently indifferent, yet very far from being so in fact, let us quietly look on, and avail ourselves of the benefit of her present valuable experience. She is, even herself, learning some salutary lessons of experience, and we are taking the same lessons at her cost.

Every gun that is fired upon Sebastopol, either of ordnance or small-arms; every shot that strikes, and every shell that explodes, is, in the present advanced state of the arts and sciences, demonstrating either the effect or necessity of some new and more efficient principle, both of projectiles and explosion. And with her experience and our observation, coupled with our remarkable aptness both for imitation and invention, she will find us in advance of both herself and the world, at the end of this conflict, in all that appertains to perfection in the science of war, and with this additional and marked difference: she will come out of the war in a state of exhaustion, while we shall be in the very prime of vigor. This, sir, will furnish us the very best guarantee of our own safety from her encroachments, and the preservation of the subsequent peace of the world. She will be content with her laurels, at the price they will cost her, and find abundant useful employment in repairing her own shattered fortunes. But if, by our obtrusive intermeddling, we furnish her with a pretext to back out of her present reckless and ruinous adventure, she will have such an enormous accumulation of the material of war on hand, that, thinking it a pity that it should go to waste, and remembering her postponed menaces, to check, on this side of the water, what she is pleased to term the insolence of our aggressive democracy, and having some old grudges against us yet ungratified, we shall find that our intervention will prove but an invitation to her and her allies to interfere in our affairs.

Though it is true that we should be more than abundantly able to pay her off, in kind, for all the many valuable lessons she may have taught us, yet I hold that our duty is very clear, to stand aloof and let this war work out its own legitimate ends.

This much, sir, we owe to ourselves. But, Mr. Chairman, there is another duty we owe to the world. Let despotism exhaust itself. This is but another blasphemous war waged in the name of religion. And who are the belligerents? There, upon the one hand, stands old Nick, boasting himself to be God's vicegerent in the holy work of human butchery, that he may bring additional empires at his feet, in abject and blasphemous idolatry. And there, upon the other hand, stands old John Bull, in sleek, yet burly hypocrisy, still mocking the forbearance of Heaven, seeking to countervail the designs of his enemy, that he may prostitute these same coveted empires to his own vile uses.

And then his Allies! "A kite in an eagle's nest," a bastard adventurer, all reeking in the blood of his victims, crushed out at the very altars of civil and religious liberty, in his overthrow of the only two Republics which have sprung up in modern Europe; one of them his own fair France; the other springing, Phœnix-like, from the ashes of old republican Rome. And he, as if to tempt the vengeance of Heaven, and test to its utmost the forbearance of an insulted world, proclaims himself "the protector of the Holy Places."

And Turkey! poor Turkey! waning remnant of the empire of the false prophet! Yet more magnanimous and Christian than them all! Alas! alas! whoever wins, she must perish!

Vile, perfidious Austria! she has not yet won her place in this roll of infamy.

These are the belligerents in this blasphemous war. And shall we interpose here? Shall we become partakers in their abomination, by interfering in this war of demons, in the name of civilization and Christianity? Shall we, too, tempt Heaven, by our presumptuous intervention, in the puny effort to thwart its just retributions? For, if there be such delight in the infernal regions as that of devils in tormenting each other, who can doubt the source from whence this war had its origin? Let them alone! Hands off! Stand back! Give them scope and margin enough to play out this diabolical game. In a word, I repeat it, let despotism exhaust itself, and then there will be hope for the world; and not till then.

Sir, we have nothing to do with dynasties. Destiny is our field of operations. Yes, sir, we have a destiny, not a dynasty, to subserve—a mission to fulfill; and this round world, blasted with the curse of despotism throughout its whole expanse, is the field of our missionary labors; and while moral and not physical force is our instrument for its accomplishment, it will be made available only by its application in altogether another direction than that proposed by this resolution.

Mr. Chairman, I have pointed you to the means; and now for the end. Once more I repeat, let despotism exhaust itself, and then the people, "the masses of Europe," crushed prostrate to the earth beneath its iron heel, will spring to their feet again; and once more upon their feet then comes the final struggle. "Thrice armed is he who has his quarrel just." Thrice sure is rendered their assurance of final triumph. Thrice guarantied their guarantee of freedom. England will have her Ireland, Russia her Poland, Austria her Hungary, and France her modern Rome, and all these blood-cemented despotisms, their swarming millions rallying, with the war-cry of vengeance, to the standard of freedom.

And then, sir, when this seventh vial of wrath is poured out, another book will be opened. The thousands of patriots, the champions of liberty, the best men of Europe, who, for long, long years, have escaped martyrdom in exile, and in that exile have been learning, until they have become competent teachers of the true doctrines and principles of constitutional liberty, will hasten back, each man to his appropriate post of duty in the deliverance of his country, in obedience to her call. Then Hungary will have work for her Kossuths; Italy for her Mazzinis; Ireland for her Mitchels and O'Briens; France for her Rollins and her Hugos; Poland for her living Kosciuskos. And all these resuscitating nationalities will, this time, act in concert, and in that concert of action, find the guarantee of their triumph thrice guarantied. They will no more be cut off and perish in detail. Their wandering exiles returned, now the apostles as well as the champions of liberty, having all learned their duty at the same school, will concentrate the mighty energies of the universal spirit of freedom in Europe, and guide it to the same end, as with one head and one heart. Then their trembling tyrants will learn for what end Providence has made their own acts of abomination in driving these men into exile, instrumental in hastening the consummation of their own doom.

Shudder as we may at the carnage with which the fields of Europe are now being crimsoned by this war of tyrants, "the end is not by-and-by." No, sir; this is but "the beginning of the end." The blood now poured out as a libation to the blind fury of belligerent despots, will then—*when the end does come*—rise as frankincense from the altars of liberty. The dead bodies of the slain—of those now driven in hosts, like cattle to the shambles, not knowing the end for which they are butchering each other, will then be seen and canonized as so many martyrs to her cause. Then another kind of shout shall go up from Ireland than the groans of murdered men, and the feeble, hopeless wail from women and children—of starvation and despair. Then the announcement, when—"bloodiest picture in the book of crime"—Poland was blotted from the list of nations, that "Order reigns in Warsaw," shall be chaunted to the notes of quite another requiem. Then other voices will startle the echoes of the plains of Hungary than the shrieks of patriot women, "scourged naked" through the land. Then other thunders shall resound from the Vatican than the fulmination of anathemas for political offenses. Another anthem will rise from the temples of Rome than *Te Deum*, for the triumph of brazen villany and cruel outrage, intensified by the three-fold abomination of perjury, treason, and despotism. And, as Paris is France, so shall France once more, in the streets of Paris, proclaim her deliverance, in *vivas* to liberty, and not to *the libertine;* and her bastiles shall once more fall before the avenging fury of her barricaders; and then, when Paris ceases to be France, France will cease to be despotic.

Sir, *this day is coming*, and the assurance of its fulfillment makes no demand upon prophetic ken. The womb of human destiny, big with these events, is already pained for deliverance. For one, sir, I have only to say, *God speed that day.*

And, now, having suggested our present duty, I come to the main point: the true policy and duty of our own Government when this crisis comes. And I conclude as I commenced. As I now insist that she shall let the despotic belligerent sovereigns of Europe alone, so I demand that she shall let the independent sovereigns of this Union alone.

I deny the right of this Government to anticipate my motives, and its power, under the Constitution, to restrain my movements. I demand by what right it presumes to question an American citizen as to where he is going, what he is going for, or what he intends to take with him—whether his Bible, his hoe, or his musket, or all three, and whatever else he pleases, if it is but his own? It is high time, sir, that we had an American interpretation of the law of nations.

The whole policy of our Government, with few notable exceptions, which have been winked at, in restraint of this unquestionable, and inalienable, and constitutional right of the citizen, has been just so much flagrant usurpation; and every treaty we have made, and every law we have enacted, in contravention of this right, ought to

be abrogated and repealed as soon as may be. Yes, sir, the blood of the murdered Crittenden and his men is upon our hands. And it is the duty, not of this generation merely, but of this House, and *now*, to wash away its stain. In the language of another, "let us perform a lustration, let us purify this House and this country from this sin."

Mr. Chairman, I repeat it, the blood of the murdered Crittenden and his compatriots in the cause of freedom is upon our hands. There is no point on which the policy of our Government has been, and still is, so pointless as on this. One of two things is certain: either the Government, in assuming the power to restrain and control the migratory right of American citizens, renders herself responsible for their ultimate protection, or else, if she would absolve herself from this responsibility, she must leave them free and untrammeled to migrate and expatriate themselves at will. In the one instance, as in the case of Crittenden and his men, by cutting off the resources and means on which they rely for protection she assumes the responsibility of that protection herself; and the difficulty, and, indeed, dilemma in which—in the effort to discharge the duty—she at once finds herself involved, demonstrates the fact that the policy, in the first instance, is wrong. But, upon the other hand, by disclaiming, in the first instance, all right to interfere with their motives and movements, she absolves herself from all responsibility to other Governments for their acts, as well as for their protection, further than as a duty to humanity demands a right to a fair trial under the laws of the country which they may have violated. But she has done neither. On the contrary, she has degraded our chivalric Navy to the base uses of police service to the Queen of Spain, in blockading our harbors and rivers to keep back our own citizens from rushing to the rescue of their patriot comrades, and then looked on in cold indifference while Spanish cruelty satiated its thirst for their blood.

Sir, if I shoulder my musket and march to Canada, and shoot down the first man I meet, I ask you, to the laws of which country am I amenable for the crime? Why, sir, who would presume to controvert the conclusion, that my own Government, upon the one hand, incurs no responsibility for my act, and has no business with me; or that, upon the other hand, I have no right to look to her for protection against the *legal* consequences of my crime. I think she would conclude, that, whether the British Crown was or was not competent to the vindication of its own violated laws, it would be no concern of hers, and would leave me to the consequences. Well, sir, how could it so affect this principle as to change the nature of her liability, if there were ten, or a hundred, or a thousand, or ten thousand, guilty of identically the same offense? You would, in this case, ape the gratuitous interference of the despots of Europe, would you? for the preservation of the balance of power! But with this difference, that you would interpose to protect another Power against your own citizens.

Sir, there is a "higher law" above and beyond all human law—the law of destiny—or, more properly speaking, the law of Providence, by which the world's progress is controlled. This law you can neither repeal nor modify. And, in His own good time, the Maker of this law will, in spite of you, be both judge and executioner.

Mr. Chairman, "*the world does move*," all the conventionalities of despotism and priestcraft to the contrary, notwithstanding. And the resistless spirit of freedom implanted in the human heart is but the manifestation and outbirth of that law by which all progress is governed. This spirit you cannot, you must not, attempt to control. Your interposition, or attempted intervention for this purpose, will be found as futile as it is impertinent and presumptuous. Let us, therefore, so shape our deeds by our manifest duty, as that, when the approaching crisis comes, America and Americans may be felt and found wherever destiny may direct, or duty demand.

Mr. Chairman, I hail with joy every indication I see of an approximation, even, to the adoption of this policy, which has long been a cherished sentiment of my heart. The whole history of Texas stands out as an enduring monument, both of its truth and its triumph. And again let me ask, how have some of our citizens, without giving umbrage to the Allies, and "deep concern" to our own Government, embarked in the service of Russia? But, sir, we have a recent case directly in point, one in which the present Administration has and I presume—not unwittingly—by its official acts sanctioned the doctrine and adopted the policy. For I do not ask the Government to "avow any intention of *justifying* those citizens who may contemplate a willful violation of the rights and laws of a friendly nation." I only ask the Government to simply *let them alone*.

Of the event referred to—Colonel Kinney's expedition—Mr. Marcy, in his official letter to the Minister of Costa Rica, says:

"In the absence of any information that the alleged company contemplate occupying any lands which are claimed, or have ever been claimed, by Costa Rica, the warning contained in Mr. Molina's note would seem to be premature. From the tenor of that note, however, the undersigned does not infer that the Government of Costa Rica apprehends any hostile intention on the part of the organization in question, but that it simply declines to recognize the validity of any title which this company may have obtained from other sources than from the Government itself.

"In this view of the case, Mr. Molina will permit the undersigned to observe that he does not perceive upon what grounds the Government of the United States can interfere with the proposed expedition, which appears to be a peaceful enterprise, involving, possibly, agricultural, mining, and commercial speculations, but contemplating no measure which will render them amenable to the neutrality laws of the United States.

"When the parties to this expedition shall have withdrawn from their allegiance to their own country, and voluntarily placed themselves within the jurisdiction of another Power, their conduct must be in conformity to the new relations they have assumed, and they are responsible to the laws of the land in which they have sought domicile. The question of validity of title to lands is, then, between them and other claimants, to be adjudged, not by the Government of the United States, but by the tribunals of the State within which the dispute shall arise.

"Mr. Molina will understand, from the foregoing remarks, that, while this Government does not feel called upon to interfere with the projected peaceful expeditions of its citizens to other countries, it promptly disavows any intention of *justifying* those citizens who may contemplate a willful violation of the rights and laws of a friendly nation."

Now, sir, the Government has but one more step to take, and the end I aim at is accomplished. Let it now but be consistent in the interpretation of its duties. Let this doctrine be made universal in its application, and the policy uniform, and that end is consummated. Then the American eagle, from the lofty eyrie in which she has so long perched in unmoved contemplation of her mission, her eye still steadfast on the star of empire in its westward course, spreads her wings in that sublime career which seeks no resting place, until the earth is encompassed.

TEMPORAL POWER OF THE POPE.

SPEECH OF HON. J. R. CHANDLER,

OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES,

January 10, 1855.

The House being in Committee of the Whole on the state of the Union—

Mr. CHANDLER said: I rise to express my opinions on a subject which ought never to have been introduced into the Congress of the United States; but, having been brought hither and discussed, the suggestions of many friends lead me to believe that it is my duty to present, not merely my opinions, but certain facts, in relation thereto.

I purpose making some reply to the remarks of the honorable gentleman from Massachusetts, [Mr. BANKS,] who recently addressed this House, in committee, on some of the prevailing topics of the day, and made special and inculpatory allusion to the creed of the Roman Catholic Church; involving a charge of latent treason against its members, or at least imputing to them an article of religious faith that overrides all fealty to the Government of the country, and would render them unworthy of public trust—suspected citizens, and dangerous officers.

Before I commence my direct reference to the subject of my remarks, let me say that, whatever may be my religious belief and connections, I trust that all who know me in this House will acquit me of the charge of any attempt to obtrude those opinions upon others, or to press upon my associates, publicly or privately, any defense of the creed of my church, or the peculiarity of its forms and ceremonies. Believing, sir, that religion is a personal matter, I have avoided public exhibition of my pretensions; and, knowing the unpopularity of my creed, I have been careful not to jeopard my means of usefulness, in their legitimate channel, by any untimely presentation of irrelevant and unacceptable dogmas.

But now, sir, I think I cannot be deceived in supposing that a well tempered reply would not only be patiently received in this House, but that an attempt at such a reply as the charge of the gentleman from Massachusetts would suggest to a Catholic, is expected from me, as the oldest of the few, the very few, (I know but one besides myself in this House,) who are obnoxious to any censures justly made against professors of the Catholic religion, and who may be directly interested in a defense from imputations of a want of fealty to the Government of the country, in consequence of the nature of their obligations to the Catholic Church.

If, Mr. Chairman, I had not long been a member of this House, and thus become able to form an opinion of the honorable gentlemen who compose it, I might startle at the risk of presenting myself as the professor of a creed "everywhere evil spoken of," and standing almost alone in the assertion of a fact which seems to be everywhere doubted. I stand, too, sir, without the sympathies of a host of partisans to sustain me in my weakness, and to pardon me the infirmities of my defense in consequence of their attachment to the principles I advocate.

I stand alone, indeed; the generous defense offered by the gentleman from South Carolina, [Mr. KEITT,] and the gentleman from Mississippi, [Mr. BARRY,] was the magnanimous effort of men who would defend the *professors* of a creed which they do not hold. I, sir, speak for a creed which I do hold. I stand alone, sir; but I stand in the Congress of the nation. I stand among gentlemen. I stand for truth; and how feeble soever may be my effort, I feel that I may continue to depend, at least, upon the forbearance of a body that has always entitled itself to my gratitude by its unfailing courtesy to my humble exertions.

Mr. Chairman, I understand the honorable gentleman from Massachusetts, [Mr. BANKS,] in his defense of the secret combination to put down the Catholic religion in this country, by denying to its members the full rights of citizenship, to assert that he does not bring into discussion the general creed of the Catholics, but only that portion which, it is asserted, makes the professor dependent upon the Bishop of Rome, not merely for what he shall hold of faith towards God, but what he shall maintain of fealty towards his own political Government.

Let me read a paragraph from the published remarks of the honorable gentleman:

"Mr. BANKS. I have no objection to any man of the Catholic Church, or faith. Here is our friend from Pennsylvania, [Mr. CHANDLER,] an amiable, learned, and eloquent man; I might be willing to vote for him, Catholic as he is, in preference, perhaps, to others nearer my political faith than he is. What he thinks of the Seven Sacraments, or how many he accepts, is no concern of mine. To me it is no objection that he receives the interpretations of the Council of Trent as to the doctrines of original sin and justification. It cannot concern me, and it can concern no man, that, as a matter of faith, any person cherishes the doctrine of transubstantiation, accords the full measure of Catholic veneration to sacred relics or images, and accepts every article of the Nicene creed. Each man is accountable for his own faith, as I for mine. And even though my name were appended to the declaration, read to us by the gentleman from Mississippi, from the Pennsylvanian, I might still vote for such a man, if otherwise it lay in my way to do so."

I thank God, and the honorable gentleman, for that. I may think as I please on matters purely spiritual. But the gentleman proceeds:

"But there is another branch of this subject. It is a current belief that the Pope, the head of the Roman Church, who stands as the Vicar of God, and is invested with his attributes of infallibility, is not only supreme in matters of faith, but has also a temporal power that can not only control Governments, but, in fitting exigencies, may absolve his disciples from their allegiance. I am aware, sir, that this is disputed ground. But it is a well attested historical fact, that often, in time past, the claim to secular power has been made; and I am yet to learn, that by the Pope, or any general council speaking with his acquiescence—the only authorized exponents of the true faith—that this claim has

ever yet been disavowed. IT HAS NOT BEEN DONE IN ENGLAND. * * * I will say that, if it be true that the Pope is held to be supreme in secular, as in sacred affairs, that he can absolve men from their relations with others not of the true faith, it is not strange that men should hesitate in support of his followers. I would not vote for any man holding to that doctrine, and, I doubt not, other gentlemen here would concur with me in that feeling."

The charge, then, against the Roman Catholics of this country is, that their views of the supremacy of the Pope renders them unsafe citizens, because it renders them liable to be withdrawn from their allegiance to their own civil Government by the decrees or ordinances of their spiritual superior. Of the cruelty of disturbing the public mind with such questions, and disfranchising well-disposed citizens, I shall not now speak. I shall leave to other times, and other persons, and in other places, too, the task of impeaching and of developing the motives upon which such discreditable and unrighteous proceedings rest. I shall leave to those who have more bitterness of temper than I possess, to show that, though newly revived, the charge is as old as the hostility of Paganism to Christianity; and that those who are vitiating public sentiment in thus ministering to the appetite which they have made morbid, have their prototype in the malignants who would crucify the Saviour "lest the Romans come and take our city from us," or in the Titus Oats of later times, who disturbed the public mind of England by discoveries of plots that existed only in his infamous invention, and who, by his perjuries, sent men to the scaffold whose innocence is now as generally admitted as is the corruption of the court in which such fantastic tricks were played, and as the infamy of the wretch who could destroy the peace of an excellent portion of the community, and send to the scaffold and block men of immaculate purity, merely to give himself a temporary notoriety, and a sort of political aggrandizement. That branch of the discussion I turn from, with loathing and disgust at the offensive details, and with horror at its intimate association with the men, the motives, and the means of modern times. I leave such considerations to others, and proceed to take notice of that part of the subject which concerns the political relations of American Catholics with the head of the Roman Catholic Church—the character of the fealty which I, and all of the Catholic creed in this country, owe to the Bishop of Rome.

The question raised by the gentleman from Massachusetts is one of political power, and that, I imagine, is the leading objection to Catholics and to Catholicity with gentlemen who venture on the dangerous movement of dragging religion into the political arena. Mr. Chairman, I deny that the Bishop of Rome has, or that he claims for himself, the right to interfere with the political relations of any other country than that of which he is himself the sovereign! I mean—and I have no desire to conceal any point—I mean that I deny to the Bishop of Rome the right resulting from his divine office, to interfere in the relations between subjects and their sovereigns, between citizens and their Governments. And while I make this denial, I acknowledge all my obligations to the church of which I am an humble member, and I recognize all the rights of the venerable head of that church to the spiritual deference of its children; and I desire that no part of what I may say, or what I may concede, in my remarks, may be considered as yielding a single dogma of the Catholic Church, or manifesting, on my part, a desire to explain away, to suit the spirit of the times, or the prejudices of my hearers, any doctrine of the Catholic Church. I believe all that that church believes and teaches as religious dogmas, but I am not bound by the imputations of its opponents. I am not bound by the assertions of those who would make political capital out of denunciations of her children, or misrepresentations of her creed. Nay, more, sir; and I ask the attention of gentlemen to my disavowal. I am not bound by any action which the Pope takes as a temporal sovereign, or which he performs as Bishop of Rome, or Pope, when he is only carrying out a contract with Kings and Emperors to secure to them the integrity of their possessions, and the perpetuity of their power.

As I cannot accept the honorable gentleman's discrimination between me, as a Catholic, and other members of the Church as Roman Catholics, I must regard myself as involved in the general censure, and feel that I stand charged, a national Representative, with holding opinions and owing fealty that may demand from me a sacrifice of patriotism to a higher obligation; pointed at, sir, as a man who, while he swears to maintain the Constitution of the country, and professes to make the fulfillment of his obligation to that country his paramount political duty, yet cherishes in his heart the principles of latent treason. I may be allowed, without the imputation of vanity, to make one more direct allusion to myself and my creed. And, sir, clearly and distinctly do I deny that the power of the Pope extends one grain beyond his spiritual relations with the members of his church, or impinges, in the least degree, upon the political allegiance which any Roman Catholic of this country may owe to the Government and Constitution of the United States.

And, sir, that this disavowal of a divided fealty may not be regarded as a mere generality, I give it explicitness by declaring that if, by any providence, the Bishop of Rome should become possessed of armies and a fleet, and, in a spirit of conquest, or any other spirit, should invade the territory of the United States, or assail the rights of our country, he would find no more earnest antagonists than the Roman Catholics. And for myself, if not here in this Hall to vote supplies for a defending army, or if too old to take part in the active defense, I should, if alive, be at least in my chamber, or at the foot of the altar, imploring God for the safety of my country and the defeat of the invaders. [Applause.]

The CHAIRMAN (Mr. ORR) reminded gentlemen that applause was not becoming in a deliberative body.

Mr. CHANDLER. Or, if the spirit of conquest and cruelty should seize upon the wearer of the tiara, and he should seek to subjugate Italy by improper assumptions, and, by crime, provoke the arms of other nations against his own city, I could look on the chances of the defeat of his army as coolly and as complacently as on the misfortunes and punishment of any other ambitious monarch, and, safe in my love of right, and in the enjoyment of my religious creed, and the comforts of my home, I could say, "Let the Volscians plow Italy and harrow Rome."

Mr. Chairman, I do not wish to attract attention by declamation; I wish to state simply and distinctly, but very emphatically, what are the opinions of a Roman Catholic as to the influence of the dogma of Papal supremacy on political allegiance, and my own opinion I have given. But since some exception was made in my behalf—an exception which I cannot admit, though I thank the honorable gentleman for the courtesy with which it was expressed—and since it may be asserted that, as a Republican and layman, I could not be supposed to understand all the relations and influences of the dogma of the supremacy of the Pope, let me add, that what I assert as my belief of the entire political independence of every Roman Catholic out of the Papal States—political independence, I mean, of the Chief Magistrate of that State—is fully held, and openly asserted and approved by every Catholic bishop and archbishop of the United States.

I have not time here to quote from the writings of all those who have published their opinions upon the subject, nor shall I have space to copy them in my published remarks, but I may say that such are the views which I have learned from them in conversation, and such is the view of the late Dr. England, a Roman Catholic Bishop of Charleston, a divine whose erudition and whose well established fame gave consequence to all he asserted, and whose zeal for the church of which he was a distinguished prelate, and whose lofty position in the estimation of the sovereign Pontiff rendered it unlikely that he would underrate the Papal power.

Extract from a letter of Bishop England to an Episcopal clergyman, vol. 2, pages 250-'51:

"This charge which you make upon the Papists is exactly the same charge which the Jews were in the habit of making against the Apostles. From that day to the present we have met it as we meet it now. We have a kingdom, it is true, in which we pay no obedience to Cæsar; but our kingdom is not of this world—and whilst we render unto God the things that are God's, we render unto Cæsar the things that are Cæsar's. To the successors of the Apostles we render that obedience which is due to the authority left by Jesus Christ, who alone could bestow it. We do not give it to the President; we do not give it to the Governor; we do not give it to the Congress; we do not give it to the Legislature of the State—neither do you; nor do they claim it—nor would we give it, if they did, for the claim would be unfounded. We give to them everything which the Constitution requires; you give no more—you ought not to give more. Let the Pope and cardinals, and all the powers of the Catholic world united, make the least encroachment on that Constitution, we will protect it with our lives. Summon a general council—let that council interfere in the mode of our electing but an assistant to a turnkey of a prison—we deny its right; we reject its usurpation. Let that council lay a tax of one cent only upon any of our churches; we will not pay it. Yet we are most *obedient Papists*—we believe the Pope is Christ's Vicar on earth, supreme viable head of the church throughout the world, and lawful successor to St. Peter, Prince of the Apostles. We believe all this power is in Pope Leo XII., and we believe that a general council is infallible in doctrinal decisions. Yet we deny to Pope and council united any power to interfere with one tittle of our political rights, as firmly as we deny the power of interfering with one tittle of our spiritual rights to the President and Congress. We will obey each in its proper place, we will resist any encroachment by one upon the rights of the other. Will you permit Congress to do the duties of your convention?"

Here is another extract from the writings of the same Roman Catholic prelate:

"Kings and Emperors of the Roman Catholic Church have frequently been at war with the Pope. Yet they did not cease to be members of the church, and subject to his spiritual jurisdiction, although they resisted his warlike attacks. Any person in the least degree acquainted with the history of Europe, can easily refer to several instances. The distinction drawn by our blessed Saviour, when he stood in the presence of Pilate, was the principle of those rulers. They were faithful to the head of the church, whose kingdom is not of this world, but they repelled the attack of an enemy to their rights. You, sirs, acknowledge the authority of bishops. Suppose a bishop under whom you were placed, proceeded to take away your property; could you not defend your rights at law without infringing upon his spiritual authority? Are you reduced to the dilemma of being plundered, or of denying an article of your religion? Can you not keep your property and deny the right of the bishop to take it away, and resist his aggression, at the same time that you are canonically obedient? Can you not be faithful to him as bishop, and to yourself as a man? Thus suppose the Bishop of the Protestant Episcopal Church of Maryland claimed same right which he neither had by your church law nor by the law of the State. You may, and ought to, resist the aggression. Yet you would not be unfaithful to him. Let the Pope be placed in the same predicament; I can be faithful to the Pope and to the Government under which I live. I care not whether that government be administered by a Papist, by a Protestant, by a Jew, by a Mohammedan, or by a Pagan. It is, then, untrue to assert, as you have done, that a consistent Papist, and a dutiful subject of a Protestant administration, must be incompatible.

Dr. Kenrick, Archbishop of Baltimore, one of the most learned of the Roman Catholic Church, asserts, positively, that the temporal power of which we speak was never claimed by the Church, and he challenges the production of a single decree or definition in which this power was propounded as an article of faith. "Such," says the learned Bishop, "does not exist."

Dr. Troy, Archbishop of Dublin, in his Supplement to the Pastoral Instruction, says, "The deposing power of Popes never was an article of faith, or a doctrine of the Catholic Church, nor was it ever proposed as such by any council, or by any Popes themselves who exercised it."

Archbishop Hughes, of New York, is equally explicit on this point. And I might fill volumes with citations to prove my position.

A council of the Catholic Church in Baltimore has expressed the same idea in the most emphatic terms.

Mr. Chairman, since I began to speak here I have received a treatise, by Bishop Spaulding, of Kentucky, on this very subject, sustaining my view. It is a timely and acceptable offering, by a lady in the gallery, to the spirit of truth, and her influence will assist to promote and reward attention throughout the House, as the woman's offering of ointment from the alabaster box was scattered over the head of the Author of truth, while its fragrance was diffused throughout the chamber in which the offering was made.

But I shall, of course, be asked, whence the boldness of the assertion against Catholics, and whence the readiness to believe the charges, if they are altogether unfounded? Has not the Pope exercised the power of deposing monarchs, and thus of releasing subjects from their allegiance? Has he not interfered with the temporalities of a sovereign, and thus exercised a power sufficient to justify the apprehensions of the timid, and to give some appearance of probability to the assertions of the bold, reckless, and unprincipled party politician of the present and recent time?

Mr. Chairman, as a Christian man and an American legislator, I have nothing but truth to utter; and I scorn to utter less than the whole of the truth.

Undoubtedly, the Pope has proceeded to dethrone Kinge, and thus to release subjects. History declares that more than one monarch has been made to descend from his throne by the edict of the Pope, and that the allegiance of his subjects has been transferred, by that edict, to a succeeding monarch, who, however he may have obtained his crown, might have been compelled to lay it down at the bidding of the same authority that deposed his predecessor.

If, then, the Pope has exercised such a right, may he not, should he ever have the power, renew that exercise?

That, I suppose, Mr. Chairman, depends entirely upon the foundation of the right, and the demand which may be made for its exercise.

The question which concerns us here, and which arises out of the charges made by the honorable gentleman from Massachusetts, is not whether the right has been claimed; but on what grounds this right was asserted. If it was a divine right—a right inherent in the *spiritual* office of the Bishop of Rome as the successor of St. Peter—then, sir, I confess it may never, it can never lapse; and its exercise may be renewed with the reception of additional power. But, sir, if it was a right conferred for special occasions, by those interested in its exercise, conferred by monarchs for their own safety, and approved by the people for their own benefit, who were ready, willing, and able, to contribute means for giving its exhibition power, then it would, of course, cease with the change of circumstances in which it was conferred; and those who invested the Pope with the *right*, because they could assist him with *power*, and because general safety required the exercise of that power, retained in their own hands the right to withdraw or invalidate their former bestowal, and leave in the hands of the Roman Pontiff only his spiritual rights over Kings or people, *dehors* the limits of his own temporal dominion.

To understand how the Pope ever possessed any power over Emperors and Kings, and by such power, influencing their subjects, we must enter more minutely into the circumstances of the far distant age in which it was conferred and exercised, than the time here allowed for a speech, or the space necessary for an essay, would justify We must enter into the spirit of the middle ages, and see how naturally Christian monarchs (then all of one creed) formed combinations, and how much human rights and Christian principles owe to combinations; and jealousies which, while they distinguished, and really illustrated that period, would now be regarded, if they could exist, as the resort of men of bad principles, to perpetuate tyrannical power. But such was the state of the times, and such the unestablished condition of religion and civil government, that it became a matter of the deepest moment to Christian Princes, that the latter should combine to support the former. And in combining, the Christian (Catholic) Princes formed a league, by which, peace, order, and religion were, as far as possible, to be maintained among them by a reference to the influences which the Pope, as a spiritual sovereign, would naturally have to enforce temporal and temporary power with Kings and people, and with Kings through their people; and this influence was augmented by the submission on the part of individual sovereigns to the decrees of the Pope, founded on the power which the united sovereigns had conferred on the Pontiff, and founded on that alone.

Christianity, at that period, had not wrought out its work of social good; vice and disorder were rampant, and the passions of men seemed to be allowed indulgences little realized in these times. To secure something like order, religion, and catholicity, among the Christian nations, and to secure the ultimate social effects of the true principles of religion, the Christian Princes conferred upon the Pope a power, which previously he had not attempted to exercise; never, indeed, claimed to possess. The spiritual power was always admitted as of divine right, the gift of God. The temporal power was conceded, was conferred, by the Emperor and Christian Princes, not to aggrandize the Bishop of Rome, but to enable him to decide betwixt them in their various disputes; and to keep alive the faith upon which the power of the Princes evidently rested. No one then pretended that the right to depose a King was a divine right in the Pope. He claimed the power to cut off from the sacraments of the church, all who did not conform to the rules of that church, a right claimed and exercised by all churches, I suppose; as every church surely must be a judge of the qualifications of its members, and must, so far as its influence extends, exercise the power to bind and loose. That is a question purely theological, and cannot be discussed here.

I certainly do no injustice to any one in saying that such was the disorderly state of Europe, that, if dependance had not been placed by sovereigns in the influence of the Pope's spiritual power, no King could have maintained his possessions without an acknowledged physical superiority; and no people could have retained a show of freedom, could have counted on life itself, if the avarice and bloody cruelty of the Barons could have found any advantage or even momentary, gratification by sacrificing either. And this was not all. It was admitted that every crown should be held by the tenure of Christianity in its wearer; and yet Paganism and infidelity were continually grasping at the scepter.* Kingdoms were constantly changing. Monarchs were driven from their thrones by violence; and their successors rarely thought of any other object than the permanency of their own power. Meantime the Papacy was permanent; and, in proportion to the troubles, disorders, and disasters of the times, the Papacy acquired strength; strength in the constant appeals to its arbitration; strength in its unchangeable qualities, and strength, it will be admitted, by a reception and exercise of duties devolved upon it by those who saw in the Papal power the only means of saving Europe from chaos.

Having asserted that the political power of the Popes, *dehors* their special and proper dominion, was conferred by the Christian Princes, and that it was exercised by the demands and appeals of those who were interested in its object, viz: order, religion, and princely right, and sometimes *popular* rights, I have only to say that, of course no Pope thus receiving and thus exercising his power could, with truth, assert a divine right; or, asserting it, he could not hope to have that right permanently admitted. It hence follows that such a right never was an article of Roman Catholic faith.

It cannot be denied that the spiritual power of the Pope, the admitted *jure divino*, was a motive among others for conferring the political power, and, perhaps, also a motive for exercising that power; and the reverence in which the character of the Pope was held by Princes and nobles, as well as the people, gave great consequence to the decisions of the Pontiff, right or wrong, and insured prompt obedience, when otherwise there might have been hesitancy and even calcitration. No doubt, the temporal power conferred by temporal consent and by a constitution, was mistaken for, and admitted by, certain weak persons at that time as the spiritual power conferred by Christ, and sustained by the Scriptures. But nowhere is the right to such power claimed, as of divine right, by the Catholic Church.

In the Catholic Church, as in all other churches, there have been found a few individuals of less discretion than zeal, who have, from a mistaken view of the Christian duties, thought it a merit on themselves to impute to religion a direct secular power which it was never intended by God, nor understood by good, prudent men, to exercise. We see it in the careless writings of certain Catholic scholars, as we find it in the preaching and discipline of many other denominations. But in the Catholic Church those individual opinions have been discountenanced by the bishops, and in other churches they have grown much out of practice; by all they are considered as rendering unto God the things which are Cæsar's. The assertion by individuals, or the practice by a few Popes, of any power, does not make that power right. That only is of faith which is so declared, and which is for all times and all circumstances.

The most distinguished instance of the exercise of the Papal power of deposing a monarch, is that by the Pope Gregory VII., who excommunicated and deposed the Emperor Henry IV. The peculiar character of these times I have already noticed. The peculiar character of Henry may be learned from history. He was corrupt, venal, turbulent, cruel, blasphemous, hypocritical. He had violated his coronation oath, and was engaged in enormities that drew, from every part of Germany and the north of Italy, appeals to the Pope for the exercise of those powers which the Pontiff held from the Emperor; and when the Pope was exercising his admitted legal powers against the Emperor, Henry called a council, and caused to be passed and promulgated a sentence of deposition against Gregory, the Pope. Of course, this drew from Rome a sentence of excommunication, and excommunication, unless removed within a year, was to assist in working out *depositions*. The Princes of Germany, even, assembled to elect a successor to Henry; but the excommunicated Emperor, in full acknowledgment of the power of the Pope, hastened to Italy, made submission, saved himself from dethronement, returned to his German home, fourfold more a child of the devil than he had been, was deposed, and died a miserable outcast. Though those events took place at a time and under circumstances when little regard was paid to the niceties of temporal distinctions, yet the Pope (Gregory) did not claim that his action in deposing the Emperor was by divine right, because he knew, and all knew, that, by a law of the Empire, Henry had forfeited the Imperial throne, and that the Pope was as much authorized to depose him for violating a law of the Empire as he was to excommunicate him for open violation of the commands of God and the Church.

In a letter from Gregory VII. to the German Lords, he, the Pope, expressly declares that he did not pretend to ground himself merely on the divine power of binding and loosing, but on the laws of men—that is, the constitution or laws of the Empire, as well as the laws of God; and, according to the last named code, as well as the requirement of the former, Henry deserved, not only to be excommunicated, but also to be deposed of his Imperial dignity.

The most distinguished writer of the time of Gregory VII., Peter Damier, shows that Gregory did not depend alone upon his spiritual power, but acted upon the authority of the constitution of the Empire. If Gregory had claimed, and others had admitted a divine right *alone* to depose an Emperor, his apologist would scarcely, at such a time, have presented the smaller right of human authority.

The following, from a work on the temporal power of the Pope, by Mr. Gosselin, is directly to the point, and will illustrate this part of my remarks:

"From these observations it follows, in fact, first, that Gregory VII., the first that ever pronounced a sentence of deposition against a sovereign, did not pretend to ground his proceeding solely on the divine right, but on laws both human and divine. Secondly, that in the opinion of Gregory VII., and of his successors, as well as of all their contemporaries, the deposition of an excommunicated Prince was not a necessary consequence of excommunication, and did not follow from the divine power of binding and loosing alone, but from a special provision of a human law, and principally from the laws of the Empire, which declared deposed of his throne any Prince remaining obstinately under excommunication during a whole year.

"These important facts once proved, there is no difficulty in understanding how the Popes could naturally cite, in support of their sentences of excommunication and deposition against Princes, the divine power of binding and loosing, though not considering it as the sole title of that deposing power which they claimed. It is, in fact, evident that, at a time when constitutional law attached the penalty of deposition to excommunication or heresy, the Pope's sentence against such excommunicated or heretical Prince was grounded both on the divine right and on human law. It was founded on the divine right, not merely in so far as it declared the Prince heretical or excommunicated, but still more, in so far as it enlightened the conscience of his subjects on the extent and limits of the obligation arising

*The Foreign Quarterly for January, 1836, says: "In the eleventh century the papacy fought the battle of freedom."

Ancellon, unfriendly to the Pope, says: "In the middle ages there was no social order; it was the influence and power of the Popes that, perhaps, alone saved Europe from a state of barbarism. It was their power that prevented and stayed the despotism of the Emperors, that replaced the want of equilibrium and diminished the inconveniences of the feudal system."

Southey says: "The papacy was morally and intellectually the conservative power of Christendom. Politically, too, it was the saving of Europe."

And a Protestant writer, in the American Encyclopœdia, in an article on Gregory VII., says: "The Papal power was for ages the great bulwark of order amid the turbulence of the semi-civilized people of Europe."

from the oath of allegiance which they had taken to him. It was founded on human law also, in so far as it declared the Prince deprived of his rights, in punishment of his remaining obstinately in heresy or excommunication. It is obvious, also, why the Pope's sentence mentioned only the divine power of binding and loosing; for it was on that divine power that the sentence was really grounded, considered in its principal, direct, and immediate object: for the deposition was effected by excommunication—its natural result, according to the constitutional law then in force."

While I have asserted, and, with the little time allowed me, referred you to the authorities upon which my assertions rest, that the Popes of the middle age did not declare that their interference with the temporal powers of Kings and Emperors was authorized by their spiritual commissions, as Bishops of Rome; and that their antagonistic and summary proceedings towards offending sovereigns, with regard to the temporal powers of the latter, were authorized by a constitution formed by these sovereigns or their predecessors, I do not pretend to assert that the power was always rightly used. I do not deny ambitious or vengeful motives to the Popes. Nothing in my creed or theirs presents such a conclusion, and nothing in their conduct renders such a conclusion unreasonable. I only say that the spiritual power *here* is not in question, and there, and at that time, the power to depose—power humanly conferred—was never called in question by the deposed monarchs. They admitted the constitutional right and power, though they may have called in question the justice of the act. With the justice of the proceeding I have nothing to do here, though I may be allowed to say that, however the Pope may have transgressed the rules of justice as between him and the deposed monarch, it is probable that, as between the monarch and the people, there was little occasion to suppose that any injustice had been done to the Prince, or much likelihood of hearing complaints from the latter. The Pope has struggled sometimes with sovereigns, but never with the sovereignty. He has exercised a power voluntarily placed in his hands by Kings, and invoked by the people; and he has dethroned the monarch, but not anathematized the subject. The Popes, in the fulfillment of what the consent of Kings and the confidence of the people have made a duty, have released subjects from the oath of allegiance to the sovereign, but never have they released the sovereign from his coronation oath to respect, guard, and rightly govern the people.

Because I have neither time nor space for such an inquiry, I do not pursue the subject in detail. I have taken the strongest case of the exercise of the power of deposing monarchs—which is now called the power of releasing subjects—and I have shown that the Pope did not rely upon the general spiritual power as head of the Christian church for authority to depose the Emperor, but that he rested on, and was sustained by, the constitution which authorized the election of an Emperor, and made orthodoxy one condition of holding the Crown. And it would have been equally easy, generally less difficult, to have shown that every instance of such exercise of power by the Pope was authorized by the admitted constitution or acknowledged compact, provided that the offenses of the Prince had brought him within the operation of the laws, which all admitted to exist, and for the execution of which all turned to the Pope.

Now, as this kind of secular power had its origin in the consent of the sovereigns, at a particular time, and long after the apostolic age, it follows that not only could it not have carried with it the *jure divino*, which belongs to the spiritual power of the Bishop of Rome, but that the proof of the existence of the real spiritual power would have been weakened by attempts to prove the right of deposing to be divine. At that time, then—at a time when men were the most willing to yield assent to such species of usurpation, as released Kings from a bad Emperor, and relieved subjects from bad Kings—at that time the divine right was not claimed, and the whole power of deposing rested upon the consent, not merely of the Kings, but of the deposed Princes themselves.

But it is charged that Roman Catholics even now admit the right of the Pope to interfere between subjects and their allegiance, and between citizens and their duties to the Republic, in some other form, since the power to depose Kings is no longer possible. I deny it; I have denied it for myself plainly, clearly, specifically. But, in this House, it is said that, though I may be excepted from the general censure of harboring the seeds and means of treason to this Government in my breast, and warming them into germination by devotion, yet others are liable to the charge, and especially the Church, the Roman Catholic Church itself.

But the Roman Catholic Church is represented by her Bishops, and therefore I turn to the statements of those having the means of knowing, and the right to make known, the doctrines of that Church, and ask the attention of the committee to the following remarks of the Right Rev. Dr. England:

"God never gave to St. Peter any temporal power, any authority to depose Kings, any authority to interfere with political concerns. And any rights which his successors might claim, for any of those purposes, must be derived from some other source. A Roman Catholic has no further connection with the Pope than that he succeeds St. Peter. Peter had none of these rights—as a Roman Catholic, I know nothing of them in the Pope. He is equally a Pope, with or without them."

In the early part of my remarks, I took occasion to say what would be my course, if, by any remarkable (but really impossible) concurrence of circumstances, the army and navy of the Pope should invade the country. Hear, now, how the Bishop of Charleston sustains my declaration:

"The American Constitution leaves its citizens in perfect freedom to have whom they please to regulate their spiritual concerns. But if the Pope were to declare war against America, and any Roman Catholic, under the pretext of spiritual obedience, was to refuse to oppose this temporal aggressor, he would deserve to be punished for his refusal, because he owes to this country to maintain its rights; and spiritual power does not, and cannot, destroy the claim which the Government has upon him. Suppose a clergyman of England were convicted for some crime—for instance, Dr. Dodd—and he was ordered for execution; must the law be inoperative because the criminal is a clergyman? Think you that no one could be found in a Roman Catholic country to sentence, or to execute a sentence, upon a clergyman who was a criminal? All history testifies to the contrary. So, too, does all history show that, upon the same principle, Catholic Kings, and Princes, and peers, and people, have disobeyed improper mandates of the See of Rome, and have levied and carried on war against Popes, and still continued members of the Church."

Mr. Chairman, I have thus shown that the Church, in the middle ages, did not claim for the Popes the authority to exercise temporal power over other sovereigns, by Divine right, even when the exercise of that authority seemed to be so great a blessing to the people that it would scarcely seem wonderful if the people should have hailed it as of Divine origin. And I have shown that the best writers of the Catholic Church, of later days, and of the present century, have, in like manner, denied that it was part of a Catholic's belief that the Pope possesses any power to depose Kings, or release subjects, or to violate faith with those who are or are not of the Catholic Church. I now offer other proof that the Church sets up no claim to such power. And, before I do it, I may be permitted to say that, in the pursuit of information with regard to the Catholic Church, it has been my chance to converse with every rank and degree of her hierarchy—Pope, Cardinal, Nuncio, Archbishop, Bishop, and Priest, and I never heard one of them claim any such power, and never heard one of them speak upon the subject who did not disavow any belief of its existence.

The vexed question of governing Ireland, and of granting to the people of that kingdom a part of the rights enjoyed by the subjects of Great Britain, has often lead the British Parliament to inquire into the charges made against Roman Catholics, with reference to the asserted right of the Roman Pontiff to interfere with the internal affairs of other Governments.

Three propositions were prepared and sent to the faculties of the principal Catholic Universities in France and Spain; those of the University of Paris, of Douay, of Louvain, of Acala, of Salamanca, and of Valadolid. I give the proposition and abstracts of the several answers.

Extracts from the declarations and testimonies of six of the principal Universities of Europe, on the three following propositions, submitted to them at the request of Mr. Pitt, by the Catholics of London, in 1789:

THE PROPOSITIONS.

1. Has the Pope, or Cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or preëminence whatsoever, within the realm of England?

2. Can the Pope, or Cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with his Majesty's subjects from their oath of allegiance, upon any pretext whatsoever?

3. Is there any principle in the tenets of the Catholic faith by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction, either of a public or a private nature?

These propositions, honorable gentlemen will perceive, are skillfully drawn, and cover the whole ground of dispute; and the answer of every University addressed, is spread at large before the world. Solemn deliberation was had upon the propositions, from so respectable a source as Mr. Pitt, and all concur in declaring, that no man nor any body of men, of the Church of Rome, however assembled, has power to interfere with the affairs of other kingdoms. I give the answers.

After an introduction, according to the usual forms, the sacred faculty of Divinity of Paris, answer the first query by declaring:

Neither the Pope, nor the Cardinals, nor any body of men, nor any other person of the Church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil preëminence whatsoever in any kingdom; and, consequently, none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or preëminence by Divine institution inherent in, or granted, or by any other means belonging to the Pope or the Church of Rome. This doctrine the sacred faculty of divinity of Paris has always held, and upon every occasion maintained, and upon every occasion has rigidly proscribed the contrary doctrines from her schools.

Answer to the second query.—Neither the Pope, nor the Cardinals, nor any body of men, nor any person of the Church of Rome, can, by virtue of the keys, absolve or release the subjects of the King of England from their oath of allegiance.

This and the first query are so intimately connected, that the answer of the first immediately and naturally applied to the second, &c.

Answer to the third query.—There is no tenet in the Catholic Church by which Catholics are justified in not keeping faith with heretics, or those who differ from them in matters of religion. The tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty and the opinions of Catholics, that there is nothing of which those who have defended the Catholic faith against Protestants have complained more heavily, than the malice and calumny of their adversaries in imputing this tenet to them, &c., &c., &c.

Given at Paris, in the general assembly of the Sorboune, held on Thursday, the eleventh day before the calends of March, 1789.

Signed in due form.

UNIVERSITY OF DOUAY, *January* 5, 1789.

At a meeting of the faculty of Divinity of the University of Douay, &c., &c.

To the first and second queries the sacred faculty answers:—That no power whatsoever, in civil or temporal concerns, was given by the Almighty, either to the Pope, the Cardinals, or the Church herself, and, consequently, that Kings and sovereigns are not, in temporal concerns, subject, by the ordination of God, to any ecclesiastical power whatsoever; neither can their subjects, by any authority granted, to the Pope or the Church, from above, be freed from their obedience, or absolved from their oath of allegiance.

This is the doctrine which the Doctors and Professors of Divinity hold and teach in our schools, and this all the candidates for degrees in Divinity maintain in their public theses, &c., &c.

To the third question, the sacred faculty answers:—That there is no principle of the Catholic faith, by which Catholics are justified in not keeping faith with heretics, who differ from them in religious opinions. On the contrary, it is the *unanimous* doctrine of Catholics, that the respect due to the name of God so called to witness, requires that the oath be inviolably kept, to whomsoever it is pledged, whether catholic, heretic or infidels, &c., &c.

Signed and sealed in due form.

UNIVERSITY OF LOUVAIN.

The faculty of Divinity at Louvain, having been requested to give her opinion upon the questions above stated, does it with readiness—but struck with astonishment that such questions should, at the end of this eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talents and discernment of its natives. The faculty being assembled for the above purpose, it is agreed, with the unanimous assent of all voices, to answer the first and second queries absolutely in the negative.

The faculty does not think it incumbent upon her in this place to enter upon the proofs of her opinion, or to show how it is supported by passages in the Holy Scriptures, or the writings of antiquity. That has already been done by Bossuet, De Marca, the two Barclays, Goldastus, the Pithaeuses, Argentre Widrington, and his Majesty, King James the First, in his dissertation against Bellarmine and Du Perron, and by many others, &c.

The faculty then proceeds to declare that the sovereign power of the State is in no wise (not even indirectly, as it is termed) subject to, or dependent upon, any other power, though it be a spiritual power, or even though it be instituted for eternal salvation, &c.

That no man, nor any assembly of men, however eminent in dignity and power, not even the whole body of the Catholic Church, though assembled in general council, can, upon any ground or pretense whatsoever, weaken the bond

of union between the sovereign and the people; still less can they absolve or free the subjects from their oath of allegiance.

Proceeding to the third question, the said faculty of Divinity (in perfect wonder that such a question should be proposed to her) most positively and unequivocally answers: That there is not, and there never has been, among the Catholics, or in the doctrines of the Church of Rome, any law or principle which makes it lawful for Catholics to break their faith with heretics, or others of a different persuasion from themselves, in matters of religion, either in public or private concerns.

The faculty declares the doctrines of the Catholics to be, that the divine and natural law, which makes it a duty to keep faith and promises, is the same, and is neither shaken nor diminished, if those with whom the engagement is made, hold erroneous opinions in matters of religion, &c., &c.

Signed in due form, on the 18th of November, 1788.

UNIVERSITY OF ALCALA.

To the first question, it is answered: That none of the persons mentioned in the proposed question, either individually or collectively, in counsel assembled, have any right in civil matters; but that all civil power, jurisdiction, and preëminence, are derived from inheritance, election, the consent of the people, and other such titles of that nature.

To the second, it is answered in like manner: That none of the persons above mentioned have a power to absolve the subjects of his Britannic Majesty from their oaths of allegiance.

To the third question, it is answered: That the doctrine which would exempt Catholics from the obligation of keeping faith with heretics, or with any other persons who dissent from them in matters of religion, instead of being an article of Catholic faith, is entirely repugnant to its tenets.

Signed in the usual form, March 17, 1789.

UNIVERSITY OF SALAMANCA.

To the first question, it is answered: That neither Pope nor Cardinals, nor any assembly or individual of the Catholic Church, have, as such, any civil authority, power, jurisdiction, or preëminence in the kingdom of England.

To the second, it is answered: That neither Pope nor Cardinals, nor any assembly or individual of the Catholic Church, can, as such, absolve the subjects of Great Britain from their oaths of allegiance, or dispense with its obligations.

To the third, it is answered: That it is no article of Catholic faith, not to keep faith with heretics, or with persons of any other description, who dissent from them in matters of religion.

Signed in the usual form, March 7, 1789.

UNIVERSITY OF VALADOLID.

To the first question, it is answered: That neither Pope, Cardinals, or even a general council, have any civil authority, power, jurisdiction, or preëminence, directly or indirectly, in the kingdom of Great Britain, or over any other kingdom or province in which they possess no temporal dominion.

To the second, it is answered: That neither Pope nor Cardinals, nor even a general council, can absolve the subjects of Great Britain from their oaths of allegiance or dispense with their obligation.

To the third, it is answered: That the obligation of keeping faith is grounded on the law of nature, which binds all men equally, without respect to their religious opinions; and with regard to Catholics, it is still more cogent, as it is confirmed by the principles of their religion.

Signed in the usual form, February 17, 1789.

Can any thing be more explicit than the responses of those Universities? Ought they not to be satisfactory? I, perhaps, ought to rest here. Layman, Priest, Bishop, Cardinal, and faculty of Divinity sustain my assertion, give a negative response to every query that involved an implication upon the patriotism of Catholics, or an inadmissible claim to intervention in national policy by the Catholic Church.

So entirely satisfied was the British Parliament with these and similar responses, that the different concessions made to Roman Catholics by that body are mainly due to such testimony.

And, let it be remembered, that this was in Great Britain, in a British Parliament, where the members were of the established church, and also that, without special permission, no man in that Empire had a right to worship God according to the dictates of his own conscience, and none, not acknowledging in the monarch of England (man or woman, King or Queen) both temporal and spiritual sovereignty, could hold an office under Government, or sit in the Parliament of the nation.

We, Mr. Chairman, are legislating for a country where even toleration may be deemed intolerant, where perfect equality of rights is the theory of the Government, and where, until now, no one has ventured to manifest a hostility to another's creed, by denying to him the right of national office, and of enjoying all the rights which full and perfect citizenship confers.

But the honorable gentleman from Massachusetts seems to have provided himself against such proof as I have adduced. He admits my fealty to the country, but denies my adherence to the Roman Catholic Church. He admits that France and Spain have disclaimed the doctrine against which he speaks, and which he imputes to the Roman Catholic Church. France and Spain, the titles of whose monarchs are most Christian and most Catholic! The honorable gentleman surely cannot be ignorant that such Universities—great theological colleges as those, are repositories of records of faith, and of the arguments and decisions concerning them. But let us hear the honorable gentleman:

"Mr. BANKS. I plant myself upon the ground that the Pontiff of Rome has never, in any authoritative form, so disavowed the right to control the members of the Roman Catholic Church in secular matters. I know the universities of France and Spain have disclaimed that power. The gentleman says that his Catholic friends have disclaimed it to him. So my Catholic friends have disclaimed it to me. But they have not the right to private opinion, much less the right to determine the faith of their church. That is the right of Protestants. The Roman Church has *never* disclaimed it."

I pass over the slur about private judgment; it is undeserved and might be retaliated. The honorable gentleman then suspecting that Laymen, Priests, and Bishops, would declare that the church had no such articles of faith as he imputes, and being informed of the existence of those responses of the French and Spanish Universities, throws himself upon the Pope. "I plant myself," says he, "on the ground that the Pontiff of Rome has never, in any authoritative form, so disavowed the right to control the members of the Roman Catholic Church in secular affairs." Very well. He plants himself on what he calls a fact. Let us see how he is sustained. Let us proceed up from Layman to Priest, from Priest to Bishop, from Bishop to Archbishop, from Archbishop to Universities. These are all against the honorable gentleman, and, accepting the invitation or challenge of the gentleman from Massachusetts, let us plant ourselves upon the Pope himself, the Pope and his conclave of Cardinals.

Mr. Chairman, the same circumstances which induced that great statesman, Mr. Pitt, to address the six Catholic Universities, led the Roman Catholic Archbishops of Ireland to address the Pope himself on the subject, and the answer was as clear and explicit as those of the Universities. Solemn deliberation was given in the congregation of Cardinals, and the response was made in the most formal manner, as declaring the doctrine of the Catholic Church on the subject involved in the questions. I copy from an authentic report:

"The Roman Catholic Archbishops of Ireland, at their meeting in Dublin, in 1791, addressed a letter to the Pope, wherein they described the misrepresentations that had been recently published of their consecration oath, and the great injury to the Catholic body arising from them. * * *

"After due deliberation at Rome, the congregation of Cardinals appointed to superintend the ecclesiastical affairs of these kingdoms, returned an answer (of which the following is an extract) by the authority and command of his holiness:

"*Most Illustrious and most Reverend Lords and Brothers:*

"We perceive from your late letter, the great uneasiness you labor under since the publication of a pamphlet entitled *The present State of the Church of Ireland*, from which our detractors have taken occasion to renew the old calumny against the Catholic religion with increased acrimony; namely: *that this religion is, by no means, compatible with the safety of Kings and Republics; because, as they say, the Roman Pontiff being the father and master of all Catholics, and invested with such great authority, that he can free the subjects of other kingdoms from their fidelity and oaths of allegiance to Kings and Princes;* he has it in his power, they contend, to cause disturbances and injure the public tranquillity of kingdoms, with ease. We wonder that you could be uneasy at these complaints, especially after your most excellent brother and apostolical fellow-laborer, the Archbishop of Cashel, and other strenuous defenders of the rights of the Holy See, had evidently refuted and explained away these slanderous reproaches in their celebrated writings. In this controversy, a most accurate discrimination should be made between the genuine rights of the Apostolical See, and those that are imputed to it by innovators of this age for the purpose of calumniating. *The See of Rome never taught that faith is not to be kept with the heterodox: that an oath to Kings separated from the Catholic communion, can be violated: that it is lawful for the Bishop of Rome to invade their temporal rights and dominions.* We, too, consider *an attempt or design against the life of Kings and Princes, even under the pretext of religion, as a* horrid *and* detestable crime. * * *

"At the very commencement of the yet infant Church, blessed Peter, Prince of the Apostles, instructing the faithful, exhorted them in these words: *Be ye subject to every human creature for God's sake, whether it be to the King as excelling, or to governors as sent by him for the punishment of evil doers, and for the praise of the good: for so is the will of God, that by doing well you may silence the ignorance of foolish men.* The Catholic Church being directed by these precepts, the most renowned champions of the Christian name replied to the Gentiles, when raging against them, as enemies of the Empire, with furious hatred: *we are constantly praying* (Tertullion in Apologet, chap. XXX.) *that all the Emperors may enjoy long life, quiet government, a loyal household, a brave army, a faithful Senate, an honest people, and general tranquillity.* The bishops of Rome, successors of Peter, have not ceased to inculcate this doctrine, especially to missionaries, lest any ill will should be excited against the professors of the Catholic faith in the minds of those who are enemies of the Christian name. We pass over the illustrious proofs of this fact, preserved in the records of ancient Roman Pontiffs, of which yourselves are not ignorant. We think proper, notwithstanding, to remind you of a late admonition of the most wise Pope Benedict XIV., who, in his regulations for the English missions, which are likewise applicable to you, speaks thus: *The vicars Apostolic are to take diligent care that the missionaries behave on all occasions with integrity and decorum, and thus become good models to others; and particularly that they be always ready to celebrate the sacred offices, to communicate proper instructions to the people, and to comfort the sick with their assistance; that they, by all means, avoid public assemblies of idle men and taverns.* * * * *The vicars themselves are particularly charged to punish, in such manner as they can, but severely, all those who do not speak of the public government with respect.*

"England herself can witness the deep-rooted impressions such admonitions have made on the minds of Catholics. It is well known that, in the late war, which had extended to the greater part of America, when most flourishing provinces, inhabited almost by persons separated from the Catholic Church, had renounced the Government of the King of Great Britain, the Province of Canada alone, filled, as it is, almost with innumerable Catholics, although artfully tempted, and not yet forgetful of the French Government, remained most faithful in its allegiance to England. Do you, most excellent prelates, converse frequently on these principles; often remind your suffragant prelates of them; when preaching to your people, exhort them, again and again, *to honor all men, to love the brotherhood, to fear God, to honor the King.*

"Those duties of a Christian are to be cherished in every Kingdom and State, but particularly in your own, of Great Britain and Ireland, where, from the benevolence of a most wise King, and other most excellent rulers of those Kingdoms, towards Catholics, no cruel and grievous burden is imposed, and Catholics themselves experience a mild and gentle Government. If you pursue this line of conduct unanimously; if you act in the spirit of charity; if, while you direct the people of the Lord, you have nothing in view but the salvation of souls, adversaries will be ashamed (we repeat it) to calumniate, and will freely acknowledge that the Catholic faith is of heavenly descent, and calculated not only to procure a blessed life, but likewise, as St. Augustin observes, in his one hundred and thirty-eighth letter, addressed to Marcellinus, to promote the most lasting peace of this earthly city, inasmuch as it is the safest prop and shield of Kingdom. *Let those who say* (the words are those of the holy doctor) *that the doctrine of Christ is hostile to the Republic, produce an army of such soldiers as the doctrine of Christ has required; let them furnish such inhabitants of provinces, such husbands, such wives, such parents, such children, such masters, such servants, such Kings, such judges, finally, such payers of debts and collectors of the revenue, as the doctrine of Christ enjoins, and then they may dare to assert that it is inimical to the Republic—rather let them not hesitate to acknowledge that it is, when practiced, of great advantage to the Republic.* The same holy doctor, and all the other fathers of the Church, with one voice, most clearly demonstrate, by invincible arguments, that the whole of this salutary doctrine cannot exist with permanent consistency and stability, or flourish except in the Catholic society, which is spread and preserved all over the world, by communion with the See of Rome, as a sacred bond of union, divinely connecting both. From our very high esteem and affection for you, we earnestly wish that the great God may very long preserve you safe. Farewell.

"As your lordship's most affectionate brother,

"L. CARDINAL ANTONELLI, *Prefect.*

"A. ARCHBISHOP OF ADEN, *Secretary.*

"ROME, *June* 23, 1791."

While on the disavowal of the Pope, I may as well make an addition to assist in the testimony. The following document was drawn up by the Roman Catholic committee in Dublin, and published by them on the 17th of March, 1792, after it had been submitted to the Archbishops and Bishops of Ireland, and received their entire sanction. To give it greater weight, the same instrument was put into the form of an oath, retaining, as far as possible, the very words. It was then submitted to the Pope and Cardinals, who solemnly declared that it was consonant to, and expressive of, the Roman Catholic doctrine; and then it was taken by the Catholic archbishops, bishops, priests, and laity of Ireland.

"We, the Catholics of Ireland, in deference to the opinion of many respectable bodies and individuals among our Protestant brethren, do hereby, in the face of our country, of all Europe, and before God, make this, our deliberate and solemn declaration.

"We abjure, disavow, and condemn the opinion, that Princes excommunicated by the Pope and council, or *by any ecclesiastical authority whatsoever*, may, therefore, be deposed or murdered by their subjects, or by any other persons. We hold such doctrine in detestation, as wicked and impious; and we declare that we do not believe that either the Pope, with or without the general council, or *any pre-*

late or priest, or any ecclesiastical power whatsoever, can absolve the subjects of this kingdom, or any of them, from their allegiance to his Majesty King George III., who is, by authority of Parliament, the lawful King of this realm.

"2. We abjure, condemn, and detest as unchristian and impious, the principle that it is lawful to murder, or destroy, or anywise injure any person whatsoever, for or under the pretense of being heretics; and we declare solemnly before God, that we believe *no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under the pretense or color that it was done either for the good of the Church, or in obedience to any ecclesiastical power whatsoever.*

"3. We further declare, that we hold it as unchristian and impious principle, that 'no faith is to be kept with heretics.' This doctrine we detest and reprobate, not only as *contrary* to our religion, but as destructive of morality, of society, and even of common honesty; and it is our firm belief, that an *oath* made to any person not of the Catholic religion, is equally binding as if it were made to any Catholic whatsoever.

"4. We have been charged with holding, as an article of our belief, that the Pope, with or without a general council, or that certain ecclesiastical powers, can acquit or absolve us before God from our oaths of allegiance, or even from the just oaths or contracts entered into between man and man.

"Now we utterly renounce, abjure, and deny that we hold or maintain any such belief, as being contrary to the peace and happiness of society, inconsistent with morality, and above all, *repugnant to the true spirit of the Catholic religion.*"

Here, then, is another clear, explicit disavowal on the part of the Pope and his Cardinals of the doctrine imputed to the church, and another full and complete response to the challenge of the gentleman from Massachusetts.

Mr. Chairman, the Roman Catholic Church neither holds nor inculcates a doctrine of power in its head to interfere in the affairs of temporal Governments, to disturb the monarch, or release the subject. It never has held any such doctrine. It never has taught that its professors were to be influenced by its doctrines to combine against the Government, and Catholic citizens have been as faithful to the Government under which they lived as those of any other denomination of Christians. In this country, Mr. Chairman, where, by the nature of our institutions, no creed is allowed to be molested, and where, by constitutional provision, no advantage can be allowed the professors of a creed on account of that profession, how unjust is it to the public, how cruel to the confessors of a creed, to create and keep alive an excitement which involves in obloquy a large class of citizens invested with every right that any American citizen can claim, who are able, by their talents, character, attainments and patriotism, to do honor to the citizenship which they are not allowed to enjoy. I must not be told that "all the rights of citizenship are open to Catholics, when office is denied." The man who asserts that, is ignorant of the first impulse of republicanism—ignorant, I venture to say, of the strongest motives of his own action.

The right of suffrage is connected with the right of office, and the freeman's privilege of voting for the man whom he would elect, would be not worth the exercise, if it did not include the right of presenting himself for votes for any office whose functions are not beyond his faculties.

Form a class of citizens, sir, in this country, with any disability not imposed upon others, and you create a dangerous party in the Commonwealth. Inequality of political condition can only be maintained in a Republic where there is inequality of mind, talents, and attainment. Allow to any class in this country the rights of education, the attainment of wealth, the right of social equality, of suffrage, and it will not be long before that class will demand the boon that freemen seek, and denial will be unsafe.

It is mean, it is cowardly, as well as false, for any man, or set of men, to assert that, in combining to exclude all Catholics from office, they do no more than exercise the right not to vote for individuals, which is as clear as the right to vote for them.

Sir, if the opposition seen and felt abroad, and heard here, in this Hall, means anything more than a miserable, beggarly appeal to low prejudices, with a view of holding office, it means that Catholics ought to be excluded from all office; and if they are, because they are Catholics, ineligible to place, then, those who assert it are bound to change the Constitution, or openly violate its provisions. Will that be done? Will they have courage to do it? They must do it to be consistent. They must forbear to be honest—a much more difficult effort.

Will that be done, and the question of the constitutional rights settled? or shall the Catholic Christian hear himself insulted, as he has been more than once here, with the offensive imputation which I have endeavored to refute? Shall the heart of the American Catholics be wounded with stale rumors—rumors revived for party action—uncredited tales to their dishonor, or hypothetical charges of concealed treason, which, while it ventures upon no specification, disturbs the public mind, awakens slumbering prejudices, sharpens religious animosities, and gives occasion for the mean, the ignorant, and the vulgar ambitious to rise into power, by the combination of their own class with those who, failing in other combinations, hide their disgrace, and avenge their former defeat by such associations as make minorities contemptible in themselves, and render majorities dangerous to the Republic.

Mr. Chairman, one more word and I will close. I have fairly and fully met the accusations made by the honorable gentleman from Massachusetts, against the Church of which I am a member. Step after step he retreated, until he had planted himself on the Bishop of Rome; and there he challenged the citation of a single disavowal on the part of the Pontiff, that he claimed temporal power over the subjects of other Governments. Step by step I have followed him, and concluded the array of disavowals by a presentation to this committee of an explicit denial on the part of the Pope that any such authority or right was claimed by the Church or by him.

Mr. Chairman, to the warnings expressed here, and the nervous apprehensions expressed abroad, that the prevalence of the Catholic religion will be dangerous to the country, I have only to say, that we of this country are in no danger from Catholicity, Episcopacy, Calvinism, Lutheranism, or other forms of Christianity. Sir, Christianity in any form is better than Infidelity and Atheism. And Atheism is now at work, as it ever has been busy, against the Christian faith and Christian prohibitions. It assails the Roman Catholic first, because that creed is more extensive; and without considering the evil which each is doing to religion, Christian men are yielding themselves, unconsciously, co-workers with infidelity by their active hostility to each other.

Mr. Chairman, if this country is to fall by any other means than ordinary decay or local convulsions, it is not Christianity, not the Christianity of Geneva, Rome, Scotland, or England, that will produce the ruin. The mischief will be wrought by infidelity. Sapping first the confidence of the people in each other, undermining the foundations of Christian charity, breaking the bonds of social life, relaxing the ties of moral obligations, setting creeds in hostile attitudes, till there is nothing left for hostility, and bringing down the whole scheme of domestic, social, and political life to the plans and ends of Socialists and Atheists, who laugh at the existence of a God, and seek their triumphs in the obliteration of the doctrines and teachings of Christ.

Mr. Chairman, I have forborne to-day all retaliatory imputations, all irritating comparisons, and confined myself to a refutation of a charge made against men of the Roman Catholic creed. I have not sought this contest, but, for the sake of honor, of truth, of myself and my co-religionists, for the sake of the institutions and the Constitution of my country, I could not decline it. I have evaded no point, nor attempted to darken counsel. I have met the charge fairly, candidly, and truthfully. I have dealt in no street rumors. I have confided in no idle gossip. I have adduced no testimony not of my own knowledge, or from those who are authorized to speak to the question at issue, and with reference thereto, with my hand upon my heart, and my eye on Heaven, I call this House, and (I speak with reverence) I call my God to witness the truth of all the assertions made from my own convictions and knowledge, and my entire confidence in the credibility of all the testimony which I have adduced from others.

NOTE.—The object of this speech being, not to defend any doctrine of the Catholic Church, but simply to defend the Church and its members from the charge of holding as an article of faith, what is not a part of the Catholic creed, it has been deemed appropriate to copy the following from a Prayer Book, in much use among the Catholics:

"This (the Pope's) commission regards only the Kingdom of Heaven, that is the society which Christ established upon earth to be one fold under one shepherd, to be brought by the practice of virtue and the power of His institutions, through His merits to the possession of eternal glory. This commission extends not, then, a power to the Pope of interfering in the temporal, the civil, or the political regulations of nations."

FRENCH SPOLIATIONS.

SPEECH OF HON. SAM. MAYALL,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

January 27, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. MAYALL said:

Mr. CHAIRMAN: By the first section of the bill before this committee, it is proposed to appropriate a sum "not exceeding $5,000,000," in accordance with the mode thereafter provided, to indemnify the claims of our citizens for spoliations committed upon their ships and property by the Government of France, while engaged in legal commerce, under the authority of the Government of the United States.

Mr. Chairman, I am opposed to limiting this amount, in advance, to $5,000,000, but would leave the amount to be designated by the commissioners therein provided; and, with this exception, I am in favor of the passage of this bill. If these claims are not just and valid as against this Government, it should not pay the $5,000,000, or any less sum. But if they are just as against this Government, they should be paid to the extent of their justice; and I know of no better mode than that provided by this bill to ascertain that extent.

Mr. Chairman, the first question which naturally presents itself is, upon what just principle is the Government of the United States bound to make good the losses sustained by its citizens by the authority of the Government of France? The answer clearly is upon no equitable principle except it be founded upon the action of our Government voluntarily expressed. Has, then, our Government, by its voluntary action, rendered itself so liable? The last clause of the fifth article of the amendments to the Constitution is in these words:

"Nor shall private property be taken for public use with out just compensation."

It will be recollected that this Government had entered into a treaty of alliance with France in 1778; and also, of amity and commerce at the same time. This was during our revolutionary struggle. These treaties were formed at the earnest solicitations of the Government of the United States. The eleventh article of the treaty of alliance, of February 6th, 1778, is in the following words:

"The two parties guaranty, mutually, from the present time, and forever, against all other powers, to wit: 'The United States to His Most Gracious Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace.' 'And His Most Christian Majesty guaranties, on his part, to the United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce, and also, their possessions, and the additions or conquests that their Confederation may obtain during the war, from any of the dominions now or heretofore possessed by Great Britain, in North America, conformable to the fifth and sixth articles above written; the whole of these possessions shall be fixed and assured to the said States at the moment of the cessation of their present war with England.'

"SEC. 12. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee, declared in the said article, shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions."

The seventeenth article of the treaty of amity and commerce with France, entered into on the same day, (September 6, 1778,) is as follows:

"It shall be lawful for the ships of war of either party, and privateers, freely to carry, whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty,

or any other judges; nor shall such prizes be arrested or seized, when they come to enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time, and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. On the contrary, no shelter or refuge shall be given in their ports to such as shall have made prizes of the subjects, people, or property, of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible."

The above articles contain the material points of the treaty which pertain to my present purpose, in relation to the obligation of the Government of the United States to indemnify our citizens for spoliations committed by France by the seizure and appropriation of their property to the uses of its Government, in her war with England, which broke out early in 1793. We had gained from France all which the treaty of alliance had guaranteed, to wit: our "liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce." For this we had paid nothing to France; but our independence had cost her about $280,000,000, besides the immense loss of the best blood of France. She had thus far reaped nothing from those victories, which she had so nobly helped to achieve, but the satisfaction of having assisted the United Colonies to strip England of the richest and most powerful dependencies which any nation on earth had ever possessed. Shall we be told that England was the most formidable rival of France; and that France wished to weaken the British power, and to humble her pride? Although this might have been a motive with France, it does not lessen our debt of gratitude to her for the benefits we had gained from her alliance with us. Again, did that relinquish us from our obligations to fulfill our treaty of amity and commerce, made with France on the same day, and the same year? Can a selfish motive, in an ally who performs what she stipulates, lessen our obligation to fulfill, on our own part, or pay an equivalent for the forfeiture? Can suspicions of an ulterior object, in an ally, wipe out the stigma of forfeited national honor in us? France had fulfilled her obligations to us, and we had entered upon the possession of our inheritance by the acknowledgment of our independence by the Government of Great Britain. I insist, then, that we were bound, in some manner, to redeem our obligation to France, either by one mode or another.

I do not say that, under the circumstances and necessities of the case, we were bound to declare war against England at all hazards, in order to fulfill our treaty stipulations with France, in her war of 1793. This I am not prepared to say; for I can well conceive just reasons growing out of the condition of the United States, at that early period of her national existence, which might well justify General Washington's proclamation of neutrality, issued April 22, 1793, and which France insisted was an invasion of the treaty of 1778 between the two Governments. Whether this be so or not is not material to the present purpose in view. Since the partisan mists which surrounded and darkened the subject have become dissipated by time, I believe I may be permitted, however, to say that the wisdom and prudence of the course then taken by General Washington and his Cabinet can hardly, at this distant day, admit of two opinions. But if the terms of the treaty of 1778 were alone to govern us, I think it might fairly be considered that our Government was honorably bound to take up arms in defense of the Government of France. But if, from our weakness, we could not hope to defend the West India possessions of France, why hazard our own interests with no prospect of benefiting hers?

The French Revolution of 1789 resulted in deposing the King of France and in establishing a republican form of Government. From this period until 1793, when France declared war against England, both Governments were in an attitude of hostility towards each other; and each were secretly devising means to compel the other to declare war, although by treaty they were on terms of peace and amity. England sought every opportunity to embarrass and disturb the Government and internal policy of France. She took sides with her royalists from the moment of her revolution. She desired the restoration of the King with his prerogatives. To this end she is said to have become a party to the treaty of Pavia, in July, 1791; also, a party to the treaty of Pitnitz, August 27, the same year. She ordered that all Frenchmen within her borders should leave the country. She prohibited the exportation of provisions to France, in time of great distress, bordering almost upon famine, and prohibited the sailing of neutral vessels out of her ports, which were bound to France, laden with breadstuffs and provisions. In addition to all this, when the Prussians took possession of the Hanse-Towns, all French and neutral vessels, which escaped capture by fleeing from their ports, were seized by British cruisers and taken into British ports. England had secured the coöperation of twenty States or independent Powers, by which she threatened to invade France simultaneously, with five armies, each consisting of one hundred thousand men. This is the outline of the course and conduct of England towards France at this critical period of her history.

It is equally true that France, who had achieved a civil revolution within her own borders, which had changed or transformed her from a monarchy into a republic, was secretly endeavoring to extend her own institutions to her neighboring States; the inevitable consequence of which was to disturb the civil condition of her neighbors, with whom she was, by treaty of peace, on terms of amity, and, if successful, could but result in the overthrow of their existing forms of Government. The existence of a republic, to the peace and stability of the surrounding monarchies, was, by an inherent law of its nature, dangerous and aggressive. By the force of its example it was, of itself, sufficient to call forth the sympathies of the down-trodden masses in favor of a republican Government, and, therefore, the jealousy of the monarchists, and to arouse the latter into a combined effort, under some pretext or other, to subvert it, even by the force of arms, in order to restore its former dynasty. Under this state of coëxisting and discordant elements, it became most evident that a general conflict of arms must soon ensue. Hence the war of 1793, between France and England. When this war broke out, France naturally turned for assistance to her American allies, with whom she had formed a treaty of alliance in a period of our distress. But here she was met only by a proclamation of neutrality, put forth by General Washington, then at the head of the American Army, but now at the head of the American Government, with the full knowledge of the existing treaty relations between France and the United States; well knowing the strong sympathies of the American masses in behalf of her oldest friend and ally, engaged now in a bitter and deadly contest with her oldest enemy. This led to the formation of new political parties in this country, which resulted, in 1798, in a change of our Administration, and in 1800, to a new treaty, whereby we became released from our former treaty, as contained in the eleventh and twelfth sections of the treaty of alliance of 1778, and also, from the treaty of amity and commerce of the same day. But how did our Government obtain her release from the conditions and burdens imposed upon her by these treaties? She never claimed to have fulfilled them. She obtained her release then by purchase, and by purchase only. But did she pay this in her own funds, out of the Treasury of the United States? This she does not claim to have done. How, then, did she pay? History answers, she canceled, or paid it, by offsetting the claims of her private citizens for spoliations committed by France, and for which France had promised to make restitution; and by set-off only did she make that restitution. To absolve France, then, from payment by this exchange, was the voluntary act of our Government, and by which she became fully responsible, in the language of the Constitution, to make them "just compensation." She appropriated the admitted claims of her citizens to discharge her own obligations to a foreign Power. Was not this the taking of "private property for public use," and a plain contravention of the letter and spirit of the Constitution, which declares "nor shall private property be taken for public use without just compensation?" But are we called upon for proof that France ever admitted these claims, or that the American Government ever canceled or offset them against the claims of France upon the United States for the non-fulfillment of the treaties of 1778? The French Commissioner of Foreign Relations, M. Bucbat, in his letter to Mr. Morris, under date July 5th, 1794, says:

"The sentiments of the Convention and of the Government towards your fellow-citizens, are too well known to you to leave a doubt of their dispositions to make good the losses which the circumstances inseparable from a great revolution may have caused some American navigators to experience."

Again, M. Lauchet, the French Minister, to our Secretary of State, under date of March 27, 1794, says:

"If any of your merchants have suffered by the conduct of our privateers, they may with confidence address themselves to the French Republic which will never refuse justice to those whose claims are legal."

Here, then, we have express admissions, by the authority of the French Government, that the claims of the American merchants for seizures of their property shall be indemnified or made good by the Government of France upon a proper presentation of them. The assurance could not have been more broad or unequivocal than it is here made.

I will now give some official authority to show that our Government did cancel these claims for spoliations committed on the property of American citizens, by way of set-off to the claims of France against the Government of the United States in the treaty of 1800. By the retrenchment of or striking out its second article, which embraced these two points, and these two points only,—1. The treaty itself shows this; but to that I shall refer hereafter,—Mr. Robert R. Livingston, Minister to France, in his letter to M. Talleyrand, dated 17th of April, 1802, says:

"It will, sir, be well recollected by the distinguished characters who had the management of the negotiation (of 1800,) that the payment for illegal captures with damages and indemnities was demanded on the one side, and the renewal of the treaties of 1778 on the other; that they were considered as of equivalent value, and that they only formed the subject of the second article."

Consequently, by the retrenchment of this article by Napoleon, they were deemed canceled by virtue of being stricken out "as of equal value." Again, Mr. Livingston, writing under date of January 13th, 1802, to our Secretary of State, says: "I always considered the sacrifices we have made of an immense claim (alluding to the French spoliations) to get rid of the French treaties, as a dead loss."

Whether by this adjustment of the respective claims of the two Governments, our Government did get an equivalent for the claims of our citizens, is not now to be made a question, but whether those claims were so canceled and disposed of by treaty with France, and ratified by the constituted authorities of the Government of the United States, is now the only inquiry. Again, Mr. Timothy Pickering, addressing Mr. James H. Causten, Esq., of Baltimore, on November 19th, 1824, on the question in point, says:

"Thus the Government bartered the just claims of our merchants on France, to obtain a relinquishment of the French claims for a restoration of the old treaties."

Much other proof might be adduced to establish the same point, but it is not deemed necessary. May 9th, 1793, France had issued her decree, authorizing the seizure of neutral vessels bound to the ports of her enemies, with the assurance of proper indemnity for the goods and property seized. This decree was made both retrospective and prospective; to be deemed in force from the commencement to the termination of the war. In February, 1793, General Washington also issued a proclamation of neutrality, which brought American merchant ships within the limits of the French decree of May 9th, 1793. The valuation of the cargoes taken as prizes were to be rated by the prices which these goods and provisions commanded in the ports of France, where, from the great scarcity of breadstuffs, flour was worth from thirty to forty dollars per barrel; while at the ports of Great Britain, who was committing the same depredations, flour commanded but from six to ten dollars per barrel, and other provisions in like proportion. It must be recollected that France was in a state almost bordering on a famine, as the extreme high prices of flour and

provisions will show. While the prices of the same articles of provisions at the British ports will show, that while France committed these depredations upon the commerce of neutral nations from extreme necessity, the British Government could have been actuated by no such necessity. It was, therefore, on the part of Great Britain, simply dictated by a policy to starve France into submission, that she committed and justified these unlawful seizures and depredations upon the rights and property of neutral nations.

Again, the records of the negotiations between the United States and France show that France always admitted the validity of these claims, and if she had not, they could have been substantiated and demanded upon the equitable principles of the laws of nations. In the second place, the American Government had always asserted their justice, and pressed the Government of France to their payment. It is not necessary that I should detail all the efforts of the two Governments to determine and adjust all the differences arising out of the treaties and claims of the respective parties, but it is sufficient only to advert to the treaty of 1800 to establish the question in point. A mission, composed of Messrs. Ellsworth, Davy, and Murray, reached Paris 2d March, 1800. This negotiation ended in the convention of September 30, 1800. The second and fifth articles of that convention have a direct bearing on the mutual claims and demands of the two countries. Article second declares:

"The ministers plenipotentiary of the two parties, not being able to agree, at present, respecting the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed on those points, the said treaties and convention shall have no operation, and the relation between the two countries shall be regulated as follows:

"Art. 5. The debts contracted by one of the two nations with individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations."

The object of this second article was to confine the settlement of claims, "on account of captures and confiscations," to treaty between the two States for the purposes of set-off to the claims of France, and also as a mere temporary expedient to restore mutual confidence and intercourse between the two countries, and to obviate the inconvenience which had been occasioned by its interruption. By it, however, the claims of both Governments were recognized, and future negotiations for their adjustment agreed upon. This treaty Napoleon ratified soon after its date. It was transmitted to the President of the United States, and by him submitted to the Senate, who ratified it, with a proviso to the second article, by which its term was limited to eight years in which to negotiate in regard to the respective claims of both Governments for indemnity.

With the alteration specified in this proviso, it was returned, to be submitted again to the Government of France. It was ratified by the First Consul, with this additional proviso: "That by this retrenchment the two States renounce the respective pretensions which are the subject of said article." With this further modification, it was again submitted to the Government of the United States; and, on the 19th of December, 1801, it was fully ratified, and returned to the President of the United States to be proclaimed to the country in due form. The effect of this retrenchment, in the proviso by Napoleon, was the renunciation of the "respective pretensions" of the two Governments for claims upon the other; or, in other words, was virtually but an off-set of the claims of the one against those of the other, without regard to their respective or comparative amounts.

It is clear, then, that, by this act of our Government in the treaty of December 19, 1801, the claims of our citizens upon France for indemnities became thereby foreclosed thenceforth and forever. This release of their claims was a voluntary assumption of their property and rights to obtain a discharge of our Government from the claims of France upon her. We insist, then, that, by this act, our Government, whose right to do this we do not contest, clearly assumed, whether it was specified in the treaty of 1801 or not, the just and full payment of the dues of her citizens, as if they had been originally claims against our Government itself. It is well known that France liquidated all the claims of American merchantmen, where the spoliations or seizures took place after the treaty of 1800. Suppose that France had had no claim upon the Government of the United States prior to 1793, when war broke out between her and England, can it be doubted but that she would have adjusted those claims for seizures anterior to the treaty of 1800 in like manner as she did those which occurred subsequent to that period? Again: Suppose France not to have had claims against our Government, but to have committed the depredations she did upon citizens of the United States, and had refused to make them good upon the demand of our Government, would it not have been just cause of war on the part of the United States? Most certainly it would. It is true that circumstances might have existed whereby our Government might not have been bound to declare war to redress the wrongs of her citizens; but unless there were strong justifying circumstances to the contrary, she would have been bound to do so, both in accordance with her constitutional obligations and in defense of her national honor. If these would justify a national war to redress the wrongs upon American citizens where their rights have been trampled upon by a foreign Power, how ought our Government, then, to be scrupulous to observe the just rights of her citizens, and to vindicate her own honor by meting out full and exact justice to whom justice is due? If to them it was a debt justly due from France prior to the treaty of 1800, it must, in the sense and to the same extent, be equally just as against this Government since the treaty of 1800. If it were not a just claim upon France, it should not have been demanded. If it has been liquidated by France in the treaty which was ratified December 19, 1801, it should not longer be withheld from the rightful claimants; but *restitution, full, speedy* and *ample restitution* can alone *vindicate* the *justice* and the *honor* of this Government.

FRENCH SPOLIATION BILL.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

In the House of Representatives,

January 24, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. BENTON said:

Mr. Chairman and gentlemen of the committee: I feel it to be conducive to the right understanding of this case to commence with opposing some figures of arithmetic to a certain figure of rhetoric which, since thirty years, has been flourishing in Congress on the subject of our commerce during the wars of the French revolution; and which figure of rhetoric refuses to "*down*" for all the bidding we can give it; and, therefore, must be knocked down. This rhetorical figure is: That, during these wars, our commerce was swept from the ocean, and our citizens continually robbed and plundered by the illegal seizure and confiscation of their property by the French. The figures of arithmetic which I oppose to this flourish, show that this commerce, thus supposed to have been annihilated, was just about double as prosperous at that time as it ever had been before, or since, or is now; and those figures stand thus: Our population then was about five millions—now about twenty-five—territory and cultivation increasing in the same proportion; and our exports rose to $91,000,000. Our exports now, to be in proportion to those during the wars of the French revolution—from 1793 to 1800—should be $450,000,000; they are but $230,000,000! after deducting the $40,000,000 of exported domestic gold. This is the answer of arithmetic to rhetoric; and it sweeps the foundation from under these claims. History has been often taught in songs, in pictures, and in caricatures: and truly taught. There are more persons who know the border wars between the English and Scotch—the battle of Chevy Chase, and its thousand similitudes—from popular ballads than from dignified history; and so of pictures, and even caricatures; and of this truth the subject in hand furnished an illustration. There was a certain picture in the times of this supposed destruction of our commerce, which I am old enough to have seen, and which was the veracious history of the day in relation to it. It was the representation of a large and beautiful white cow, with an ample udder, hugely distended: a short thick man, with an anxious countenance, holding her by the horns; a lean slender one, equally anxious in the visage, holding her by the tail; and a well-proportioned, well-satisfied looking man milking her with both hands—the copious double stream pouring foaming into a most enormous pail. That cow was commerce; that short man was John Bull; the slender one was France; and the man at the milk pail was Brother Jonathan. And this was the true history of our commerce at that time—the most prosperous we have ever seen, before or since, by two to one. True, there were great losses at sea, but also great gains. There were risks, but the gain was in proportion; and if every second or third vessel escaped capture, a fortune was made. Besides, there were insurers then, as well as now; and also illegal, as well as legal traffic; and the illegal was most profitable, and, therefore, most tempting. It was a state of war between Great Britain and France, and war has its list of contraband articles; and confiscation is their lawful fate when detected; and many detections and confiscations took place.

So much for that item, a sort of outside defense and side blow against these claims. I now come to the vitals of the case, and plunge right into them at once. The whole stress of the claims rest upon that guarantee of her West India Islands given in our treaty of alliance with France in 1778, supposed to be very onerous to us, and which was supposed to have been purchased off by a surrender of the claimant's valuable property in the year 1800. That is the whole case; and just see how easily it will be demolished. That guarantee and its supposed burden on us, is no new question, either for consideration or decision. It was considered and settled sixty years ago—sixty-one and a half, to be precise—and settled by those who had the right to settle it, and knew how to settle it; and whose decision was final, as it concerned us, whether right or wrong. It was settled by Washington and his Cabinet in April, 1793, immediately after the French National Convention declared war against Great Britain—settled by the Father of his Country, sanctioned by Congress, acquiesced in by the people, and settled right; but, whether right or wrong, no appeal lies to us; and we have enough to do to keep things right in our own day, without going back two generations, to set up our ignorance against the knowledge of our ancestors. That Proclamation of Neutrality! the whole world has resounded with it! and in issuing it, and thereby saving us from the vortex of European wars and politics, Washington, in my opinion, doubled the measure of his services to his country, and increased the measure of his own glory—great as were those services and that glory before that time. The proclamation was his work, sanctioned by the unanimous voice of his Cabinet, and approved by Congress and the people. On the 18th of April, 1793, he propounded to his Cabinet a series of questions, of which the two first only concern the present argument. The first was, whether a proclamation of neutrality should be issued; the second, whether the Minister of the French Republic should be received. Both questions were unanimously answered in the affirmative, and immediately acted upon. The proclamation issued, and we were saved from involvement in the most terrible wars which ever inflicted nations. True, the proclamation did not mention the guarantee; but it rested on principles and arguments which covered it, and which were understood to apply to it, and to be applied when the question occurred. It rested on two arguments, each valid under the law of nations, and each releasing us from the obligation of guarantee. The first was, the impossibility of complying with that obligation, except at the risk of our own ruin, or fatal damage. In such cases, the law of nations allows the party entering into such calamitous engagement to plead the ruin to

herself, and be released. That was one ground, and a clear one. The next was equally clear. It was, that the case provided for in the treaty of 1778 had not occurred, but the contrary of it. That treaty was entitled an alliance, offensive and defensive; but in the article of the guarantee it was wholly defensive—to join France in defense, not offense. Now, her war with England was one of offense. The French Government declared it! and not only declared it against England by a special decree, but by a general decree of fraternity and assistance to all people struggling for liberty in all countries—a decree which disturbed and agitated all Europe, and England above all—stirring up popular discontents, insurrections, and treasons at home as well as war abroad. The guarantee of 1778 bound us to take part in no such offensive operation—in no war declared by France against any one nation, and much less in a crusade of wars in favor of all revolutionists: and that was a second release, in the case of that war, from the terms of the guarantee.

But the proclamation did not mention the guarantee. That is true; and equally true that it could not have done so without indecorum: and Washington was not a man to commit an indecorum. France had not asked for its fulfillment! and it would have been indecorous to have refused her before she asked. She had only asked for the reception of her Minister; and that was granted. The formal answer to the other point was reserved for the contingency of a demand. And here I touch the nerve of the case—its vital thread, and cut it in two. Did France *ever* demand the execution of that guarantee? If she did not, it was a confession that she had no use for it, or no right to it. How stood the question on the point of use or need? Certainly the most urgent need that the imagination could conceive! Great Britain, dominating on the seas, captured the French islands, one by one, as fast as she could arrive at them, until they were all taken, one only excepted —San Domingo—which was ravished from France by a negro insurrection, involving the conflagration of cities and estates, the slaughter of its inhabitants, the violation of women; and all this going on almost at our doors, and presenting a case of the utmost need for our assistance, and immediate demand for it, if the right of demand had existed. Was that demand made? And if so, what was the answer? And if not, what was the reason of such extraordinary forbearance? I ask the question for reply; not argument. The claimants hold the affirmative, and should answer. If the demand was made, it was officially done, by one Government upon the other, through the regular diplomatic channel; and evidence of the fact must exist in the archives of both. They cannot answer; the advocates of this bill cannot answer; for the fact is against them, and that would be sufficient for the argument, for no one is bound to prove a negative. Yet I will go beyond the requirements of evidence, and prove the negative—prove it by the witness the most competent and credible, both from his character and opportunities of knowledge, and availment of those opportunities to acquire knowledge. I speak of the late Mr. John Quincy Adams, a citizen who, not content with either alternative of the noble end which every Roman prescribed to himself, to do something which deserved to be written, or to write something which deserved to be read; not content with either of these alternatives, has embraced them both, and besides doing a great deal worthy to be written, has wrote a great deal worthy to be read. In this latter category stands his history of the lives and administrations of two of our former Presidents, both dead when he wrote—Mr. Madison and Mr. Monroe—and in the life of the former of these, he was led to speak upon the particular point of the proclamation of neutrality, and of the guarantee, from the part which Mr. Madison acted in relation to these measures, and especially in his essays as to the *right* of the President to issue the proclamation of neutrality. Mr. Adams expressly avers that no claim for the execution of the guarantee was ever made by France—never, at any time whatever. His words are: "The *right* of the Executive to issue any proclamation of neutrality was fiercely and pertinaciously denied, as a usurpation of legislative authority, and in that particular case it was charged with forestalling and prematurely deciding the question whether the United States were bound (by the guarantee to France of her West India possessions in the treaty of alliance) to take side in the war with her against Great Britain, and with deciding it against France. Mr. Jefferson had advised the proclamation, but he had not considered it as deciding the question of the guarantee. The Government of the French Republic had not claimed, and never did claim, the performance of the guarantee." This is to the point, and full and clear. Had not claimed up to that time, and never since! And this was written after all pretension to the guarantee had ceased, by its abandonment in the treaty of 1800. France needed our assistance in the whole period from 1793 to 1800—from the inception to the end of these claims; and she sought that assistance perseveringly and earnestly, but never by virtue of the treaty stipulation of 1778. She applied for loans of money, for help in supplies, for credit to her *assignats* by making advances upon them, by facilities in our ports; the whole of which were denied by our Government, because a compliance would have compromised our neutrality. Then the French Minister, Genet, endeavored to involve us in the war by unjustifiable means—by fitting out armaments against France within our ports, and on our territories—pushing his audacity so far as to make it the duty of the President to demand his recall; which was done, and the demand granted. Now, here is application to us, and persevering application to us, for aid during the whole period of these wars of the French revolution—with audacious attempts to involve us in these wars by an abuse of our ports and territories; and now having shown the need for aid, and the applications for aid, the question comes up, upon what ground did France place these applications? Upon the ground of *right*, or the ground of *favor*? The treaty stipulation of 1778, or friendship and gratitude for past services? Entirely on the latter. The guarantee was not relied upon. On the contrary, it was disclaimed. Genet, the French Minister, informed our Secretary of State (Mr. Jefferson) that he did not ask the aid in the name of the guarantee; and that fact was officially reported to the President by Mr. Jefferson, and afterwards confirmed by Mons. Genet. He did not put it in writing, but he spoke it: and that was sufficient for our purposes. He did not, in such pressing need, make any demand for the performance of this guarantee; that was enough for us. But he went further, and disclaimed any reference to the guarantee while earnestly soliciting assistance; that was more than enough. Such a disclaimer, added to the fact of not appealing to the guarantee under circumstances of such urgency, was a satisfactory assurance to our Government that it never would be appealed to—that France knew that we had an answer, and a reason, ready to meet the appeal, and, therefore, she did not make it: in the language of Mr. Adams, "never claimed its performance."

These are the facts. Now, what becomes of the "onerous obligation" from which we were released at the expense of these claimants? Onerous signifies burdensome, oppressive. Now, where is the burden, the oppression, the onus of this onerous obligation? Twenty-two years it was on our statute-book, from 1778 to 1800. Seven years of that time its benefit was intensely needed, yet not asked for, and actually disclaimed! and that under a full knowledge that it would be denied if asked. A mere forbearance to ask, under these circumstances, independent of the disclaimer, was an admission, a confession, an acknowledgment that we had a *right* to plead the invalidity of the guarantee, and would plead it whenever put to the test.

Thus the guarantee was worth nothing during the whole time it was an article in the treaty, and when the benefits it promised were vehemently needed. What was it worth; what value had it acquired; what new virtue had got into it the day it was dropped from the treaty? These are questions, not for effect, but for answer; and let a few facts and figures give the answer. The guarantee was already superseded when it was given up in September, 1800, superseded by a great event. The battle of Marengo had been fought in June of that year. In that battle all Europe, and part of Asia, in war against the French, had been vanquished, the world pacified, the acquisitions of France sanctioned, and her losses repaired. At the end of that battle peace was conquered, and lost possessions regained. All the Powers hastened to sign treaties with the victorious First Consul, and to become the friends of the "Great Nation." The Emperor of Germany signed at Lunéville; the King of Naples at Florence; Portugal at Madrid; Russia at Paris; the Grand Turk at Constantinople; Great Britain at London. France was without an enemy, and without a loss. At four o'clock in the afternoon of June 14th, at the moment when Desaix fell in the arms of victory, there was an end to the wants of France of assistance from any Power on earth. All her enemies were vanquished. The last and greatest of them was vanquished; the British war Ministry itself was vanquished—was forced to resign—was succeeded by a peace Ministry—peace actually made, and the colonies restored! Not only her own islands, but those of her allies; not only those of the West Indies, but of other parts of the world. This was the state of things when this guarantee was given up in September, 1830, not that all the treaties of peace and restitution were then signed, but they were all secured—all occasion for the guarantee was gone. The islands actually got back, and got back by the supreme sword and genius of Bonaparte, without our feeble help. And such a genius, with such a sword, with such a reliance upon itself, would not disparage its own glories by attributing anything, past or future, to our invalid guarantee of his possessions. He had got back the islands, without our assistance, as they had been lost without asking for our assistance; and he ordered the guarantee to be given up, merely availing himself of it to get rid of importunity for claims which he held to be as invalid as we did the guaranty; and that was the end of the whole matter.

But I am not done yet with the opinion of the French Government on the value or validity of this guarantee: I have other evidence of its opinion to give, and to the same effect; and must give it, although it looks like supererogation, and an accumulation of blows upon the dead. The First Consul, in that immortal day of Marengo, had recovered all the West India Islands, taken by the British from the French Republic: one other island remained to be recovered, and it the most precious of all to the French—San Domingo. The revolted slaves held it, and placed France at defiance. The First Consul was determined to recover it, and needed naval aid for the transportation of his army. The British navy had annihilated the marine of France: the First Consul could only collect its wrecks, and supply the deficiency elsewhere. He looked to Holland and Spain, and got what he wanted. Forty thousand men, afterwards increased to sixty thousand, went upon the San Domingo expedition, to perish in it, without accomplishing its object. The magnitude of the preparations shows the value the First Consul placed on the recovery of that queenly island: his recourse to Spain and Holland for ships, showed how much he needed maritime aid—ships of transport and supplies of provisions, which our local position rendered so easy for us to give. True, this expedition was not formed until after the guarantee had been given up; but it had been foreseen, and in preparation from the time of the general pacification effected at Marengo. He knew at that time, as well as the year after, what he intended with respect to San Domingo, and what he needed to accomplish that intention. He knew he would need the very aid which our local position, and our commercial and military marine so well enabled us to give. Would he have surrendered that aid, if entitled to it, for all these claims put together, many times over? No! never! He would have held onto it—demanded it—threatened—and actually have commenced a new career of plunder against us, if we had not yielded. On the contrary he abandoned the stipulation without the least delay, and for what he considered as nothing, and treated as nothing; for he utterly refused to recognize these claims, saying they were lawful seizures and condemnations, and that French tribunals should not be discredited by giving up what they condemned. Here, then, is every kind of accumulated proof that this guarantee, called an onerous

burden, (on the release of which for their property the claimants rest their whole case,) was no burden at all upon us—no claim even authorizing a demand—never claimed when needed—formally relinquished at the moment it would have been needed again, if valid; and thus proved to have been a dead letter in our treaty of 1778 until that dead letter was erased by the treaty of 1800. And this puts an end to the whole story of purchasing a general benefit at a partial expense—getting rid of a burdensome national obligation by trucking off the property of individuals.

Mr. Chairman, I have now another view to take of these claims, and which is equally conclusive against them: it is the effort made by the United States to procure satisfaction for the depredations of the period in which they originate—the part success of these efforts—and the right of the Government to abandon those efforts when its duty to the rest of the community required it to do so, and without becoming liable itself in consequence of such abandonment. This is a vital point in the case, not so fully developed as others in previous debates, and which I shall endeavor to present accurately in point of facts, and clearly in point of law and policy.

I set out with the full admission that it is the duty of the Government to protect its citizens in all their rights, both of person and property, from the injuries of other nations. That is the general proposition. Its qualifications are, *first*, that it is the right of the Government to judge of the cases in which it will interpose its protection, and also of the nature and the degree of the protection which it will give: *secondly*, that it is its right, and its duty to the rest of the community, to cease diplomatic or hostile efforts at protection when it deems them unavailing and that the public good requires an oblivion of the past for the sake of the future. Tested upon these principles, and these claims will be found to belong to the class of things which are past—which are beyond remedy—and for which no Government is liable.

I recapitulate, that, from 1793 to 1800, war existed between Great Britain and the French Republic: that this state of war threw into the hands of our citizens the trade of both countries: that the risks of carrying it on were great, but the profits also great, and insurances in common use then as now: that a vast number of seizures were made, under the allegation of covering enemy's property with our flag, or carrying contraband of war: that many of these seizures were illegal and unjust—others legal and just, as shown by the judicial decrees which condemned the seized property. This was the state of facts; and to protect this commerce from unlawful seizure and condemnation, and to obtain indemnity where the property had been wrongfully taken or condemned, the United States immediately had recourse to the modes of redress and protection known to the law of nations—diplomacy, and afterwards hostilities: and prosecuted both until she received indemnity for all that the French acknowledged, and until she deemed it due to the rest of the nation that she should cease her vain efforts, and return to a state of friendly intercourse with France for the good of the whole community. To show the efforts which the United States made in this case, will now be the subject of a brief statement.

First, by diplomacy These efforts continued from 1793 to 1798, and being unavailing, a hostile attitude was then assumed towards France, preparations for war made, war measures adopted, enormous expenses incurred, and actual war waged. Letters of marque and reprizal were authorized, and issued; merchant vessels were authorized to arm, to fight and to capture; the condemnation of captured vessels was provided for; rules prescribed for the distribution of prizes; non-intercourse with France declared; all the treaties with that country abrogated by act of Congress. And under these acts, being acts of war upon the statute book, actual war took place upon the high seas: vessels met and fought, prizes were taken; men were killed; prisoners were made; the brilliant actions of Commodore Truxton were fought; the *Vengeance* and the *Insurgent* successively fought, one captured, the other crippled and sunk. These were the events at sea. How was it on land? Equally a state of preparation for war; a provisional army was raised; vessels of war, even ships of the line were built; taxes were levied; loans contracted; debt incurred; and a war spirit roused between the two countries. With all these war measures, for the redress and protection of our citizens, were mixed imposing and expensive embassies, composed not of a political retainer that begged a job, but of missions, composed of the most illustrious men of our country or of any country, taken from the two political parties, so as to present a united national front in demanding redress. Among missions so composed was that of Marshall, since Chief Justice, Pinckney, of South Carolina, and Gerry; and that of Ellsworth, Chief Justice, William Vans Murray, and Governor Davie, of North Carolina—all illustrious citizens. Under these latter the convention of September, 1800, was concluded, which obtained stipulations for indemnity for part of the depredations of the seven previous years—abandoned the pursuit of the remainder—and gave rise to the pretension on which these claims were founded. Depredations to the amount of twenty millions of francs (near four millions of dollars) were provided for, and subsequently paid to our citizens, though in reality by ourselves. That convention settled the question of depredation for the whole period, *so far as France acknowledged them.* With respect to the rest—with respect to those which she did not acknowledge—they were very commodiously put into a class with a certain thing which we did not acknowledge: and the two together, thus embraced in the same category, indefinitely and eternally postponed by the exact language which diplomacy uses for that purpose when it chooses to get rid of a thing forever, without expressly so declaring. An article of the treaty, and it was the second one in form, (the first after declaring peace and friendship,) after premising that the negotiators could come to no agreement upon the guarantee of 1778, and upon indemnities due or claimed, went on to say "*the parties will negotiate further on these subjects at a convenient time;*" which time was as well intended by both parties as if it had been so written, to be the Greek Kalends: and we all knew when we were at school what they were. And having thus indefinitely postponed the consideration of these items so respectively unacknowledged, the parties took care to make sure that they should give no trouble in the mean time. They laid them both aside to await a further negotiation which was never to take place. They disposed of them thus: "*That until they may have agreed upon these points, the treaties and conventions (guarantee of 1778, &c.) should have no operation, and the relations of the two countries should be regulated as follows:*" *&c.* This was the disposition made of the unacknowledged items; their consideration indefinitely postponed, and, in the mean time, the claims of neither to have any operation. And what was the force, or value of these items on either side? Precisely nothing at all. On our side the guarantee should have no operation until *we* agreed to it—*we*, as well as the French. Well, that was the exact case then. It had no operation at that time, never had, never had been asked to have, had been disclaimed even when needed; and the time had arrived when it was not needed—when the supreme and victorious arms and genius of the First Consul had themselves become the guarantee of French possessions, recovering all that was lost, and adding new ones to them. This inoperative guarantee was agreed to remain without operation until we, as well as the French, should agree to it; and this is called a "valuable consideration" accruing to us, by virtue of which we were released from an "onerous obligation." Very valuable, indeed, that which was not worth a straw; and very onerous, that, the weight of which had never been felt! And what constituted the value of this consideration? An agreement to negotiate further about these claims—not to pay them, but to negotiate further about them—when the parties, *id est*, the French as well as ourselves, should find it convenient to do so. This is the totality of the value, deemed by the Senate of the United States, in 1802, and justly deemed, worth nothing at all, and as such the whole stipulation, both in relation to the indemnities and the guarantee, was struck out of the treaty by the American Senate; and the striking out agreed to by the French Government, so as to leave both parties exactly as they were—the guarantee as it was, the claims as they were. And here comes a flat self-contradiction in the case of the claimants, that their claims were given up to get rid of the guarantee. No such thing. Both were dropped from the treaty. Both remained exactly as they were before the treaty. Neither were saved; and it *is* a flat self-contradiciion to assert the contrary, and to assume that one was given up to save the other. Both are now as they were before that article was signed, to negotiate further about them at a convenient time; that is to say, both were dead before—both were intended to be forever buried under this postponement to a convenient time—and both were left dead and buried by the action of the Senate in striking both from the treaty: and it is contradictory and absurd to assume the contrary, to assume that one was saved at the expense of the other. The Senate knew that this convenient postponement was the diplomatic mode of terminating the questions forever; and they did directly what diplomacy was doing by indirection. It was the case of constant occurrence in familiar life, the case of neighbors settling old accounts. They settle the tangible and valid items; they have a parcel more, disputed and resisted, about which no agreement can be made; and these unacknowledged items are balanced, one against the other, nothing against nothing; that the books may be squared up, and a new line of dealings commenced on a clean foundation.

Now, what is the value of all this? A promise to negotiate further was not a promise to pay anything; and what was such a promise worth when a promise to pay, contained in the same treaty, and contained in the two next ensuing articles, was not complied with? Twenty millions of francs were found to be due under these two articles. Were they paid? No. Were they demanded? Yes, incessantly? What became of them? We paid them ourselves! The case was this: all demands were evaded; at last the progress of events threw open Louisiana to our purchase. Bonaparte directed his negotiator, Mons. Barbé Marbois, an old friend to the United States, to ask fifty millions of francs for the province; the Minister asked eighty, giving up twenty of the eighty to go to our citizens in satisfaction of the claims acknowledged and liquidated by the treaty made three years before. In this way this promised payment was made; and when the First Consul discovered it, he was dissatisfied with Marbois, and remonstrated with him for giving up any part of the purchase money to this object, although he cleared ten millions of francs by the operation. But the remonstrance came too late; the stipulation was already in the agreed draft of the treaty: and it stood. Now, what was that promise worth to negotiate further, at a convenient time, about refused claims, when this was the fate of those claims acknowledged, and payment engaged by treaty, and that treaty signed by the First Consul's favorite brother—by Joseph Bonaparte?—claims refused for a reason which was permanent, not temporary—because they had been condemned by the French tribunals as illegal, and France would not dishonor her tribunals by invalidating their decisions.

Mr. Chairman, and gentlemen of this committee, having shown the flagrant errors in point of fact which lie at the bottom of these claims against us, and which is their sole foundation—the error in assuming that they were "a valuable consideration" given to purchase off "an onerous obligation;" having shown all this, I now take a higher ground, and affirm that the Government had a right to have done that very thing!—a right to give up claims!—and has done it from the foundation of the Government to this day—and that without the least suspicion in its own bosom, or in that of any claimant, that it was rendering itself debtor for the claims surrendered. What is the principle?—Why, that Government owes protection, in their lives and property, to all its citizens; but with this controlling qualification, that it is itself the judge of the degree and nature of the protection it will give; and that it owes paramount protection to the whole body of its citizens, before which individual interests must give way. According to these principles the Government has a right (and that right in reference to the community) to judge in what cases it will interpose at all, and how? Whether by diplomacy, or arms, or both? And

having interposed, it has a right to say when it has done enough, or as much as it can; and when the interests of the rest of the community require vain efforts to cease, and impossible reclamations to be abandoned, and peaceful relations to be re-established with the antagonist Power. These are rights and duties belonging to every Government: for, while protection is due to every part of the citizens, there is a paramount duty to the whole; and that paramount duty requires that the interest of the whole should cease to suffer when it becomes impossible to get justice for a few. And now, let us apply these principles to the present case and see where they lead us.

Our citizens complained of French depredations upon our commerce from 1793 to 1800; our Government believed that they complained justly; that is to say, that many of the seizures and confiscations of which they complained were illegal: they interposed to obtain indemnity for these illegalities (the only kind for which they could interpose) and security against their repetition: they interposed by negotiation, by arms, by war, by letters of marque and reprisal, authorizing every citizen to go upon the high seas, and indemnify himself for his losses, by taking what he pleased of the enemy's property: they imposed taxes and incurred public debt: they broke up all commerce with France by declaring a non-intercourse: they burdened the whole community, and stopped the trade of the whole community: and they persevered until they actually obtained satisfaction to the amount of near four millions of dollars, being all the French acknowledged; and then actually paid those four millions themselves. In fact, they persevered until these efforts ruined the administration of the elder Mr. Adams, and actually broke down the Federal party; that is to say, carried the protection and defense of these claims beyond the point at which the people would sustain them. Mr. Adams and his friends fell struggling for these claims: Mr. Jefferson gave them up, being elected upon the question; and hence their reclamation took a political aspect. They were dropped in 1800! for such was the effect of the stipulation to treat further, whether that stipulation was retained or struck out of the treaty. They were abandoned, the good of the whole requiring friendly commercial relations to be established with France, and it being out of the question to fight forever, or negotiate forever, for disputed claims; and thus sacrifice the interest of the whole community in vain efforts for the interest of a part. The Government was the judge of the question when it had done enough, and when the time had arrived to consider the interest of the whole, and to act accordingly, without making itself the debtor of the individuals whose claims were abandoned. If that was the case, better far it would be to pay before incurring the expenses and burdens of defense and protection. Better far would it have been for the country, if the administration of 1798 had paid these $5,000,000 at once, and saved the imposition of taxes, the accumulation of debt, the preparations for war, actual war, non-intercourse, national animosities, and loss of popular favor. Better to have paid the $5,000,000 then than to have expended $15,000,000, as it did, and then pay in the end. No! the administrations of Mr. Adams and Mr. Jefferson did enough. But enough or not, they were the judge, and no appeal lies to us—a subsequent generation—who will have enough to do in taking care of their affairs without ripping up, and condemning the conduct of their ancestors, who were equally honest, and better informed than themselves.

I repeat, these war measures in support of these claims broke down the Adams Administration and the whole Federal party. The alien law and the sedition law were abstractions, visible only to politicians; the taxes, loans, troops, ships, non-intercourse, loss of commerce, loss and capture of vessels, combats at sea—all these were realities felt by the masses; and they broke down Mr. Adams and the Federalists, and brought Mr. Jefferson and the Democracy into power. The Presidential election of 1800 turned upon these issues; the people decided them at the election; Mr. Jefferson carried out the decision immediately, stopping all the war measures, signing a treaty of friendship with the First Consul, and abandoning the claims. Then the cry was raised against Jefferson and the Democracy for giving up these claims. They were called enemies to commerce; the Federalists were called friends to commerce. The reclamation of the claims was demanded. It became a party question. Every Federalist, so far as I know, went for the claims; and their continuators (the modern Whigs) have done the same. The body of the Democracy stood by Jefferson, until the fathers died off, and repulsed these claims. Now the fathers are gone; and the reclamation of the claims has become a cherished measure in a Democratic Congress, to be paid by ourselves, as wrong doers fifty years ago. Jefferson, and the whole Democracy, to be overhauled, and condemned now, and their judgment to be reversed for *injustice;* and the people to make atonement in heavy damages for their iniquitous conduct. That is the state of the case, and I wish to make it clear and fresh. A new principle is now invoked—that of our liability, two generations after the time, for this imputed injustice of Mr. Jefferson and the Democracy of his day. Reversal of the presidential election of 1800 is now the issue involved in this bill; and one party stands to it as a unit—the other divides and scatters, and crosses over to the opposite camp. The issue now is, that the Democracy of 1800 was wrong, and that we are liable in money for their error. Liability is the principle set up.

But such is not the principle, and our own history—the proceedings of our own Government and Congress—prove the contrary, and establish the truth of what I say: for every bill we have ever passed for any indemnities, and every treaty which ever stipulated to pay them, fixed a maximum, beyond which they were not to go; and that maximum always far below the amount of the claims. This was the principle of the right to abandon without becoming paymaster—to abandon the whole, if the Government chose; for the principle, if false at all, was as much so for part as for all. But we need not go back to history. This very bill presents the instance; for it fixes a limit of $5,000,000, while the claims are for $12,000,000, and contains a clause barring the remainder. Every member, then, who supports this bill, supports the principle which condemns it, and votes in contradiction of the argument which sustains it.

But, it is not our general and uniform history alone which supports the principle I maintain, but our special conduct in the early and purest days of our Government, and in a case as much stronger than this of the French claims as the strongest possible case is stronger than no case at all: I allude to the deportation of slaves taken from their owners during the war of the Revolution—their restitution stipulated in the treaty of peace—and that stipulated restitution abandoned by another treaty in 1794 and 1796, in order to obtain from Great Britain a commercial treaty for the benefit of the whole Union. Bear with me while I show the merits of the claim for compensation in this case of deported slaves—its merits, both in the circumstances of its origin, and its degree of validity at the time it was abandoned, or, in fact, bartered off to gain the commercial treaty. The case was this: Thirty thousand slaves had been seduced from their owners in the southern States, and lost to these owners by that seduction and abduction. Besides what perished in the British camps, or otherwise disappeared, as many as three thousand were carried off by Sir Guy Carleton, the British commander. The treaty of peace stipulated for their restitution. It was a positive article in the treaty, and a just and fair one, and one without which peace could not *then* have been made. Great Britain resisted the restitution: the Congress of the Confederation insisted on its performance: but in vain. The question devolved upon the new Federal Government. One of the first cares of this new Government, successor to the old Confederation, and to its rights and duties, was to claim (among others) the performance of this article for the restitution of the deported slaves. Washington put it into his first annual message to Congress, and in several subsequent messages, complaining of a breach of the treaty, insisting on its performance, and opening negotiations to that effect: all in vain. Finally, in the commercial treaty of 1794, and its supplement of 1796, this treaty stipulation was abandoned—no, not abandoned, or even surrendered, but sold off to assist in purchasing the commercial treaty, which the interest of the whole required. Thus the owners of the slaves had something very different from a promise to negotiate further for their property at a convenient time. They had the stipulation for pay—negotiation was past, and successful; a sacred promise obtained—a valuable one to them, for it bound the British Government to absolute payment; and it was given up for a valuable consideration to the community. The Washington administration felt profoundly for the sufferers, but the interest of the whole had to be considered, and a part had to give way to all. So stood their case on the point of treaty protection—actually acknowledged in a treaty, and that a treaty of *peace*, by the wrong doer, and satisfaction sacredly promised. Now, how did this case stand in point of original merits—in the circumstances of its inception and consummation? It stood thus: the owners of those slaves were not employing them in distant and hazardous expeditions, with a view to perilous gain, and under insurance, but at home, on their plantations, while they themselves were, in many cases, in the army, fighing the battles of the Revolution; in some cases in the public councils providing for the armies—in all cases, paying taxes for the support of the war, and relying upon the labor of these slaves for the means of paying their taxes, and supporting their families, while they themselves were thus engaged. Besides, many of them were in debt to British merchants, in some instances for the purchase of these slaves, and all relying upon the labor of these slaves to pay those debts. Then the treaty of 1796, which gave up their rights in exchange for a commercial treaty, enforced the payment of these debts—interest and all; and many families in the southern States were ruined by this double process of enforcing debts and abstracting the means of payment—paying to those (as a nation) who took away the means of payment. I am old enough to remember these things in North Carolina, and well recollect the distress I have seen on account of them; but I never heard of any attempt to make the United States debtor to the owners of these slaves for the property surrendered to secure a general good, although their right to it was guarantied in a treaty, and that a treaty of *peace*, and in terms which were binding and obligatory upon Great Britain, as since proved in the case of a similar stipulation, in the like case, in the second treaty of peace—the Ghent treaty—for slaves taken from their owners during the war of 1812—and compliance with which stipulation was enforced against Great Britain, under the umpirage of the Emperor Alexander, of Russia, after twelve years of the same kind of resistance which was made to a compliance with the treaty of 1783. Here, then, is a case really fitting the argument which is made in behalf of these French claims—a case as much stronger than the one now before us as truth is stronger than fiction, and justice stronger than injustice; and, what enhances its merit, it is a little older than the other; for claims, like wine, become more valuable as they become older, and are longer kept. Then they are ten years older in the wrong, and four in the remedy—being secured in the treaty of 1783, and given up in 1796—four years before the French claims were abandoned. They are, therefore, older, which is an advantage, but not much. These British claims, then, have every species of title in their favor; and if this French bill passes, the other case should immediately follow it.

But I do not ask to follow a false principle, and a ruinous precedent. I resist them; I seek to prevent their establishment; and, having shown the erroneous and ruinous principle on which this bill is founded, and then shown that the claimants have not a *true* case in point of fact to come under the protection of that *false* principle, I must state some further objections to the relief the claimants ask, and which the bill before us proposes to give. These are:

First. The bill makes no exception of insurers It includes that class among the meritorious claimants, although the insurer follows the business as a profession, makes his living and his fortune by it, and flourishes most when risks are greatest, because the premium on policies is then the highest. This bill makes no exception of his claim, nor does it even require him to account for

the premium he received from the owner of the insured vessel, or cargo, and deduct the same from the amount of his claim. The bill is to pay him his claim and let him retain the premium besides, thus getting double pay in a case in which he should receive nothing. Yet these insurers, though covered up in the bill, are held back in the argument. No one pleads their merits. The widows and the orphans are the battery from behind which they fight.

Secondly. It does not exclude assignees, or confine their allowance to the amount paid for the claim they hold; on the contrary, it expressly includes them, and puts them on a better footing than original claimants, in allowing them interest on the amounts they paid; and, as these claims run back sixty years, the interest may become about four times the amount of the principal. Thus, the assignee, the man who became a claimant upon speculation, purchasing for a few cents in the dollar to take his chance for one hundred cents in the dollar—like the purchasers, at two-and-sixpence in the pound, of the old soldiers' certificates, funded in their hands at thirty shillings in the pound: this assignee thus purchasing a claim to be prosecuted, and therein committing the offense which the common law calls champerty and barratry, and punishes criminally with fine and imprisonment, as a stirrer-up of suits and litigation: these assignees are encouraged and rewarded, and placed in a better situation than the original sufferers. But their merits are not plead; no orator celebrates their merits. The widows and orphans, of whom there are precious few, alone appear; alone figure in the speeches; and they figure all the time! held up before us to excite our sympathy for the quiet gentry behind them; as the Roman orators were accustomed to exhibit, before the *judices selecti*, screaming babes and mourning wives and mothers, to excite compassion for those who could not be otherwise defended.

Thirdly. The original claimants themselves, who may have insured, or might have insured, their property, and may have received, or might have received, the part or the full value of their loss, are not required to account for that indemnity, and deduct it from their claim, but are allowed to keep it, and so get two payments for the same property.

Fourthly. This $5,000,000 proposed to be allowed is not required to be paid out of the surplus money now in the Treasury, but may go into a stock at five per cent., first intended to run twenty years, but proposed to be altered, in point of redeemability, into the pleasure of the Government—a change which may be for the worse, as some Administrations may hold a public debt to be a public blessing; and so delay the payment as long as possible. This is unjust and impolitic. The interest may equal the principal, and so double the allowance. It is throwing our burden—one which we voluntarily assume—upon posterity, which will have burdens enough of their own to bear—and which is, besides, the most insidious and dangerous form of creating public debt—the very way in which the British debt was created, against the remonstrance of all the wise and patriotic statesmen of the time of the foundation of that debt. What a spectacle we exhibit! We act for the past and the future, not for ourselves. We undertake to correct the act of an Administration two generations back! and then throw the burden of the correction upon the next generation! we ourselves doing nothing but assuming superiority over our ancestors, and casting upon our children the debt we create and assume to pay. Why stock at all, when we are paying twenty per centum premium to redeem stock? Why this favor, unless to add a premium upon the money which we pay? In the mean time, while throwing these $5,000,000 on posterity, and doubling its amount in interest, we retain surpluses in our Treasury, to be squandered in folly, or to pamper extravagance, or to invite new speculators to come and take it. We assume a fine position for ourselves—that of stigmatizing our ancestors and burdening posterity. We acquire glory, and get it cheap—at the cost of the dead and the unborn. We pay nothing. It is sufficient to reverse the decision of our ancestors, and make posterity pay. We get the credit of being just men by going back two generations to condemn the dead, and going forward one generation to make another generation pay the damage! we ourselves getting all the glory, and paying nothing. Verily, it is a partnership of three, in which we choose our own part, giving condemnation to our ancestors, burthens to our posterity, and glory to ourselves. Truly, we shall be glorified—but not by our constituents or posterity.

Fifthly. They have been decided against for fifty years: and yet all these decisions stand for nothing in favor of the people, while one decision in favor of the claimants stands, and takes the money; and too often becomes the foundation of another. In such a contest, the public has no chance. Win as often as it may, it stands for nothing, and finishes nothing. The game recommences, and continues until the public lose once! and the loss goes—soon to be followed by another. What chance has the public in such a game as this? Certainly it has no chance at all, and the Treasury had as well give up at the first summons, as thus to be taken in the end. Our Treasury is not a Sebastopol. There is no chance for the public but for Congress to repulse this application, and put an end to this game. The strongest bank must be broken that ventures to play it.

These are some of the secondary objections to this bill, very grave in themselves, and a great aggravation of a bill founded on a false principle, and sustained upon a false assumption of facts. If it passes—if it gets a place on the statute book—then will an era of calamity be inaugurated in the annals of our Government. It will be the inauguration of a new, a false, a ruinous principle in our Government—unknown to our previous history, or to the history of any people upon earth! A principle by which the nation becomes debtor to a part of its citizens for the amount of their claims on foreign Governments, when it fails, at the end of wars and diplomacy, to procure them redress! And by virtue of which we are not only to be liable in all such cases hereafter to occur, but in all such cases past: for in every case of the settlement of these claims with foreign Governments our Government has exercised its discretion in mutilating the claims, and paying no more than a maximum which itself prescribed, leaving unpaid a residuum just as much entitled to payment as the part which received it. Above all, it will give an irresistible right to the losers of the thirty thousand slaves taken from them in the war of the Revolution, and the interest upon their value for seventy years. They are but little older than the French claims, and that difference makes in their favor. The French claims date from 1793—theirs from 1783—giving ten years of longer loss; and, of course, of longer injury, and stronger ground for reclamation than the French claimants have. Dating from the respective periods of their surrenders, (1796 and 1809,) and there are but four years' difference in their ages: and what is that in a "*just*" claim? The passage of this bill would install a new era in our annals—*dies infaustus*—the most unhappy in our history—forever to be deplored—forever to be looked upon as the starting point in a long line of a false and fatal policy.

Mr. Chairman, and gentlemen: What have I seen? I have seen those French claims, while those were alive who understood them, faintly presenting themselves before Congress, and obtaining references to favorable committees, and obtaining favorable reports upon them, without being able to make the least impression upon that body! without being able for a whole generation to bring them to the dignity of a vote. Then, as those who were cotemporary with the events began to die off, and new members came in who obtained their knowledge from these favorable reports, thus got from favorable committees selected for the purpose, and from agents and assignees: then the claims began to appear formidable! and to become more so with each revolving year, and with each successive defeat. For, in the case of the Government, time strengthens claims upon it, and defeats decide nothing in their favor. A single victory of the claimants lets them into the Treasury: no number of defeats can keep them out of it. Vanquished at one session, the indefatigable agents appear at the next: and so on until one victory is gained: and that is enough. This comes from a new profession sprung up among us—a new industrial pursuit—most industriously pursued—day and night, in season and out of season, with accumulating arguments and mollifying appliances, often administered by fair hands. This new industrial profession are the agents! men who will not be repulsed! who hold on like the Greek to the Persian galley at the battle of Marathon. You know how that was, and how this pertinacious combatant held on with his right hand until it was chopped off, and then, with his left until it was chopped off, and then with his teeth, until his head was chopped off; after which, the teeth still remained sticking in the galley. For this exploit the Greeks called him *Cynegiras*—I believe from two Greek words, signifying *dog*, and *hold on:* that is, holding on like a dog; meaning not the cowardly cur, but the brave bull-dog, which will have his four legs cut off, and his head besides, and still will hang on to his prey. This is our race of agents, real *Cynegirases:* and when they take hold, woe to the Treasury! woe to the public lands! woe to Virginia military land warrants! woe to the "old soldiers'" lands! It is time for us to read a lesson to these agents. Our self-respect, individually and collectively, demand it. The character of popular representative Government demands it: for evil talk pervades the land; and I verily believe that, while there is much plundering by officials in monarchical Governments, there is no Government upon earth in which a people were ever so regularly and enormously plundered under the votes of their own representatives as in this Congress of ours: and all owing to this new industrial profession of agents and assignees. Let us read them a lesson: and this is the time to begin, and in the rejection of this bill. Let us warn them off. None of them bring letters of introduction to me: none talk with me about claims: my own constituents excepted, as much as they please, (for they have the right;) but nobody else. I learnt that much from the old fathers of the Republic—the Macons and Randolphs, who, like a judge on the bench, or a juror in the box, allowed no one (constituents excepted) to speak to them in private about a claim, but gave a careful consideration to all that came before them, in committee or the House.

FRENCH SPOLIATIONS.

SPEECH OF HON. D. T. DISNEY,

OF OHIO,

In the House of Representatives,

January 24, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. DISNEY said:

Mr. Chairman: It is not my purpose to inflict upon the House any extended remarks in regard to the pending bill if I can avoid it, because I cordially sympathise with the general feeling which is manifested upon all hands, to progress with the business which is pressing upon us in every direction, from every quarter, and upon almost every conceivable subject. I shall endeavor to limit my remarks in reference to the bill to a very reasonable time.

Here permit me to remark, that I was, for a long time, deeply impregnated with a feeling of prejudice against these French spoliation claims; and it was not until I was induced to set down and make a careful, calm, and deliberate examination of the case that these prejudices were dissipated; but I was compelled, as the result of that investigation and examination, into the conviction that these claims are founded in justice, and that the national honor, and every consideration of justice, public and private, demands at the hands of this Government the payment of the claims of these parties.

This case can be stated, in general terms, in a dozen words. There is an infinitude of detail about it; there is a vast variety of facts; there is any quantity of opinions in relation to the matter, and which, if gone into, would demand a most extended discussion, and a most extended argument. But, I repeat, the case itself—the anatomy of the case—can be stated in a dozen words; perhaps in less. The whole case is simply here:

Certain spoliations were committed upon the property of American merchants by the citizens of France, with the countenance and sanction of that Government. Those spoliations constituted a just ground for claims of indemnity against the French Government. It was so considered by this Government, and it was so admitted by the Government of France. But, while France made this admission, she claimed a corresponding offset to be allowed to her upon other grounds, and, after an exhibition of great diplomatic skill and ability on both sides the whole difficulty was finally settled by the United States giving to France a specific discharge from all liability upon her part to grant indemnity for these claims, while France, for and in consideration of that discharge so given upon her part, made and executed a like release for the claims she professed to have had against the Government of our country.

This is the case, and it is all there is of it. There was an admitted claim on the part of the Government of the United States against France, admitted by France. This is not denied. The claim was admitted by France; and yet, for and in virtue of a consideration given by France, the United States undertook to, and did, apply the property involved in these claims for the general benefit. The United States gave to France a receipt in full on account of these claims for her release of claims on us.

Now, under a state of facts like these, what are the obvious dictates of right and justice? Private property has been taken in order to accomplish a public purpose; and the question arises on the obligation of the Government to indemnify for the property so taken and applied. The principle runs through all your statutes. It lies at the bottom of all your organic laws. In all cases, compensation must be made for private property taken for public uses. Yet, with a case so clear as is this one, through the ingenuity of those who are opposed to it, all sorts of conceivable arguments and reasons have been resorted to for the purpose of mystifying it, to complicate it, and prevent its being understood, and to defeat the application of a principle universally recognized as just and right.

The same arguments have been produced and reproduced in an infinite number of forms, sometimes stronger, sometimes weaker. Like the dishonest debtor, who resorts to evasions to get clear of his creditor, gentlemen, in opposing this claim, have resorted to all manner of arguments, and arguments which never entered into the heads of those who were upon the stage of action at the time these claims arose. One gentleman says that war destroyed all the claims. Now, sir, France never set up any such objection—and if the plea was good, France was the only party in whose mouth the plea would lie, but she made no such plea—she admitted the justice of the claims, and her liability to indemnify. Looking over the debates heretofore had upon this subject, we find this objection—this position—that war destroyed these claims, strenuously presented as one which ought to prevent the passage of all similar bills.

It has been said that, under international law, war destroys all existing or preëxisting claims. But even admitting the general doctrine, if the claims in this case were good, and acknowledged to be such by France, after the existence of the alleged war, why are they not good now? It is no answer to say that there was war! No, sir. The waiver by France of such a plea, and her subsequent admission of her liability, rendered these claims valid, even admitting, as I have said, the general doctrine to be true.

The American diplomats who negotiated the convention of 1800 did not agree with the opinions which the gentleman from Missouri has expressed. They contended that the abrogation of the treaties did not invalidate the claim for indemnities on account of the spoliations by the French. Their argument on this point can be found at page 623 of the volume of diplomatic correspondence on this subject. "If war *had actually* commenced when it is suggested there was cause given, still, how could its rights be seen to extinguish the claim of America," is the language of the American Ministers.

The gentleman from Missouri says that the consideration of release was on account of a guarantee which France never asked us to fulfill; that it was offsetting one valueless thing against another. Others have declared that France could not have paid the claims if she had wished to do so. And that she would not have paid them if she had had the ability. All these objections have been made. But how do they apply? Look at the case. Citizens of the United States having been despoiled of their property, the Government demanded indemnification from the Government of France. In the course of the proceedings, France admitted the justice of the claims, but, for a valuable consideration, our Government gave a receipt in full acquittance and discharge of all demands. That, as I have said, is the case, and all there is of it.

The volume in my hand contains nothing but the diplomatic correspondence in relation to this matter. I have read it, line by line, from beginning to end; and I might occupy the committee for hours with extracts to show the force of what I have said. I find in it the very position assumed by the gentleman, that Congress, by its acts, had annulled the existing treaties. There was *finesse* upon both sides, and subtlety in the negotiations upon the subject. The gentleman from Missouri will pardon me if I say to him that he overlooks one important point in this case. It was not alone the guarantee to which he referred for which France claimed satisfaction and indemnity. It is true that she claimed indemnity for that guarantee. But it has been asserted that the *guarantee* was of no value, and that France never demanded its execution. How is this declaration sustained by the facts? In the letter of instructions issued by the Secretary of State to the American Minister at Paris, under date of July 15, 1797, this passage occurs. It certainly shows that the United States did not then understand that France had released the guarantee, or considered it as without value:

"When Mr. Genet was sent as the Minister of the French Republic to the United States, its situation was embarrassed and the success of its measures problematical. In such circumstances it was natural that France should turn her eyes to the mutual guarantee, and accordingly it was *required* in Mr. Genet's instructions to be 'an essential clause in the new treaty' which he was to propose," &c.

Again:

"But, at this time, France, powerful by her victories, and secure in her triumphs, may less regard the reciprocal guarantee with the United States, and *be willing to relinquish it*, as a substitute for the reciprocal guarantee may be proposed," &c.

Again:

"But if France *insists* on the mutual guarantee, it will be necessary to aim at some *modification* of it."

Can answer be more conclusive as to the allegations that the guarantee was valueless, or that France agreed to waive it.

There was another important provision of which I shall speak, but I must go back in the consideration of events. At the breaking out of the French revolution, the Government of the United States found its relations with that country specified and defined by two existing treaties, one of amity and commerce, and the other of alliance. In these treaties, besides various others, there were two important principles and provisions. One was the guarantee alluded to by the gentleman from Missouri; the other was that the use of all American ports should, at all times, be open to the French vessels of war, as well for the purpose of provisioning and refitting, as for the sale and disposal of the prizes they might capture from an enemy. Now, I desire to say that there is no man in this broad land who looks with more pain and regret than I do upon any stained or discolored page of our history. But a just, fair, and candid examination into the facts of this case, has brought to my attention some pages in that history which I could wish had never been written. I may use the language of one of the French commissioners, in his report to the French Legislative Assembly, when speaking of the United States, in relation to this matter, he said that, at the outbreak of the French revolutionary war, the United States of America found itself embarrassed, and entangled (*froissés*) between their dread of the power of England and their treaty obligations to the Government of France. In this statement you have the clue to all the subsequent proceedings of our government. Subsequent to the treaty of 1783—the treaty of peace—the course of the British Government had been one of hostility to the independent States of this Confederacy. England still retained the northwestern posts, stimulated the Indians upon our frontier into active warfare; defeated the treaty with Portugal; encouraged the corsairs of the Barbary Powers, and pressed us hard for indemnification for debts to her citizens. This, then feeble, Government of the United States, with sparse population and impoverished Treasury, was alarmed and apprehensive at the tone and conduct of England. It was, as described, embarrassed between treaty obligations to France, and apprehension of the power of England. Let me point to one fact.

Immediately on the receipt in this country of the intelligence that war had broken out between France and England, before any act of aggression was pretended to have been committed by France, a Cabinet council was called, as the gentleman from Missouri has stated, to determine what ought to be the course of the country in the existing condition of affairs. At the first meeting of the Cabinet council, Alexander Hamilton advocated the doctrine that this country was at liberty to disregard her treaty obligations to France if we found that they were at all *disadvantageous* to us. Marshall is my authority for this. Need I comment on such a doctrine. If it were to prevail what would be the value of treaty obligations? They would not be worth the paper upon which they were written. If a Government is at liberty to disregard its treaty obligations whenever it finds them to be disadvantageous to its interests, then the solemn obligations of a treaty are, in reality, a mockery. Yet such was the spirit manifested by some of the authorities of this Government when war broke out between England and France. I shall not stop to inquire whether that was an offensive or a defensive war on the part of France. I say that the doctrines advanced by Hamilton, are indubitable evidence of a determination to violate the obligations of our treaty with France, and the slightest pretext was waited for to carry the intention into execution.

In regard to the war between France and England, the honorable gentleman from Missouri, [Mr. BENTON,] has proclaimed the opinion that the United States were not bound to respect its treaty obligations with France, because it was an offensive war with England on the part of France. Sir, the gentleman knows that offensive operations had actually been before commenced by England; that French ships had been detained in English ports; that England was openly encouraging the enemies of France; that at last the French Minister had been actually dismissed from London. And it was not until after all these things had occurred that France formally declared war. But, said certain American politicians, France having taken the initiative, so far as form was concerned, in declaring war against England, we are no longer under any obligations to respect our treaty stipulations with France. It is an offensive war upon the part of France, and our treaty obligations only applied to a defensive war. It was upon such miserable subterfuges that these politicians sought to avoid the discharge of the honest obligations and duties of our Government. The treaty said nothing about offensive or defensive war.

Well, sir, the war went on between France and England. England laid down certain doctrines respecting the rights of the flag, which gave our Government fresh desires to break our faith with France. By our treaty with France, it was expressly stipulated that the flag should cover the cargo; under which stipulation, if English goods were found upon an American vessel, France, or the French cruisers, were not at liberty to touch it.

But the apprehensions of our Government of the power and temper of England daily increased. They were anxious to avoid a collision with her, and a mission was dispatched to London with instructions to negotiate, if possible, a treaty with that Government—instructions to negotiate a treaty in direct opposition to the stipulations of our treaty with France. This, of course, gave offense to France. She said to us, that, from the first, instead of manifesting a spirit of generosity towards her for the aid she had given us in our struggles for independence, we had manifested a spirit of hostility from the beginning of her troubles. She said that we had, by our action, in

giving encouragement to her enemies, manifested a spirit of opposition to her interests.

Well, sir, notwithstanding our treaty obligations with France, stipulating that that Government should have the *exclusive* privilege of occupying our ports for the purpose of refitting her ships of war, and for the sale and disposal of prizes, Mr. Jay went to England under the instructions I have alluded to, and, in the face of that treaty, to make proposals, in behalf of our Government, to cede to England the same privileges which we had accorded exclusively to France. Now, what impartial umpire would decide that this was acting with good faith to France, after having bound ourselves to allow her an exclusive privilege, to send a mission to England with instructions to offer her the same privilege?

England, seeing the advantage of the proposition, of course eagerly accepted it. The treaty was ratified, and it was that Jay treaty which first gave rise to a division of parties in the United States. A large portion of the American people, although they were apprehensive of the power of England, yet strongly disapproved the negotiation and the ratification of the Jay treaty. A majority of the American people understood it to be not only in violation of the friendly relations which had previously existed between this Government and France, but as an absolute violation of our independence. And who can now read the treaties and doubt the fact?

Mr. Chairman, these treaties are both on record; that negotiated with France, and the one subsequently negotiated with England, and we can judge for ourselves whether they did not come in conflict. France naturally took umbrage at this conduct upon the part of our Government, as she had the right to do. The treaty with England not only ceded to England the same right we had given to France, in respect to opening our ports for the fitting and refitting of ships of war, but it gave to British cruisers the right to search our ships, and to take any French property that might be found on board; while if British property was found on board our vessels by French cruisers, it must, under our treaty with France, remain untouched.

The whole proceedings in regard to this English treaty were characterized by the same spirit. France, having received intimations that it was negotiating, demanded an explanation from Mr. Monroe, the American Minister at Paris, and he, in conformity with his instructions, replied that it was only for *commercial* purposes. Subsequently, when the terms of the treaty became known, the French Government demanded of Mr. Monroe an explanation of the declaration he had made. His embarrassment can easily be imagined, and he describes it in his official communications home. He was complicated, and recalled. It is true that our Government entered a defense by pointing to the reservation in the English treaty which professed to reserve the rights under prior treaties. But practice soon developed the fact that no meaning was attached by our Government to the reservation. Prior to the negotiation of the British treaty, the French vessels had been in the habit of using our ports in conformity with the stipulations of the treaties with France, but when Adel remonstrated against the prohibition of our Government, as against the vessels of France, the American Secretary of State, in his communication to the President on that subject, admits the fact that orders of prohibition had been issued, and justified it on the ground that, to do otherwise would be in violation of our treaty with England, and, he adds, that the order was rendered the more necessary, because, formerly, under instructions to the collectors, the French had exercised that use of our ports. A frank admission that the privileges of France, under her treaty stipulations, were denied to her after the treaty was negotiated with England, and a pregnant commentary upon the construction which our Government gave to the reservation of the treaty rights of France in the English treaty.

France became irritated at these proceedings and undertook to do the same thing that we allowed the British to do; that is to seize British property whenever they found it on board American vessels. The French cruisers seized American vessels in violation of the treaty obligations between us and France, and in violation of the law of nations. Our Government remonstrated; but they replied that whenever we caused the British to respect our flag, they would also respect it. France never denied her obligations to indemnify us for the captures which were thus illegally made. She admitted that they were made in violation of her treaty stipulations with us, and in violation of the law of nations. Because the law of nations, as laid down by the alliance of armed neutrality of the north, at the head of which Russia stood, proclaimed the doctrine that the flag should cover the cargo—Great Britain alone claiming the right to seize the property regardless of the flag.

It is amusing to look over the various speeches which have been made, at different periods during the last forty or fifty years, in opposition to these claims. If any gentleman will take the trouble to do so, he will find that they are all precisely of the same class. The arguments run that there was war; and, as war destroyed existing obligations, the right to indemnity for these spoliations was destroyed; that France was unable to pay for them, and nothing could have been got from her; that France was unwilling to pay for them, and never intended to pay for them; that the consideration which our Government got for the relinquishment of these claims was valueless; that the guarantee to defend the French possessions was of no obligation; that its execution never was demanded, and the changes which can be rung upon these points have been urged in every possible form. But there they are; and now, after all, what do they amount to? Every one of them is disproved by the official papers in the case.

Now, if there had been war, it by no means worked the destruction of these claims. War—even formal, solemn, and complete war—by no means destroys existing obligations. War is a resort to violence to settle existing differences between nations; and, during its existence, a nation refuses to discharge her obligations, but that by no means releases her from them. If released, that can only be done by agreement, by the treaty made between the parties at the close of their hostilities. Take two individuals in a state of nature: A owes an obligation to B, and differences arise between them; violence is resorted to; does that discharge A? The result of the contest may enable A to compel B to release him; but until he does release him, the obligation unquestionably remains. But there was no war; and, besides, the parties agreed to, and settled upon, a basis which rested upon the assumption that there had been no war, and we took the advantages resulting from that assumption. Can we, then, refuse to acknowledge, upon the other hand, the liabilities which result from it? But I have said there was no war. If there was a war, when did it begin, and when did it end? Did it begin with the acts of Congress in 1798, and end with the Convention in 1800? It is impossible that I should avail myself, in these remarks, of all the extracts which I might desire to quote. There was no war. In his letter to Mr. Gerry, of July 15, 1798, Talleyrand writes:

"It is at the very moment of this fresh provocation (the acts of Congress during that year) which would appear to leave no honorable choice but war."

Again, in the same letter, he says:

"Such is the repugnance to consider the United States as enemies that, notwithstanding their hostile demonstrations, it means to wait until it be irresistibly forced to it by *real hostilities*."

Again, in his circular to the French Minister of Marine, dated August 18, 1798, Talleyrand says:

"Our political situation with regard to the United States citizens, not having undergone, up to this day, any change that might have an influence upon the attentions due to *neutral* nations, I think it unnecessary to bring to your recollection, that no attempt should be made against the security and liberty of persons composing the officers and crews of every American vessel that is found regular, and that the same course should be observed towards all passengers and other citizens of the United States furnished with passports or necessary protection," &c.

And the letter to the American Secretary of State from Skipwith, transmitting a copy of this circular, goes into an explanation of certain proceedings of the French tribunals in regard to American vessels, in which he speaks of "*neutrals* in general, and the flag of the United States in particular."

In the letter of instructions given by the Secretary of State to the American Envoys, and dated October 22, 1799, he says:

"This conduct of the French Republic would well have justified an immediate declaration of war on the part of the United States, but, desirous of maintaining peace, and still willing to leave open the door of reconciliation with France, the United States contented themselves with *preparations for defense*, and measures calculated to protect their commerce."

But listen to the American Envoys. In their communication to the French Minister, dated 20th August, 1800, they remark:

"If, however, that declaration (the declaration by Congress that the treaties had ceased to bind us) had amounted to a *cause of war*, yet, as the wisdom of France had reconciled it to peace, its application on the principle of war to the extinguishment of claims would be inexplicable. And even as to war itself, though it does by its rights, or rather by its usages, enforced against weaker powers, merge the injuries it operates, *it does not cancel obligations prior to its existence. If war had actually* commenced when it is suggested there was cause given, still how could its rights be seen to extinguish the claims of America," &c.

So our Ministers not only denied that there was a war, but denied that even cause for it was given; and contended that, even if war itself had existed, it would not have destroyed the obligation to pay these claims. What a commentary upon the doctrines now anvanced. The President's messages in 1798, and in 1799, speak of the proceedings of our Government as measures of defense; and the act of March 2, 1799, passed subsequently to the acts which have been spoken of as acts of war, gives an eventual authority to the President "in case *war* shall break out," and by this expression certainly expresses the opinion of *Congress* that war had not at that time broken out. Talleyrand, in his letter to Pichon, under date of August 28, 1798, says:

"If France did not manifest itself more wise, (this misunderstanding,) would henceforth induce a violent rupture between the two Republics," &c.

Again:

"Therefore, it (France) never dreamed of making war against them, nor of exciting civil commotion among them, and every contrary supposition, is an insult to common sense."

Again, in another letter to Pichon, under date of September 28, 1798, Talleyrand uses this expression, speaking of the United States:

"Notwithstanding the irritating and *almost* hostile measures which they have adopted."

But we have the formal declaration of the French Ministers, as addressed to the American Ministers, under date of 11th August, 1800:

"The treaties which united France and the United States are not broken. That *even war* could not have broken them, but that the state of misunderstanding which has existed, for some time, between France and the United States, by the acts of some agents, rather than by the will of the respective Governments, *has not been a state of war*, at least, on the side of France."

But I will not extend these quotations further. Certainly, enough has been cited to show that there was no war. The Congress of 1799 did not consider that there was war. The French Government emphatically denied that there was war, and the acts of the two countries show that there was no war. There are belligerent rights which exist in time of war, but do not in time of peace. They are well defined; and usage has required that, before these belligerent rights can be recognized, that the sovereign shall formally recognize the state of war.

But to the validity of these claims. On page 623 of the volume containing the diplomatic correspondence on this subject, there is the argument of the American commissioners, to show that, whether in a state of war or peace, these claims were obligatory on France. There are, upon this point, some thirty or forty references to authorities in this correspondence, to the various declarations, arguments, statements, and opinions of high officials, both French and American. Here is the opinion of Mr. Marshall. He says, speaking of the French admission of these claims:

"My reason for conceiving that this ought to be stipulated expressly, was a conviction that, if it was referred to commissioners, it would be committing absolutely to chance as *complete a right as any individual ever possessed.*"—*Doc. 102, Sen. 1826, p. 471.*

That was the opinion of Mr. Marshall. Then here, on page 562 of the same document, are the instructions to the American Ministers, emanating from our own Government, to press for indemnity for these spoliations:

"At the opening of the negotiations you will inform the French Ministers, that the United States expects from France, as an *indispensable* condition of the treaty, a stipulation to make to the citizens of the United States full *compensation* for all losses and damages," &c.

Then, here is the proposition made on the 18th April, 1800, by the American Ministers, for the formation of a new treaty to recognize and settle these claims. The second article recites the fact that captures and seizures had been made of American vessels by French citizens, and closes with these words:

"It is agreed that in all such cases full and complete compensation shall be made by the French Government."

Here, also, is the testimony of the great Napoleon himself, while at St. Helena. Speaking of the Convention of 1800, which settled these matters, and of the suppression of the second article, he says:

"The suppression of this article at once put an end to the privileges which France had possessed by the treaty of 1778, and annulled the *just* claims which America might have made for injuries done in time of peace."—*Gourgaud's Memoirs, vol. 2, p. 129.*

He adds, in continuation:

"This was exactly what the First Consul had proposed to himself, in fixing these two points as *equiponderating* each other. Without this, it would have been impossible to satisfy the merchants of the United States, and to banish from their memory the losses they had suffered. The First Consul's ratification of this treaty was dated July 31, 1801, and declared that it was to be clearly understood that the suppression of article two annulled all claims for indemnity," &c.

The letter of W. C. Preston to Mr. Causten shows us the opinion which Chief Justice Marshall entertained of the rights of these parties as against our Government. He said:

"That, having been *connected* with the events of that period, and *conversant* with the circumstances under which the claims arose, he was, from his *own knowledge*, satisfied that there was the strongest obligation on the Government to compensate the sufferers by the French spoliations. He gave a succinct statement of the leading facts, and the principles of law applicable to them, in so precise and lucid a way, that it seemed to me a termination of the argument by a judicial decision."

Bad feeling had existed on both sides; and after the depredations on our commerce had been carried to an enormous extent, and our country had prepared for war, the door was opened, plenipotentiaries were sent to France, and negotiations were commenced.

Propositions were made on all sides. The American Ministers began by saying: You must pay us indemnity for these spoliations. The French Ministers replied: We are willing to pay it; it is right enough; but while we acknowledge our liability for the indemnity, you will perceive that that liability grows out of the existing treaties of amity and alliance, and our liability to pay the indemnity for spoliations involves an acknowledgment upon your part that those treaties still exist. The Americans replied that those treaties had been annulled by act of Congress, and that, therefore, they could not recognize their existence.

The negotiations went on, and arguments were resorted to, sufficiently ingenious and able on both sides. Finally, the American Ministers offered to buy off our liability, under this very guarantee which the gentleman from Missouri [Mr. Benton] has told us to-day was valueless. The American ministers proposed, in direct terms—the evidence is before me—to buy off the claim of France in regard to that guarantee, and also the privilege secured to the French of using American ports—provisions of the very treaties which Congress had declared to be annulled. They proposed to give a specified and definite sum of money to be released from each of those privileges. Now, sir, with that fact before us, what becomes of the statement of the gentleman that the guarantee was valueless? If it was valueless, why did our Ministers offer to give a certain sum of money to be released from it? This they did do. The testimony is here in our own diplomatic correspondence. At page 625, you will find the offer of the American commissioners to give eight millions of francs to be released from those treaty stipulations. France offered to take the eight millions of francs to release us from that guarantee, and to offset our claim for indemnity by relinquishing her right of using American ports. She said: we will take the eight millions of francs, and release you from the guarantee; but then we shall claim that our right to the use of your ports is equal in value to your claims for indemnity; that is to say, we will release you from all the obligations of the respective treaties of amity and alliance, provided you give us eight millions of francs, and pay your own citizens indemnity for spoliations committed by us. Can the gentleman from Missouri, and those who side with him, deny this in the teeth and eyes of this record? Can that be said to be valueless which you authorized your own Ministers to offer such a sum for, and which the French appreciated, as is illustrated by their counter proposition?

Another offer of the Americans, at a subsequent stage of the negotiation, was, that France should have her treaty rights, and acknowledge the liability for indemnity, but suspend the payment until France could be restored to the use of our ports. Finally, the French offered to go into a new treaty, and say nothing about the indemnity for these spoliations. Our Ministers were embarrassed by the act of Congress declaring the treaties null and void, and by being directed to press for indemnification for these spoliations. The French admitted the liability, but insisted that the treaties existed. The two parties began to be sensible that they could never come to an agreement on those terms, and that some middle course must be adopted. The French, then, said: "We can readily understand how your country, sparsely populated as it is, situated at an immense distance from France, and exposed to the naval power of England, we can understand how careful you must be not to provoke that Government into hostilities against you, and we have no disposition to put you into such a dangerous position. It is more important for France, said they, that the United States should preserve their independence, than the exact execution of a legal obligation to us, when, by insisting, we might subject you again to the English yoke, (*joug.*)" The French commissioners talked liberally and comprehensively. They said: though these considerations may induce us to forbear insisting on the specific execution of your treaty obligations, yet we must, at least, ask you to put us on the same footing as England; we will release you from the obligations of the existing treaties, but we ask you to release us, also, from the claims for spoliations, because we give up infinitely more than we ask of you in return. The negotiators finally came to terms.

The second article of this new treaty was a stipulation that the two high contracting parties, not being able to agree at present upon certain claims arising out of the treaty of amity and commerce, and for certain spoliations, would negotiate further on these subjects at a convenient time. That treaty came here and was submitted to the Senate for its ratification; but the Senate struck out that article, adding in lieu of it these words:

"It is agreed that the within convention shall be in force for the term of eight years from the time of the exchange of this treaty."

It will be perceived that the second article provided for future negotiation on these vexed subjects—the claims of American citizens on France and the claims of France on the United States, for indemnity for the guarantee of its West India Islands, and for the use of the American ports. But the new treaty made other stipulations, which were supposed to be of great importance to both countries. The treaty came here, and, as I have said, the Senate refused to ratify that second article, but struck it out entirely. It was sent back to France, with this modification, for ratification. France objected, and asked why the modification was made. It may be, said they, that in striking out that article you intended to hold us liable for these indemnities; but at the same time you are disavowing your liability under the treaty stipulation of 1778. Explanations took place between the parties, and arguments were made, until finally the French Government ratified it, with the further modification, as it now stands, in these words:

"The Government of the United States having added in its ratification that the convention should be in force for eight years, and, having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention, with the additional article importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment, the two States *renounce* the respective pretensions which are the object of the said article."

Which, being returned to the United States, the Senate declared that "they considered the said convention as fully ratified," and it was so proclaimed officially by the President of the United States.

Now, sir, is it possible for a thing to be more expressive than the language contained in this article? It is a specific renunciation on the part of each of the parties of their respective pretensions; and these pretensions are described in the rejected second article—that is to say, the pretensions on the part of France that we were still liable for our treaty obligations, and the pretensions of the United States that the Government of France should indemnify them for its spoliations on American citizens. Were they valueless on either side?

I now come back to my original statement of the case. The United States did undertake to, and did renounce, on the part of the American claimants, an admitted right of remedy as against the Government of France, and renounced it for a consideration; for, as I have shown, the Government of the United States actually offered money, to a specified amount, in order to be released from the obligations which it was under to France, and from which it did get relieved by the cession of the rights of the claimants provided for in this bill. Now, sir, is there a lawyer in this House who will not say, that, in an action under such facts against a private individual, before any judicial tribunal in the country, the court would not decree against the agent, who, having undertaken a settlement of the accounts of these claimants, had executed a receipt in full acquittance and discharge, and had received a valuable consideration for it—is there a lawyer who would say that such an agent would not be liable, or is there a judicial court who would not enter a decree against the agent, at least to the extent of the consideration which he had received? Is there a doubt of the law in such a case? All the positions of the able gentlemen who have opposed this bill have only succeeded in mystifying the case; they have not staggered the arguments by which the principle of the bill is supported.

The question has been presented, whether, under the facts, the Government of the United States should pay the full amount claimed by these parties. It has not been argued here to-day that there was not a just claim against the Government of France, nor has it been attempted to be proven that our Government did not receive a valuable consideration from France for releasing her from these claims, nor that the Government of the United States did not thereby incur liability to the parties, but the opposition is made on the ground of the amount of these claims. It is argued that it may be that the amount of these claims is infinitely larger than that which the bill provides for, and that the provision for a part involves the recognition of our liability for the whole.

Mr. ORR, (interrupting.) I denied the liability of the Government to pay these claims, and stated so in my remarks.

Mr. DISNEY. Then I did not hear the gentleman's remarks. I have stated that it is contended by some that if this bill were passed, the Government would be liable to be called upon to pay further claims. But there are others who, while they acknowledge the liability of the Government for the settlement of these claims, yet deny that that liability extended beyond the consideration which the Government had received for their settlement, and who felt willing to give over to the claimants the full amount of the received consideration. This bill is framed with reference to this latter consideration. It does not provide that the claimants will be entitled to the full amount of their claim, but it recognizes the principle that they are entitled to recover the full amount of the consideration which the Government of the United States received from the Government of France. That is the principle upon which it stands: and that principle excludes all further claims, because this bill is a decision by Congress of the extent to which the United States are liable. It excludes the right of claimants to claim anything beyond the consideration received by the United States in the settlement of these claims.

I said, when I got up, that I intended to be limited in the extent of my remarks. I have a mass of materials before me which would occupy my time and the attention of the House for hours; but I

see how impossible it would be for me to attempt going into it. I shall therefore content myself with this plain exposition to the House. The case stands precisely upon the single point that there was an admitted liability on the part of the Government of France for the spoliations committed on our citizens; which liability our Government released for a valuable consideration. And the bill proposes to pay over to the parties whose property was taken the amount of the consideration which the United States received for their settlement.

One other matter before I take my seat. It has been objected that the Government went to all the lengths which it was bound to go to for the collection of these claims; and it is denied that the Government can be bound for their payment, because it did not go to war to enforce them. Now I admit that the Government is not bound, in protection of its citizens, to go to war, because the rights of these citizens may be invaded, or because justice may have been refused or denied them by a foreign Government. The parties interested in these claims set up no such pretension; they do not claim that the Government ought to have gone to war to recover them. They make no claim of the kind, but they do claim that the Government, having acted as their agent to collect the money due them, did collect it to a certain amount, and is, therefore, under obligations to honestly account for it. The gentleman from South Carolina [Mr. ORR] says that he denies any obligation on the part of the Government to pay these claims. But can there be any reason for refusing to pay an obligation of this kind? Can it be denied in law? If it should be proven that a party acting as agent for the gentleman from South Carolina had absolutely recovered a debt due him, the amount of which could be shown, I think that the gentleman would hold him to an account, at least, to the extent of the claim that he had recovered. And so this case stands, and it is all there is of it.

NOTES.—The following extracts illustrate the opinions of the two Governments, in relation to the value of the Treaties of 1778, and the liability of France to indemnify for her spoliations:

"At an interview, to day, with the French Ministers, the following proposition was delivered to them in writing:

"Indemnities to be ascertained and secured in the manner proposed in our project of a treaty, but not to be paid until the United States shall have offered to France an article stipulating free admission in the ports of each, for the privateers and prizes of the other, and the exclusion of those of their enemies; nor, unless the article be offered within seven years, such article to have the same effect, in point of priority, as a similar provision had in the treaty of 1778."—*Journal of American Ministers, July* 15, 1800.

"To *suspend* the *payment* of compensation, (for the spoliations,) a consideration of much weight in the estimation of the United States, until France would be put into complete possession of the privileges (*the use of the American ports*) she contended for, and, at the same time, to give that security which a great pecuniary pledge would amount to, for her having that privilege."—*Proposition of the American Ministers July* 23, 1800.

"The first proposition of the Ministers of France is to stipulate a full and entire recognition of the treaties, and the reciprocal engagement of compensation for damages resulting on both sides for their infraction, &c., &c. Either the ancient treaties, with the privileges resulting from priority, and the stipulation of reciprocal *indemnities*, or a new treaty assuring equality *without indemnity*."—*Proposition of French Ministers, August* 11, 1800.

"1. Let it be declared that the former treaties are renewed and confirmed, and shall have the same effect as if no misunderstanding between the two Powers had intervened, except so far as they are derogated from by the present treaty.

"2. It shall be optional with either party to pay to the other, within seven years, three millions of francs in money or securities which may be issued for indemnities, and thereby reduce the rights of the other as to privateers and prizes, to those of the most favored nation, &c.

"3. The mutual guarantee in the treaty of alliance shall be so specified and limited that its future obligation shall be, on the part of France, when the United States shall be attacked, to furnish and deliver, at her own ports, military stores to the amount of one million of francs, and on the part of the United States, when the French possessions in America, in any future war, shall be attacked, to furnish and deliver, at their own ports, a like amount in provisions. It shall, moreover, be optional for either party to exonerate itself wholly of its obligations by paying to the other, within seven years, a gross sum of five million of francs in money, or such securities as may be issued for indemnities.

"5. There shall be a reciprocal stipulation for indemnities, and these indemnities shall be limited to the claims of individuals," &c.—*Proposition of American Ministers, August* 20, 1800.

"The note, however, of the American Ministers proposes an essential modification of the seventeenth article. It is, therefore, evident that the note refers to the second part of the alternative, which consisted of an offer of a new treaty without indemnity. The French Ministers can, therefore, insist that all stipulation for indemnities be laid aside. France, however, will give to the United States a new proof of her amicable intentions by consenting at once to *the modification of her treaties, and to the principle of indemnities*, &c.

"1. Ancient treaties shall be continued and confirmed, &c.

"2. Commissioners shall be appointed to liquidate the respective losses.

"4. If, during the term of seven years, the proposal to establish the seventeenth and twenty-second articles be not made and accepted without reserve, the award for indemnities determined by the commissioners shall *not* be allowed.

"5. The *guarantee* stipulated by the treaty of alliance shall be converted into a grant of succor for two millions. But this grant shall not be redeemable unless by a capital of *ten* millions."—*Proposition of French Ministers, August* 25, 1800.

[NOTE. The fourth article as above is a proposition to affect indemnities against the use of the American ports, and the fifth article is to release the guarantee for ten millions of francs.]

"It is agreed that the United States shall pay to the French Republic, within seven years, &c., *eight* millions of francs in money, or such securities as have been or may be issued to citizens of the United States for indemnities under the said treaty, together with interest, &c. And that as a consideration of such engagement the United States shall forever be exonerated of the obligation on their part to furnish succor, or aid under the mutual guarantee of the eleventh article of the treaty of alliance of the 6th of February, 1778, and the rights of the French Republic, under the seventeenth and twenty-second articles of the treaty of amity and commerce of the same date, shall be forever limited to such as the most favored nation shall in these respects enjoy. To such a stipulation in connection, &c., the American envoys *would agree*."—*Proposition of American Ministers, August* 29, 1800.

"We shall have a right to take our prizes into the ports of America. A commission shall regulate the indemnities which either of the two nations may owe to the citizens of the other. The indemnities which shall be due by *France* to the citizens of the United States shall be paid for by the United States; and in return for which France yields the exclusive privilege resulting from the seventeenth and twenty-second articles of the treaty of commerce, and from the rights of guaranteeing the eleventh article of the treaty of alliance."—*Proposition of French Ministers, September* 4, 1800.

"I wish I had been authorized to subscribe to a joint abandonment of treaties and indemnities. As claims, they will always be set off against each other by them, and I consider the cessation of their claims to treaties as valuable."—*Letter of Commissioner Murray to Secretary of State, Paris, July* 1, 1801.

"The suppression of this article (the second article of the Convention of 1800) releasing the Americans from all pretensions on our part relative to ancient treaties, and our silence respecting the same article, leaving us exposed to the whole weight of the eventual demand of this Government relative to *indemnities*, it has become necessary that a form be introduced into the act of ratification in order to express the sense in which the Government of the Republic understood and accepted the abolition of the suppressed article."—*Letter of Talleyrand to Pichon, August* 4, 1801.

"I own I have always considered this article and the guarantee of our independence as more important to us than the guarantee of the Islands was to France, and the *sacrifices we have made of our immense claims to get rid of it as a dead loss*."—*Mr Livingston to the Secretary of State, Paris, January* 13, 1802.

"It will, sir, be well recollected by the distinguished characters who had the management of the negotiation, that the payment for illegal captures, with damages and indemnities, was demanded on one side, and the renewal of the treaty of 1778 on the other, that they were considered as of equivalent value, and that they only formed the subject of the second article," &c.—*Letter of Mr. Livingston to French Minister, April* 17, 1802.

"The claims, again, from which France was released were *admitted by France*, and the release was for a *valuable* consideration on a correspondent release of the United States from certain claims on them."—*Mr. Madison to American Minister to Spain, February* 6, 1804.

FRENCH SPOLIATIONS.

SPEECH OF HON. P. PHILLIPS,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

January 25, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. PHILLIPS said:

Mr. CHAIRMAN: The subject under consideration has been illustrated by the most eminent statesmen of our country. I do not promise that I shall be able to add to the discussion heretofore had, one new fact or argument. My attempt will be, to array the facts in the simplest form, and to argue as concisely as possible, the legal and logical deductions from them. In doing this, should I carry conviction to a single mind in this Hall, I shall feel that I have accomplished something in the cause of justice and national honor.

Mr. Chairman, the bill under consideration connects itself with our earliest history as a nation; aye, sir, with our very birth as a nation. It brings before us the scenes and events of that great revolutionary struggle by which our liberties were established, and our independence made secure. Here, sir, we find this national Hall decorated with the portraits of the two great men of that eventful and trying period. On your right and on your left are Washington and Lafayette. They who now stand face to face, then stood side by side and shoulder to shoulder. Together, as the representatives of their Governments, they encountered the dangers and perils of the conflict. Who does not remember the desperate condition of the American Army, the despondency of our officers, the cruel privations and sufferings of our men, at that period of the war, when the news arrived that the States had entered into a treaty of alliance with France, by which that Government stipulated "to maintain effectually the liberty, sovereignty, and independence of the United States, as well in matters of Government as of commerce," (treaty of alliance, February 6, 1778.) Sir, this intelligence brought joy and healing on its wings; it stimulated the bold, it confirmed the wavering, it lifted up and strengthened the down cast. I will not say that the independence of the States would not have been finally achieved by their own rapidly increasing population and resources, but this I do say, that without the aid of France, at that time, the result of our revolutionary war would have been more than problematical.

But it is important to be considered that, while the treaty guaranteed the sovereignty and independence of the States, and the possessions which they might acquire by conquest or treaty stipulations, they, on their part, guaranteed to France the then possessions of the Crown of France in America, as well as those it might acquire by the future treaty of peace. By the subsequent treaty of amity and commerce, of 6th February, 1778, and the convention of November 14, 1788, it was agreed that the French should enter American ports with their prizes—while nations at war with France were excluded from the like privilege. Privateers under commission hostile to France were denied the right to fit out their vessels or carry on barter there, and to the French consuls full power and jurisdiction were given over all French vessels in civil disputes arising thereon, with a complete inspection over said vessels and their crews. Such, in brief, were the mutual stipulations entered into between the two Governments.

I shall not, Mr. Chairman, go into the question whether these stipulations were fulfilled in good faith. I shall not inquire whether the aid promised was given. I pass by the obvious fact that notwithstanding the eighth article of the treaty of alliance, that neither of the parties "should conclude either truce or peace" without "the formal consent of the other first obtained," that in 1782-3 the States did conclude a peace with Great Britain without the knowledge or consent of their ally.

These are matters which involve the honor of our country, and the consideration of them is not called for by the demands of the subject now before us. Let it suffice to say that France was loud in her complaints for alleged violations of treaty compacts; and that, on the breaking out of the war in 1793, with Great Britain, she commenced a system of aggravated plunder and confiscation of our commerce; and this was carried to such extent that the estimate of the number of vessels seized prior to 1800 has gone as high as two thousand.

This statement, though brief, is sufficiently full to show the origin of the claims or pretensions on the part of both Governments, and we proceed in the discussion with the indisputable and undisputed fact of American losses, to a large amount, occasioned by seizures and embargoes, under authority of the French Government.

The gentleman from South Carolina, [Mr. ORR,] who has just taken his seat, while admitting that our commerce was harassed, and our citizens despoiled, denies that this afforded any claim for reparation on the French Government, because, as he asserts, these wrongs were inflicted during a period of war between France and the United

States. To support this proposition the gentleman has read the act of 1798, and other acts of Congress. But is it not a surprise to hear it announced that these acts were equivalent to a declaration of war between these two countries? Under the Constitution, Congress alone has the power to declare war. It is Congress, the Senate, House of Representatives, and President; the whole legislative power of the Government. I call for the declaration of war made against France. Who made it? Where is it? When did the war begin? When did it end? If ended, where is the treaty of peace? Is the fact of war one so doubtful, secret, or mysterious, that we are challenged to debate the question of its existence? The statutes which the gentleman has read, show partial hostility between the two Governments, but no war or general hostility, and the gentleman has fallen into the error of not recognizing the broad line of demarcation, which, on well established principles of international law lies between them. Without intending the slightest disrespect to my friend from South Carolina, I cannot feel it to be necessary to press this distinction further.

Having shown that the claims of our citizens did not grow out of the aggressions of war, let us inquire what view our Government has taken of them, whether they have ignored their existence, or admitted their validity? Notwithstanding the denial of the gentleman, I think I shall be able to show that our Government has uniformly recognised the losses thus inflicted on our citizens, and considered them entitled to redress.

The gentleman from South Carolina has introduced the act of Congress of 1798, which, in terms, abrogates the treaties with France. At any rate, it will be admitted that the treaties were binding until the passage of the act. Prior to that time, it follows, the treaties were operative, and as a large portion of these claims are for seizures made before the date of that act they would be excluded from the objections urged by the gentleman. But let us return to the question of recognition by our Government. The preamble of that act recites as a ground of the abrogation that:

"Under the authority of the French Government there is yet pursued against the United States a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation."

Here is a solemn acknowledgment of the wrong committed by the French Government upon our citizens, wrongs of so grievous a nature as to justify the extremest action of a retaliatory character. But this recognition does not stop here. The Government, admitting the obligation of protection due to its citizens, sent two commissions to France, one in 1797, composed of Messrs. Pinckney, Marshall, and Gerry; and the other in 1799, consisting of Ellsworth, Davie, and Murray. These commissions were to arrange, and, if possible, to adjust all the difficulties pending between the two countries, included in which were the claims of our citizens for what are now known as "French spoliations."

The instructions to our Ministers in 1797 were as follows:

"Although the reparation for losses sustained by the citizens of the United States, in consequence of irregular or illegal captures or condemnations, or forcible seizure, or detentions, is of very high importance, and is to be *pressed with the greatest earnestness*; yet it is not to be insisted on as an indispensable condition of the proposed treaty. You *are not, however, to renounce these claims* of our citizens, nor to stipulate that they be assumed by the United States as a loan to the French Government."—*Doc.* 102, *p.* 455.

In 1799, the instructions were somewhat varied:

"At the opening of the negotiation you will inform the French Ministers that the United States expect from France, *as an indispensable condition of the treaty*, a stipulation to make the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels, and other property, under color of authority or commissions from the French Republic or its agents."—*Doc.* 102, *p.* 562.

Now, with these specific directions, if a treaty had been made, which wholly omitted any provision for indemnity, it would have been such a violation of duty on the part of the commissioners as to have occasioned the greatest surprise. The labor of the commission terminated in the "convention" of 30th September, 1800, the second article of which declares:

"The Minister Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance, 6th February, 1778, the treaty of amity and commerce of same date, and the convention 14th November, 1788, *nor upon the indemnities* mutually due or claimed, the parties will negotiate further on these subjects at a convenient time."

When the convention was presented to the Senate of the United States, this second article was, by them, stricken out, and a provision added that "The present convention shall be in force for the term of eight years from the time of the exchange of ratifications." Upon the return of this "convention" to France, the French consul agreed to the retrenchment of the second article, and the modification as to its duration, but with a proviso to which I would ask the special attention of the House:

"*Provided*, That by this retrenchment THE TWO STATES RENOUNCE THE RESPECTIVE PRETENSIONS WHICH ARE THE SUBJECT OF THE SAID ARTICLE."

This was on the 31st July, 1801, and the final ratifications took place 19th December, same year. Now, it cannot be denied that the claims of our citizens for spoliations were included among those indemnities, the adjustment of which were, by the second article, postponed to a "convenient time," and therefore constituted a part of those "*pretensions*" which, by the proviso, were *renounced*.

To break the force of this position, it is contended that the Senate never agreed to the proviso; but, I cannot learn they ever disagreed to it; but, on the contrary, the "convention" with the proviso being again before them, on the 19th December, they resolved, two thirds concurring, that they consider the convention as fully ratified, and they returned it to the President for promulgation, who proclaimed it in the usual form.

The gentleman has appealed to Mr. Madison's declaration, and in the very extract he read, it is stated by Mr. M. that he did not attach much importance to the proviso, for the legal inference of the treaty, as ratified without the proviso, was as the proviso declared it. That is, when the Senate struck out the second article, which provided for an adjustment, it was equivalent to an abandonment of all mutual liabilities. We might stand, therefore, upon the legal inference as stated by Mr. Madison, the witness summoned by the gentleman.

Mr. ORR. Legitimate inference.

Mr. PHILLIPS. Well, sir, *legitimate inference*. What is that but legal inference, the very origin of the word, *lex legis*, shows it to be such an inference as the law would make. And is it upon such an argument as this the plain and emphatic terms of this proviso are to be annulled, and the Government now be permitted to set up that they never renounced the claims of our citizens?

My friend laid some stress upon the expression in the second article, that the parties were "to negotiate further on these subjects, at a convenient time." But I would ask, in the name of humanity, in the name of justice, when will it be a "convenient time," if not now, after the lapse of more than half a century? When will it be a "convenient time," if not now, in the midst of peace, an abundant prosperity, and an overflowing Treasury!

But, sir, let us pass on. We have demonstrated that our citizens had just claims or pretensions against the French Government; that those claims or pretensions were of such a character as to have been made the foundation of an act abrogating our treaties with that Government; that they formed the instructions to our Minister in 1799, which went so far as to direct "that the recognition of these claims should be enforced, as an indispensable condition of the treaty;" that the second article of the treaty of 1800 did provide that these questions should be adjusted at a "convenient time;" that this second article of the treaty was stricken out by the Senate of the United States, on its ratification, and a proviso added that the convention should exist but for eight years; that these amendments were concurred in by the French Government, with the express stipulation, that this retrenchment of the second article was to be considered as a mutual abandonment by the two Governments of their mutual claims. After all this, can it be still insisted that our Government is at liberty to maintain that our citizens had no claims against the French Government, and that therefore the treaty forfeited none?

The question now remains, were these claims or pretensions valuable? In answering, I will refer to no authorities of a secondary or subordinate character, nor shall I rely upon any but documentary evidence, derived from the highest official sources—from men who lived at the date of these transactions, fully acquainted with their history, and having authority to speak.

Timothy Pickering (Secretary of State in 1800) says:

"If the relinquishment (of these claims) had not been made, the present French Government (1824) would be responsible; consequently the relinquishment by our own Government having been made, in consideration that the French Government relinquished its demand for a renewal of the old treaties, then it seems clear that, *as our Government applied the merchants' property to buy off those old treaties, the sums so applied should be reimbursed.*"—*Letter, 19th November*, 1824.

Robert R. Livingston, Minister to France, April 27, 1803, says:

"The payment for illegal captures, with damages and indemnities, was demanded on one side, and the renewal of the treaty of 1788 on the other; *they were considered as of equal value*, and they only formed the subject of the second article."—*Doc.* 102, *p.* 717.

John Marshall (one of the Ministers) says:

"I would positively oppose any admission of the claims of any French citizen, if not accompanied with the admission of the claims of American citizens, for property captured and condemned for want of a *rôle d'equipage*. My reason for conceiving that this ought to be stipulated expressly, was a conviction that, if it was referred to commissioners, it would be committing absolutely to chance *as complete a right as any individual ever possessed.*"—*Journal, p.* 471, *No.* 316.

Now, sir, as the gentleman from South Carolina has referred to Mr. Madison in support of his opposition, let us see how far such a reference is justifiable:

"James Madison, (then Secretary of State,) February 6, 1804, says: 'The claims from which France was released were *admitted by France*, and the release *was for a valuable consideration* in a correspondent release of the United States from certain claims on them.'" (Doc. 102, p. 795.)

The opposition is welcome to all the aid and comfort it can derive from Mr. Madison. We have thus presented the clear avowals of two of our Secretaries of State, and of two of our Commissioners, made at a time when the circumstances of the treaty were fresh in the minds of all, and who were parties concerned in its formation and ratification.

Nor was the value of these claims or pretensions alone admitted by our Government, they were also so regarded by France, as is seen in the celebrated proviso to which we have already referred, and by other evidence to which I will presently advert.

My friend from South Carolina, in his very earnest speech, stated that members should beware of the statements used in the presentation of this subject by parties interested, as in many cases they were unreliable and deceptive; and in proof of this, he referred to the report made by Mr. Giles, which he described as not favoring these claims, as it had been generally represented. I differ with the gentleman as to his construction of that report. It is true that it submits the question whether the Government was "bound to indemnify the memorialists," but the facts stated in the report, the order in which they are arranged, and the means by which they are connected, all speak out the favorable conclusion at which the committee had arrived, as clearly and inevitably as though express terms of approbation had been used.

Mr. ORR. Read what Mr. Giles says.

Mr. PHILLIPS. My limited time will not permit me to read extensively from the report, but I will read a short extract from it. Now, sir, the great question between us is, whether our Government used these claims for spoliation in its treaty, and did, by the terms of that treaty, release the rights of our citizens?

Mr. ORR. I will reply to the gentleman's question if he will permit me.

Mr. PHILLIPS. As my time has so nearly run out I must really adopt the excellent rule laid down by my friend on the opening of his speech, that he would consent to no interruption.

[Cries of "That's right]!"

Mr. ORR. Only a moment. The question laid down by the gentleman is not the point in controversy. The point is, did the Government of the United States surrender these claims for a

consideration? That is what the gentleman from Alabama alleges; that is what I deny.

Mr. PHILLIPS. Very well, I did not state the proposition, as to its effect, differently from the assertion made by the gentleman. He would now seem to admit that the Government did release these claims, but that they received no *consideration* therefor. Mr. Giles, in this very report, after speaking of the instructions to the Ministers in 1799, says that the second article of the convention was introduced as "the best stipulation it was in their power at that time to make." Now Mr. Giles continues:

"It was understood, both by the Chief Consul and the American Envoy then at Paris, that the object of expunging the said second article was the retrenchment of the respective pretensions of the two Governments which were the object of said second article; *and, with an explanation to that effect, on the 31st July, 1801, the Chief Consul ratified said convention.*"

Having given the statement of facts upon which the claimants rely, Mr. Giles says:

"*From these circumstances*, and a recurrence to the fifth article of said convention, (providing for debts due by *contract*, with a special exception, that it did not extend to indemnities claimed on account of captures or confiscations,) *it appears* that the exclusion of said article of the convention was considered as a RENUNCIATION of the indemnities claimed by citizens of the United States for *spoliations and depredations upon their commerce*, so far as the Government might otherwise have been instrumental in obtaining such indemnities."

Shall we seek for any further *consideration* than is to be found in the fact that our Government, having other outstanding differences with France, arising out of onerous treaty stipulations, did, for the purpose of settling these differences, enter into a convention by which they "renounced" the claims of our citizens? That Government, which owed to them protection, and through which alone they could call for indemnity, made its abandonment of them a condition in a new governmental arrangement. This, Mr. Chairman, is not only the American view of the subject, but it is equally that of France. In the conversation of the First Consul, a short period subsequent to the convention, referred to by the gentleman from Ohio, [Mr. DISNEY,] he distinctly states:

"The suppression of this article at once put an end to the privileges which France had by the treaties of 1778, and annulled *the just claims* which America might have made for injuries done *in time of peace.—Gourgaud's Memoirs, vol. 2, p. 95.*

This is a very important statement, and establishes—

1. That France asserted treaty privileges;
2. That we had *just claims* for injuries done in *time of peace;* and
3. That the suppression of the second article extinguished the claims of both parties.

This, sir, is the declaration of one of the high contracting parties, made at a time, and under circumstances, which free it from all suspicion, and is, of itself, a full answer to all the objections which have been urged in this Hall. When, then, the gentleman insists that the renunciation by our Government was made without a consideration, I point him to these facts, and oppose to his assertion the declaration of Madison, in 1804:

"The claims from which France was released, were admitted by France, and the release was for a valuable consideration in a correspondent release of the United States from certain claims on them."

I understood the distinguished gentleman from Missouri [Mr. BENTON] as ridiculing the idea that any value was ever attached by France to the stipulations of the treaty, and convention of 1778 and 1788. But, in addition to the answer already given, we have a full refutation in the instructions of 1797 to Pinckney, Marshall, and Gerry, requiring them to urge upon France the acceptance of "a substitute for the reciprocal guarantee;" but "if France should insist on the mutual guarantee," then "to aim at some modification of it." After further suggestions, the instructions proceed:

"Specific succors have the advantage of certainty and are less liable to occasion war. On the other hand, a general guarantee allows a latitude for the exercise of judgment and discretion.

"On the part of the United States, instead of troops or ships of war, it will be convenient to stipulate for a moderate sum of money, or quantity of provisions, at the option of France. The provisions to be delivered at our own ports in any future defensive war. The sum of money, or its value in provisions, ought not to exceed the sum of $200,000 a year during any such war."—*Page 456.*

In 1802, Mr. Livingston, writing to Talleyrand, says:

"It will be well recollected by the distinguished characters who had the management of the negotiation, that the payment for illegal captures, with damages and indemnities, was demanded on the one side, and the renewal of the treaties of 1778 on the other; that they are considered as of *equivalent value*, and that they only formed the subject of the second article."

We come now to the argument that the treaties and the convention with France were expressly abrogated by the act of 1798, and that subsequent prizes and seizures, under the authority of the French Government, formed no subject for indemnity. I do not intend to repeat the argument that this and kindred acts did not amount to a declaration of war, but only to partial hostility. I am willing to leave it on the foundation upon which it already stands. If it did not produce this consequence, then I am at a loss to know what application is made of the fact, and how the question at issue is affected thereby.

It would seem to be a clear proposition, that one Government cannot, by its own act, abrogate a treaty. Each party has the same right of judging of alleged infractions. At the time we were charging want of faith on the part of France, she was loud in her denunciation of our faithlessness. Even a state of actual war does not extinguish treaty stipulations intended to be perpetual. They lie in abeyance during the war; but as soon as it ceases, they rise up again in their original vigor, and maintain their binding efficacy until waived by the parties, or new or inconsistent stipulations are entered into. The case was thus presented by the French Ministers, on 26th August, 1800:

"When, on the one hand, Congress declares that France has contravened these treaties, and that the United States are released from their stipulations; and when, on the other, the Government of France declares that she has conformed to these treaties, that she desires their execution, and that the United States alone have infringed them, where is the tribunal or the law to inforce the exoneration in preference to the execution?

"If one of two contracting parties is at liberty, whenever he may please, to cancel his obligations, in virtue of his own judgment concerning facts, or men, or things, no binding force can be attached to treaties, and the term itself should be erased from every language."

It would seem to be admitted that the act of 1798 could not produce any effect upon occurrences prior to that period, and as to those subsequent to the act, and prior to the date of the convention. I have not been able to discover that our Government has ever recognized any distinction between them.

There is one other fact which I desire to bring to the notice of the committee before I close. It was evidently the policy of our Government to encourage our merchantmen to keep the seas in face of the depredatory course of France, and for this purpose the protection of the Government was promised in the strongest and most encouraging form. On the 27th of August, 1793, Thomas Jefferson addressed a letter to the merchants of the United Staes, in which it is stated:

"Complaint having been made of some instances of unjustifiable vexations and spoliation committed on our merchant vessels by the privateers of the Powers at war, and it being possible that other instances may have happened of which no information has been given to the Government, I have it in charge from the President to assure the merchants of the United States, concerned in foreign commerce or navigation, that due attention will be paid to any injuries they may suffer on the high seas, or in foreign countries, contrary to the law of nations, or to existing treaties, and that, on their forwarding hither well authenticated evidence of the same, proper proceedings will be adopted for their relief."—*Doc. 102, p. 217.*

Now, Mr. Chairman, I believe that I have fully proved, from the documentary archives of the State Departments, from your statutes, and from your treaties—1. That France had, prior to 1800, committed large spoliations upon the commerce of American citizens. 2. That this Government, according to the express agreement of Mr. Jefferson, undertook to represent these claims, and to urge the payment of them. 3. That, in 1800, for the purpose of accommodating all the differences between the two Governments, some of which arose out of treaty indemnities, this Government entered into a convention with France, by which these claims for spoliations were abandoned and relinquished. Is not this too plain for cavil, and does not the statement pronounce its own judgment? And in what an attitude does it place us? Having used the claims of our citizens in governmental arrangements for purposes beneficial to the whole people, if we now refuse to make them reparation, we shall stand in direct and palpable opposition to that provision of the Constitution which declares that "private property shall not be taken for public use without just compensation." The oath which I took, as a member of Congress, binds me to vote a just compensation to the claimants.

Unable to overthrow the argument upon which the bill is rested, the effort is to destroy it by appeals to prejudice. Much stress is placed upon the "staleness of the demand." It is true that this indebtedness is of long standing, but this is the misfortune, not the fault of the claimants, for they have been steadily prosecuting their demand from the time of its accrual down to the present day. And now, having been baffled by Congress for upwards of fifty years, does it lie in their mouth to claim the benefit of the delay which they themselves have created?

I have thus, Mr. Chairman, presented this case without involving in its discussion any doubtful question of national law. Whether a Government is bound to go to war in the prosecution of the just claims of its citizens? whether, if through weakness, indifference, or neglect, it fails to give adequate protection to its citizens, it is bound to compensate for loss? are questions which the facts of this case do not require us to debate, for the *facts* are that the Government *did assume the prosecution of the claims, and relinquished them to the debtor.*

In view of the large amount involved in this bill, I know, Mr. Chairman, that a negative would be what is very familiarly termed in this House a "safe vote," and in this connection the gentleman from South Carolina has felt himself called upon to caution gentlemen as to their accountability to their constituents. Sir, I seek no shelter behind the "safe vote" system. I am here as an independent Representative of a just and honorable constituency, sworn to the discharge of my duties according to my unbiased judgment. This I shall do on the present, as on all other occasions, regarding only the right, without a thought of the consequences here or elsewhere.

RESOLUTIONS OF ALABAMA.

STATE OF ALABAMA—JOINT MEMORIAL.

Whereas, it appears by a report of the Committee on Foreign Affairs of the Congress of the United States, made on the 4th day of April, 1840, that John Marrast, jr., for John Marrast and A. J. Cotton, administrator of John Smith, deceased, citizens of the State of Alabama, have petitioned the Congress of the United States on account of French spoliations, committed prior to 1800—

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators and Representatives in the Congress of the United [States] be requested to use their exertions to secure for our citizens all the compensation for French spoliations to which they may be entitled, or which by treaty with France, or otherwise, may be constitutionally provided and secured.

Resolved further, That his Excellency the Governor of this State be, and he is hereby, requested to transmit to our Senators and Representatives in Congress a copy of these resolutions.

J. S. G. COTTRELL, *President Senate.*
R. A. BAKER, *Speaker of the House of Reps.*
Approved *January* 9, 1841.

PACIFIC RAILROAD.

SPEECH OF HON. W. T. HAMILTON,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

January 15, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. HAMILTON said:

In recurring, Mr. Chairman, to the subject now before us for action, I am obliged to interpose in the discussion of the exciting topics which have consumed our time for several days past.

As we are on the morrow, or the day after, to decide upon the question, the great question of the Pacific railroad, I feel it to be a part of my duty to call the attention of the committee to the bill before it. Being a member, too, of the special committee which reported the bill now under con-

sideration, and in the minority in this committee, I think it due to myself, and to the position I have assumed, to submit some reasons which have influenced me in my determination to oppose it.

I am opposed to this bill in the aggregate and in the detail. I am opposed to it, because I believe that Congress has not the constitutional power to pass it; and if it has, that it is not expedient to do so. Possibly, it may be considered temerity upon my part to take constitutional objections. I fear that it is getting too common in this Hall to overlook the constitutional bearings of a measure because of its importance, or even of its convenience. The strides of the present day, in the successful accomplishment of an object, are not to be measured by the steady, circumspect tread of the Constitution. Though aware of this, I still cling to it as the "mariner to the last plank, amid the tempest and the storm;" and whenever, in my opinion, the Constitution does not sanction a measure, however important it may be, it shall meet my stern opposition.

First. As to the want of constitutional power in Congress.

I here assert that this bill authorizes and directs the construction, by Government, of railroads and telegraph lines; one from the Mississippi, south of the parallel of 37° *of north latitude, to San Francisco; and one north of that parallel, from Lake Superior to the Pacific ocean, for commercial and traveling purposes.*

If this be so, in my opinion, it at once settles the question of power under the Constitution; for Congress has no power to build, or aid in building, such roads and lines. An examination of the bill is all that is required to establish what I here assert.

First. The bill *directs*, and it is declared to be, the *duty* of the *Secretary of War*, by advertisement, to invite sealed proposals for the construction of these roads and telegraph lines.

Second. That these proposals shall be opened and examined in presence of the *President of the United States*, the heads of Departments, and the parties making them; and the President and heads of Departments *shall* award the contracts to those whom, in their judgment, have made the most favorable proposals, as well as offered, at the same time, acceptable guarantees, or securities, for the faithful performance of the work.

Third. The *Secretary of War* is authorized and *shall* contract with the party or parties to whom the work may have been awarded, "for the full and complete construction" of these railroads and telegraph lines, and *shall* in the *name* of the *United States*, take satisfactory security "for the full and faithful performance of the contract;" and it is moreover declared, that "all obligations, contracts, and securities shall be perfectly binding and obligatory in law on the contracting *parties*, according to the exact terms of their respective obligations, contracts, and undertakings."

Fourth. Should the contracting party or parties substantially fail to secure the completion of the work as stipulated, then *all rights to these roads, rights of ways, and property* of the party or parties, are *forfeited to the United States*, and the United States shall enter upon and possess the same. Such forfeiture to be determined by the Secretary of War, and, in this event, he shall relet the work in such manner as, in his opinion, will secure its earliest completion. Nothing more, however, to be given towards its construction than what is already provided.

Fifth. The *contracts* made under this bill "*shall* provide for and require the railroads to be constructed in a substantial, thorough, and workmanlike manner, with all necessary drains, culverts, bridges, viaducts, crossings, turnouts, sidings, stations, watering places, and all other appurtenants, including the furniture of the road—equal in all respects to a road of the first class when prepared for business—with rails of the best quality, weighing not less than sixty-four pounds to the yard, and a uniform gauge; and shall also provide for and require the telegraph lines of the most substantial and approved description."

Sixth. The proposals for these contracts, among other things, shall state the time in which the party or parties will surrender or transfer the roads and telegraph lines, with their appurtenances and furniture, free of cost, to the United States.

Seventh. "Whenever the said road shall be surrendered to the *United States*, according to the provisions or contracts so to be made, thereupon so much of the line of said road as lies within any of the States of the said United States shall vest in, and become the property of, the State or States within which the same is located, subject to the use of the United States for postal, military, and all other Government service, *and subject, also, to such regulations as Congress may impose restricting the charge for transportation thereon.* And all other States organized thereafter upon the line of said road shall acquire the same rights, subject to the like provisions and restrictions."

And now what is the Government of the United States to do and perform as a party to these contracts?

First. Congress sets apart and appropriates for the construction of the railroad and telegraph line, commencing at some point on the Mississippi river, south of the parallel of 37°, and terminating at San Francisco, the alternate sections of land to the width of fifteen miles on each side of this road from the terminus on the Mississippi to the 106° of longitude, and thence to the eastern boundary of California twenty-five miles on each side of the road, and thence to San Francisco fifteen miles on each side. That is to say, according to Lieutenant Whipple's route, as surveyed by him, and now returned, for the distance of seventeen hundred miles, (I state it in round numbers) alternate sections of land are to be given, fifteen miles in width, on each side of this road, and for the distance of seven hundred miles, like sections of land are to be given twenty-five miles in width on each side of the road. And for the railroad and telegraph line commencing at some point on Lake Superior, and terminating on the Pacific coast, alternate sections of land are to be given twenty miles in width on each side of this road, and for its entire length, which is, according to Major Stevens's route, as surveyed by him, about seventeen hundred miles.

Reduced to square miles, the road first mentioned will receive land of the area of forty-three thousand square miles, and of acres twenty-seven million five hundred and twenty thousand; the second, or northern road, will get, of land, thirty-four thousand square miles, and of acres twenty-one million seven hundred and sixty thousand. Both united will have, of public lands, seventy-seven thousand square miles, and of acres forty-nine million two hundred and eighty thousand. They will have a *State* of lands one sixth larger than the State of Virginia.

Second. In order to secure the full amount of the land thus appropriated, it is further provided, that, in the State of California, where the United States have disposed of the lands along the roads, or have no title to them, so that the full complement set apart by the bill cannot there be had, the deficiency is to be supplied by selections from any unoccupied and unappropriated lands of the United States, anywhere in that State; and for the roads east of California, where the alternate sections cannot be had within the fifteen, twenty, and twenty-five miles, respectively, as appropriated by this bill, within the limits prescribed, in width on each side of the roads, that the deficiency is to be made up by selections within thirty miles on each side of the roads, and beyond the former specified limits, and within the thirty miles, the lands can be taken in bulk, without regard to the alternate section classification.

Third. Congress agrees to pay not exceeding the sum of $600 per mile per annum, for the period of twenty-five years, for the use of the roads. In the calculation as to what the United States are to give toward their construction, this assumed compensation I put at the maximum; for the past legislation of the country justifies me in saying that, whenever a maximum is fixed, it is considered the minimum, or fixed sum. But it is also stipulated that if, within this time, the Government transportation and business should exceed, according to the customary rates and charges on the roads, fifty per cent. the sum proposed to be given per annum, then Congress shall fix whatever additional and reasonable compensation it shall deem proper. And it may be well enough here to remark, that Congress can do this, contract or no contract, the compensation depending upon the object first, and then the influence.

Taking, then, the $600 as the per mile appropriation per annum, and estimating the length of the road to be constructed south of the parallel of 37° at twenty-four hundred miles, we have for it a per annum appropriation of $1,440,000, and making, for the period of twenty-five years, the sum of $36,000,000. For the other, or northern road, estimating its length at seventeen hundred miles, we have the per annum appropriation of $1,020,000, and for the twenty-five years, the sum of $25,500,000. And the aggregate amount which the Government contracts to pay, by this bill, to these two roads, in twenty-five years, is $61,500,000. So that, in fact, if we look at the annual payment to both roads of the sum of $2,460,000, contemplated by this bill, as the interest of $41,000,000, it can be said that that amount of stock is to be invested in these roads.

Mr. McDOUGALL, (interrupting.) Will the gentleman tell me what the Government is now paying for mail service to California?

Mr. HAMILTON. It is quite immaterial to the inquiry what the Government now pays. I am showing what the contract is, what the bond is, upon what the construction of the work is based.

Fourth. Congress is to establish a line of military posts through the Territories of the United States, and along the routes, not less than six in number on each route, at suitable points, and to *be garrisoned by a sufficient force;* and, in addition to these posts, Congress is to establish station houses, not more than twenty miles apart, each to be garrisoned by a *sufficient force;* and, "it shall be the duty of the military officers in command of the troops along the routes to cause common roads to be opened by said troops along the entire lines through the Territories of the United States, and to keep such roads in good traveling condition, with safe bridges and ferries across the streams, to sink wells at convenient distances where required, and to protect all said roads and telegraph lines, and persons employed thereon, and all emigrants, travelers, settlers, and traders along the line, and in its vicinity, from all hostilities and depredations by the Indians, so far as the same may be practicable."

As a part that may now or hereafter have a special application to this, in the way of claims, damages, &c., it may not be improper to state, that the bill provides "that in all contracts made in pursuance of this act, the provisions of this act shall be taken and considered as part of such contracts." Along the southern road there will be seventy-five stations, which, if twenty men are to be considered a sufficient garrison at each station, will make a force of fifteen hundred men. Along the northern road there will be eighty-five stations, which, if garrisoned in like manner, will make a force of seventeen hundred men. Then there are the six posts on each road, and if one hundred men at each post be thought a sufficient garrison, we have twelve hundred men. On both roads there is an aggregate of forty-four hundred men.

Mr. Chairman, I think I can safely say that this examination of the provisions of the bill conclusively shows that it is a Government work. Its head may be divided, but its body, its legs, its sinews, are of Government. If its beginning may be both in and outside of the Government, its ending will be as surely in it. We have here plain, clear, indisputably, the *authority* of Congress, the *direction* of Congress, *means* furnished by Congress, to construct these roads.

And when done, what are they? True, Government, for its purposes, has the use of them. So it would have, at any rate. But the *primary object*, what is it? Commerce! communication! private individual enterprise and profit! Primarily, and in fact, constructed, sir, for private, individual, and commercial purposes and uses!

This primary object is the impelling power of its construction, and is the influence which is to drag the Government into it; without it there could be no such works. Government never would build it for its own legitimate, recognized, and constitutional uses and purposes. Who would suppose that Government, for the sake, and the sake alone, of transporting supplies for its Army and Navy, or the mail, would involve itself in the construction of such works? No one, sir. No one. There is no such proposition before Congress, and no such one will be.

The friends of this work apprehend its weak-

and assailable points, and no efforts are spared to fortify them. They fear a fatal blow from the Constitution, and to compass it have their efforts been mainly directed. To bring it within the constitutional power of Congress they have labored hard. The Constitution is ramified for scraps of power upon which to base this work. Clauses and parts of clauses are seized upon and tortured into shape to sanction it. Fine spun arguments are had to confuse; logical and plausible deductions, from false or assumed premises, are made to perplex the public mind; and the grand climacteric of this—and that which is really to be the strength of this bill—is interest, grandeur, magnificence, power.

Pretenses—I do not use the word in its offensive sense; but I do not know one more dignified to convey my meaning—are set up as *express powers in the Constitution*, authorizing this legislation by Congress. Many are named, and some I will give, with comments upon them as I proceed. All these claimed powers are found in the eighth section of the Constitution.

The first, is the third clause of this section, which confers upon Congress the power "to regulate commerce with foreign nations, and among the *several* States, and with the Indian tribes." This clause has been, ever since the organization of the General Government and the agitation of this subject, more or less, depended upon by the advocates of a system of internal improvements, for the power by which Congress is to build turnpikes, railroads, canals, telegraphs, &c., and improve rivers and harbors. It has, in its day, in the evolutions of this system, been eagerly seized upon, and as hastily abandoned, by its votaries; still, in time, though, to be renewed. For it must be remembered that this assumed power, by Congress, to enter into this system of improvements, is a vagrant power; it has no positive, physical, material existence; it has no fixed abode, no settled home nor habitation; it roams over the Constitution, locates upon any part, uses it, for the time, just as the interests, the views, or the prejudices of localities or communities might adapt its application. Common sense, common understanding, common good is the touchstone to bring this and kindred subjects to constitutional exposition and construction. Let me ask, is this bill to *regulate* commerce with foreign nations, among the States, or with Indian tribes? Are these roads to be constructed for this purpose; for this complex, difficult, and most interesting object? Who will so say? No! Allow me further. "*To regulate commerce*" is not to *make* commerce, much less to build roads for its transit. The regulation of commerce necessarily presupposes the pre-existence of commerce. If, under the power to "regulate commerce," Congress can build roads of all kinds, and improve rivers of all kinds, then Congress, under the same power, and without any stretch of it, can build wagons and cars to run upon the roads, and ships and vessels to navigate the high seas, and the rivers, and embark in the transportation of all kinds of merchandise. If, under this power, Congress can do this, it can *make* commerce; it can enter into agriculture, manufactures, &c., and produce the commodities it would transport. There is no such power conferred upon Congress any where in the Constitution to absorb all the powers of the people, either in their individual or State capacity.

Second. The seventh clause of this section, which confers power upon Congress "to establish post offices and post roads," is, to some extent, relied upon to build the roads.

In all candor let me ask the friends of this bill whether these are post roads, established as post roads, intended as such in their construction? Let me ask, would the Government have the hardihood to construct post roads and post roads purely to California, *such as these*, at such an expense, in such a manner, upon such a scale? Is the Government to build such post roads? A candid answer to this must at once dissolve the pretext, explode the reliance put upon this clause. Nay, more; does Congress, under this clause, possess power to *build* any roads, fill up valleys, cut down mountains, in States and out of States? Mr. Jefferson thought not. Congress can *establish* post roads; but in his language, does not this differ somewhat from *building* or *constructing* them?

Third. The eleventh clause, by which power is conferred upon Congress "to declare war," is also relied upon. But upon this I do not dwell. It is, manifestly, so far-fetched a reason, or rather pretext, that I consider comment unnecessary. What legitimate and constitutional connection this power has with the construction of these roads, it is impossible to discern, though, supriaing as it may appear, it has received the sanction of some in high position.

Fourth. The twelfth clause of this section, which grants the power to Congress "to raise and support armies," is, at times, urged as a sufficient power to construct these roads. How is the work to raise and support armies—ah! not that, but to transport them? Then we are to understand that these are to be United States military roads, that we are by this bill to construct. Is this so? Is this its *primary* object? Is it to be built for this purpose at all? No! A different motive, a different object, another purpose prompts their construction.

Mr. McDOUGALL. It is not proposed to build the Pacific road as a great military road but it is necessary as a military road. We do not claim it under that power of the Constitution.

Mr. HAMILTON. I presumed that *you* did not. There is no argument for the building of this road as a military road. We are in profound peace; my hope is, that we may so remain; my belief is, that, by observing good faith, pursuing an upright course, and by attending to our own affairs, this peace can be almost perpetual. I hate that ill-omened croaking about war. "In peace prepare for war" has robbed millions of money from the people in this country, and has ingulphed Europe in debt, and crushed its labor. It is the potent cry upon this floor to pass the most flagrant measures. It is the *standing* argument for *standing armies* and *standing navies*, the curses and scourges of the world.

Fifth. From the thirteenth clause, which grants to Congress the power "to provide and maintain a Navy," is deduced this power; that is, to transport material, &c., to the Pacific coast for the Navy. My immediately preceding remarks, apply equally to this false assumption of power. We know that is not the object of the construction of these roads.

Sixth. The fifteenth clause, which confers upon Congress the power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions," is involved in this road. No more than in any other. Others are as indispensable to the full execution of this power; and all roads, from the rudest to the most magnificent, could be, upon the same principle, constructed by Congress.

Seventh. The *general welfare* clause, as it is commonly called—the first clause of the eighth section, by which Congress has power to lay and collect taxes, &c., &c., and "to provide for the common defense and general welfare"—has been often seized upon, in its day, to help constitutional expounders, when in great straights, to base the power of Congress upon, to engage in such improvements; but it is now more used to give force to other clauses than to maintain anything by its own virtue. It is often now, I may say always, used by friends of internal improvements, either to round a period or ornament an argument, and to cover, by its general, high-sounding, and good, strong English, the weak and insufficient clauses relied upon. A solid, safe, and an enduring construction has settled this, that from it Congress derives no power, but that in it is comprehended the beneficent results of the judicious exercise of the expressed powers.

Eighth. The next and last, the war-worn and veteran argument in favor of the constitutionality of this and other like works, is, "*that it is a national work.*"

I have read the Constitution of the United States. I am somewhat familiar with its provisions. In the discharge of my public duties here I consult it, that I may always maintain with fidelity the solemn oath I took in this Hall to support it. I look in vain—I never saw such a power, such a clause, such words in it. "Congress shall have power to construct national works!"—there is no such language in it. The word "national," the word "nation" is not found in it. These States are named by it the "United States of America." Those good articles in the Constitution, articles nine and ten of amendments, which doubly secure what it was intended to be, a "union of free and independent States," and not a conglomerate "nation," defines and prescribes too clearly the powers of Congress, and the rights of the States and of the people, to be misunderstood:

"ART. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others ertained by the people.

"ART. 10. The powers not *delegated* to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Though the Constitution, without these amendments, was, in *fact*, what was expressed, yet the tenacious jealousy of our fathers for their individual rights, and the rights of the States, demanded a fixed, plain, unequivocal declaration. We have it; and whatever power is found enumerated in it, Congress possesses, and none other, except that it may make laws which *shall* be *necessary* and *proper* to carry into execution these expressed powers, and none other. So we have, in plain, good English, what powers Congress possess, and it can exercise no other; and that, in the execution of these powers, it shall pass *necessary and proper laws*, and no other.

In the Constitution there is no power to make "national works." There is nothing in it to show what "national works" are. There is nothing in it to show their location or their character. There is nothing in it to make these railroads and telegraphs, or any other railroads, telegraphs, or canals, turnpikes, or other roads. Upon what a wide sea of opinion would we be cast if the power "to construct national works" were in the Constitution! Or if this power can be deduced from the Constitution as it is, where would we be, and to what would our inquiries lead? Where would we begin, where would we end, as to what is absolutely national, what qualifiedly national, and what not national at all? Are these railroads more national than the Hudson and Erie, the Pennsylvania Central, the Baltimore and Ohio, the Virginia Central, the Erie canal, or the Chesapeake and Ohio canal? And are the thousand other cross channels of communication less national than these? These are to be the subjects of congressional legislation, if there be such power in the Constitution. But there is none; and the friends of this, and kindred projects, must resort to *clauses* in the Constitution providing for other and quite different objects, as I have before shown. They do resort to these clauses, these express powers, and boldly maintain that this bill is to carry them into execution.

Let this resort be tested by sober reason. They may admit that there is no express power to build these roads, but that it is *necessary and proper* to carry the powers before enumerated into execution.

How is it "*necessary and proper*"—for these are the words of the Constitution—let me ask the candid and reflecting mind? Is the building of these roads "necessary and proper" to "establish post-roads?" Nay, is it either necessary or proper for Congress to build *such* roads to carry the mail to California?—for who, I ask, engaged for himself in private enterprise, would undertake to construct such roads for the single purpose of establishing either "post roads" or transporting the mail? Is it "necessary and proper" to "raise and maintain armies," "to provide and maintain a Navy," that *such* roads should be by Congress constructed? Can self-respect so far forget itself as to assert that *such* roads should be built as military roads? Is it "necessary and proper" in order "to regulate commerce with foreign nations, and among the States, and with the Indian tribes," that these roads be built? Disjoin these two strong words, "necessary *and* proper," by substituting "or" for "and." Is it either necessary *or* proper to build such roads to execute these purposes? Comment here is superfluous. The question answers itself.

Here are the clauses of the eighth section—that section which gives to Congress its active power—strewn all around me; but where is the clause, the article, the section, authorizing Congress to construct a "national work?"

No such power being conferred upon Congress, no law "necessary and proper" is required to

execute it. Congress cannot suppose a power, and then pass a "necessary and proper" law to execute it. Congress cannot decree the importance of an object; indeed, give to it, by its weight and importance, a kind of constitutional sanction or necessity, and then pass a "necessary and proper" law to secure it. One is as flagrant a violation of the Constitution as the other, and both equally to be avoided. Often have I wondered at the bold declarations made on this floor of the constitutional power to aid "national works," as if really they were specified with legal accuracy in the Constitution, precisely defined in their character and objects, and absolutely designated and located. And my wonder is not diminished when, finding no such language in the Constitution, I behold the friends of the internal improvement system, to secure the result, engaged in throwing into hotchpotch all the enumerated powers of the Constitution—the whole eighth section, with the preamble—and mixing them well, pack them away for use, as exigencies may demand, very characteristically labeled "National works," "National defences," "National glory," "National ends," "National results," "National greatness," "National liberality," "National Treasury," "National appropriations."

Mr. McDOUGALL. I do not claim it under the eighth section.

Mr. HAMILTON. Under what section, then, of the Constitution, can you claim it?

I want no such amalgamation of powers; no subverting old names, and old and well-defined landmarks, and appearing under new names and new signs, not known to, and not warranted by, the Constitution. Take this instrument as it is; read it in its good, strong, plain Anglo-Saxon; understand it, interpret it, apply it by the rules of common sense, and you have a Constitution in force, and operating, as formed by the Convention, not as twisted, perverted, misconstrued by interest, caprice, or prejudice, directed by astuteness, design, or ignorance.

Mr. Jefferson, with that unsurpassed prescience which so much distinguished him, saw to what these dangerous innovations and perversions would lead, and often warned his countrymen to avoid them—rather to bear temporary inconvenience than to impair the fabric of our constitutional liberties by conceived notions of necessity and expedience. Talented men there were in his day—ambitious men, who, when a power was wanted to secure a favorite object, soon, by their zeal and their intellect, wrought it out. Against such Mr. Jefferson spoke in the inspiration of the Constitution, and in his true republican tone. A rigid, a strict, constructionist of the Constitution he was; a sincere lover of his country, he evinced that love in the fidelity with which he maintained the rights of the States and of the people; a great reformer and progressionist, he always manifested his sincerity by his efforts to confine the Federal Government to the just, and proper, and necessary exercise of its constitutional powers; devoted to the union of the States, he knew *that* union was to be perpetuated by confining the General Government to the discharge of its own legitimate duty.

A recurrence, Mr. Chairman, to the opinions of this eminent and successful statesman, is both pleasant and instructive. They inspire with the confidence of right. The recollection that, in his day, these questions were met and mastered, and that now they are to be met again, reinvigorates the arm that is to strike. I take pleasure in calling the attention of the committee to the following extracts, containing some of his opinions upon subjects kindred to this, and hope that their examination will not be fruitless. To James Madison, March 6, 1796, he wrote:

"Have you considered all the consequences of your proposition respecting post roads? I view it as a source of boundless patronage to the Executive, jobbing to members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the Post Office revenues; but the other revenues will soon be called into their aid, and it will be a source of eternal scramble among the members, who can get the most money wasted in their State; and they will always get most who are meanest. We have thought, hitherto, that the roads of a State could not be so well administered, even by the State Legislature, as by the magistracy of the county, on the spot. How will they be when a member of New Hampshire is to mark out a road for Georgia? Does the power to *establish* post roads, given you by the Constitution, mean that you shall *make* the road, or only *select* for those already made, those on which there shall be a post? If the term be equivocal, (and I really do not think it so,) which is the safest construction? That which permits a majority of Congress to go to cutting down mountains and bridging of rivers, or the other, which, if too restricted, may be referred to the States for amendment, securing still due measures and proportion among us, and providing some means of information to the members of Congress, tantamount to that occular inspection, which, even in our county determinations, the magistrate finds cannot be supplied by any other evidence?"

To Albert Gallatin, October 13, 1802, he wrote:

"You know my doubts, or rather convictions, about the unconstitutionality of the act for building piers in the Delaware, and the fears that it will lead to a bottomless expense, and to the greatest abuses. There is, however, one intention of which the act is susceptible, and which will bring it within the Constitution; and we ought always to presume that the real intention which is alone consistent with the Constitution. Although the power to regulate commerce does not give a power to build piers, wharves, open ports, clear the beds of rivers, dig canals, build warehouses, build manufacturing machines, set up manufactories, cultivate the earth—to all of which the power would go if it went to the first—yet a power to provide and maintain a Navy, is a power to provide receptacles for it, and places to cover and preserve it. In choosing the places where this money should be laid out, I should be much disposed, as far as contracts will permit, to confine it to such place or places as the ships of war may lie at, and be protected from ice; and I should be for stating this in a message to Congress, in order to prevent the effect of the present example."

To Albert Gallatin, June 16, 1817:

"You will have learned that an act for internal improvement, after passing both Houses, was negatived by the President. The act was founded, avowedly, on the principle that the phrase in the Constitution which authorizes Congress 'to lay taxes, to pay the debts, and provide for the general welfare,' was an extension of the powers specifically enumerated to whatever would promote the general welfare; and this, you know, was the Federal doctrine. Whereas, our tenet ever was, and, indeed, it is almost the only landmark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently, that the specification of powers is a limitation of the purposes for which they may raise money. I think the passage and rejection of this bill a fortunate incident."

To Robert J. Garnett, February 14, 1824:

"*Third.* The giving to Congress the power of internal improvement, on condition that each State's Federal proportion of the moneys so expended shall be employed within the State. The friends of consolidation would rather take these powers by construction than accept them by direct investiture from the States. Yet, as to internal improvement particularly, there is, probably, not a State in the Union which would not grant the power on the condition proposed, or which would grant it without that.

"The best general key for the solution of questions of power between our Governments, is the fact that 'every foreign and Federal power is given to the Federal Government, and to the States every power purely domestic.' I recollect but one instance of control vested in the Federal over the State authorities, in a matter purely domestic, which is that of metalic tenders. The Federal is, in truth, our foreign Government, which department alone is taken rom the sovereignty of the separate States.

To Edward Livingston, April 24, 1824:

"I thank you for the copy of your speech on the question of national improvement, which I have read with great pleasure, and recognize in it those powers of reasoning and persuasion of which I had formerly seen from you so many proofs. Yet, in candor, I must say it has not removed, in my mind, all the difficulties of the question. And I should really be alarmed at a difference of opinion with you, and suspicious of my own, were it not that I have, as companions in sentiments, the Madisons, the Monroes, the Randolphs, the Macons, all good men and true, of *primitive principles*. In one sentiment of the speech I particularly concur: 'If we have a doubt relative to any power, we ought not to exercise it.' When we consider the extensive and deep-seated opposition to this assumption, the conviction, entertained by so many, that this deduction of powers, by elaborate construction prostrates the rights reserved to the States, the difficulties with which it will rub along in the course of its exercise; that changes of majorities will be changing the system backwards and forwards, so that no undertaking under it will be safe; that there is not a State in the Union which would not give the power willingly, by way of amendment, with some little guard, perhaps, against abuse; I cannot but think it would be the wisest course to ask an express grant of the power. A Government held together by the bands of reason only, requires much compromise of opinion; that things even salutary should not be crammed down the throats of dissenting brethren, especially when they may be put into a form to be willingly swallowed, and that a great deal of indulgence is necessary to strengthen habits of harmony and fraternity. In such a case, it seems to me it would be safer and wiser to ask an express grant of the power. This would render its exercise smooth and acceptable to all, and insure to it all the facilities which the States could contribute to prevent that kind of abuse, which all will fear, because all know it is so much practiced in public bodies—I mean the bartering of votes. It would reconcile every one, if limited by the proviso, that the Federal proportion of each State should be expended within the State. With this single security against partiality and corrupt bargaining, I suppose there is not a State, perhaps not a man, in the Union who would not consent to add this to the powers of the General Government."

To William B. Giles, December 26, 1825:

"I wrote you a letter yesterday, of which you will be free to make what use you please. This will contain matters not intended for the public eye. I see, as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our Government is advancing towards the usurpation of *all* the *rights* reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power. Take together the decisions of the Federal court, the doctrines of the President, and the misconstructions of the constitutional compact, acted on by the Legislature of the Federal branch, and it is but too evident that the three ruling branches of that department are in combination, to strip their colleagues, the State authorities, of the powers reserved by them, and, to exercise themselves all functions, foreign and domestic. Under the *power* to *regulate commerce*, they assume, indefinitely, *that also over agriculture and manufactures, and call it a regulation to take the earnings of one of these branches of industry, and that, too, the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, of digging canals, and, aided by a little sophistry on the words 'general welfare,' a right to do not only the acts to effect that, which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare.* And what is our resource for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. The Representatives chosen by ourselves? They are joined in the combination, some from incorrect views of Government, some from corrupt ones, sufficient voting together to outnumber the sound parts; and with majorities only of one, two, or three, bold enough to go forward in defiance. Are we, then, *to stand to our arms* with the hot-headed Georgian? No. That must be the last resource, not to be thought of until much longer and greater sufferings. If every infraction of a compact of so many parties is to be resisted at once, as a dissolution of it, none can ever be formed which would last one year. We must have patience, and longer endurance, then, with our brethren while under delusion; give them time for reflection and experience of consequences; keep ourselves in a situation to profit by the chapter of accidents; and separate from our companions only when the sole alternatives left are the dissolution of our Union with them, or submission to a Government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation. But, in the meanwhile, the States should be watchful to note every material usurpation on their rights; to denounce them, as they occur, in the most peremptory terms; to protest against them as wrongs to which our present submission shall be considered, not as acknowledgments or precedents of right, but as a temporary yielding to the lesser evil, until their accumulation shall overweigh that of separation. I would go still further, and give to the Federal member, by a regular amendment of the Constitution, a right to make roads and canals of intercommunication between the States, providing sufficiently against corrupt practices in Congress (log-rolling, &c.) by declaring that the Federal proportion of each State of the moneys so employed, shall be in works within the State, or elsewhere, with its consent, and with a due *saleo* of jurisdiction. This is the course which I think safest and best, as yet."

The friends of this bill rely upon another power. It is the power of Congress "to dispose of the public domain," to improve it, and facilitate its sale or disposition by aiding in the construction of roads through it. Reduce this to the simple inquiry, and it is answered. Is this the object of the roads? Are they made for this purpose? Is Congress called upon to build such roads in order to sell the public domain? Are such roads "necessary and proper" for this purpose? Are the friends of the bill reduced to this extremity? Argument upon this point is unnecessary to show its utter fallacy.

I shall now, Mr. Chairman, apply my remarks to the other branch of the subject. Whether it be expedient for Congress to complicate itself with this work? Whether it be right, proper, or beneficial for Congress to engage in this enterprise? If I have shown that this is to be a Government work, directly or indirectly, under this bill, I think that it is at once established, that it is inexpedient. The numberless and impressive lessons of the past, are a sufficient warning for the present and the future. The common mind of the country is against Government having anything to do with the construction of works of this kind, and it is based on the most substantial principle, and the most solid experience. Many evils will inevitably result, and more are likely to result from the entanglement of the Government in it. Many are patent upon the face of the bill; how many are latent, time alone can develop. Mr. Chairman, I shall briefly review some of them.

First, under the bill—though upon its face these roads are to be constructed by parties under con-

tracts, and the Government is to give no more than is proposed by the bill, whereby the extent of its liability is supposed to be fixed, yet it provides that if the contractors fail, from any cause, to prosecute the work, the Secretary of War is required to *relet it*. Then, as soon as contracted for, the Government is involved without the hope of escape, and the road may be thrown half, or less than half, finished, indeed, just commenced, upon its hands, when all the powerful influences of the gigantic and varied interests concerned in its construction will throw the whole ponderous scheme upon the Treasury of the United States. In all the relations of our legislative experience, we are impressed with the lesson that it is our first duty to prevent a dangerous project from getting a foothold, for that once obtained, its future efforts will be commensurate with the value of the objects to be obtained, inspired by the past with the full hope of future success.

It provides further, that contracts be made with *parties* to build it; these parties may not have a corporate existence. Some of them may die or become insolvent, and then the adjustment of rights, and of liabilities, are to be thrown upon the Government with the road, in the end; or, if a corporation, you give to it a *State* of lands, besides money, and all power to get more.

By the bill, too, these roads are to be surrendered to the United States, and wherever located in States, to go to these States, and where located in the Territories, *to remain in the United States, reserving the power in Congress to regulate and restrict the charges for transportation in the States.* Then it is ultimately to be absolutely a Government work in the Territories, and, in fact, by virtue of the power to control the charges for transportation in the States in which it may be located, a Government work there, with all the consequent corruptions and expenditures, broils and intrigues, as to whether they shall be free or compensating roads, and, at last, all to be paid by the labor of the country. This will alike be injurious to sections of the Union, and to the individual tax-payer. It might place the former beyond fair competition, and impose upon the latter the keeping up of the roads, if not the expense of making additional ones. For if they become entirely Government roads, tolls will be brought to the lowest point, and, possibly, removed entirely. This will secure an accumulation of business at these points; so much so, that another road, or track, may be required, and Government, from the clamor of apparent necessity, may be induced to build it. Whilst this is doing, other sections are denied. Their position might be much benefited; their resources more speedily and thoroughly developed by other roads. These cannot be built; individuals cannot compete with the United States; States cannot; a toll road cannot exist with a free road. The United States refuse to go beyond the localities where these roads are constructed. The strong arm of the Government is exalting over and depressing another section of the Union, and yet all are to contribute equally to its support. Cities and lands along the line of travel, and at the termini, thrive, prosper, rise; cities and lands out of the line of travel droop and sink. And then will come clamor and discontent, and then, it may be, will come Government roads, Government debts, Government taxes—that system so much abhorred, and so much to be shunned.

But yet more: this bill, besides giving to the contractors the immense land donations and the sum per mile, if the charge for transportation for the United States Government should exceed a certain per centum, then Congress is to pay what it shall think reasonable. Here is the place for active, very active legislation. The Collins line appropriations of the last Congress can be here reënacted. Here is a sluice for the public money, and whether that per centum is exceeded or not, Congress will be importuned, if not besieged, and the whole power of these roads will be brought to bear to secure the amount wanted.

But there is a provision in this bill full of danger, and which may entail upon the Government the most complicated difficulties. If these roads, by the aid of the Government, are constructed by the contractors, under the contract authorized by the bill, the Government takes upon itself the obligation to establish on the roads in the Territories, "a line of military posts," to be "garrisoned by a sufficient force;" in addition, to establish "station houses;" "each to be guarded by a sufficient force;" and also, is to open by the troops a "*common road* along the entire line of the railroad through the Territories, and to keep this road in good traveling condition, with safe bridges and ferries across the streams, to sink wells at convenient distances, and to protect all these railroads and telegraph lines, and *persons employed* thereon, from all hostilities and depredations of the Indians;" and then we have, in the third section of the bill, the proviso, "*that all contracts made in pursuance of the provisions of this act, shall be taken and considered as part of such contracts.*" Put this and that together, and see what obligations the United States have incurred! What liabilities are impending over the Government! What complicated results may ensue! What litigation, what expense, what cost may flow from it, and what gross wrong may be done! An army of five thousand men—a standing army—to guard these roads, and that, too, by *contract!* A standing police to protect them from Indian and other depredations! And I do not exaggerate the number of men that will be required to do this. There is, too, an increase of the Army lurking here. For there will be, then, like now, clamors about depredations, and clamors for *more* soldiers, until you have the roads peopled with soldiers; and thus munificently, through this channel, spend public money upon localities and upon the persons who are the inseparable companions of *soldiers at posts.*

There is prudence and caution and sagacity, in this contract by the parties with the United States for those posts. The United States are to protect these roads, and if not protected, the want of it must be supplied by *means.* These roads are to traverse deserts, pass through the lone wilderness, thread mountains, where the red man yet holds sole dominion. Distance from civilization and habitation may combine both the Indian and white depredator against the rich commerce that is to pass over them. But, with all this, I protest against Government *contracting to protect this property.* Like all other property of all other citizens, let this be protected. Not otherwise. The United States may in some particular fail; the contractor will off-set; the United States will be unable to fulfill all its stipulations; and for which, damages will be claimed. Congress is to be the recipient and redresser of complaints; without information, without time for examination; all that can be, will be got from Congress.

Putting all these things together, this is to be a Government work, either entirely, or in connection with individuals or corporations; and as objectionable in the one as in the other aspect—the one to be as diligently and as scrupulously avoided as the other.

There are, however, other general considerations disconnected with the bill itself, which should deter Congress from embarking in such enterprises.

First. Our Government is not fitted to engage in such works. It has enough to do to attend to its well defined constitutional powers. No one ever dreamt, in the early days of the Union, that it was to be the business of this Government to dig canals, construct railroads, and telegraphs, deepen and widen rivers, dig out harbors, for *private purposes.* No one with the most comprehensive view of Federal powers, thought to claim for the Government this internal police of the States and the people. It, too, would cost the Government, I may safely say, quadruple what it would cost individuals. In all its operations the Government is looked upon by the operators as a public goose, and he is the most fortunate, the most sagacious, and adroit, and often the most honored, who can pluck her the most. The people are strong, can work and pay taxes, and when collected and in the treasury, projects, plausible, enticing, and capacious, are found ready waiting to take them. There is never a paucity of projects when there is money in the Treasury, and there is never a scarcity of friends to laud, and extol, and press them until it is out.

Second. The engagement of the Government in such works paralyzes independent effort. Even the rumor that the Government *may* engage, paralyzes. It either frightens, or it excites hope, and one is as likely to be fatal as the other. By exciting the hope that Government may do it, prevents effort, both communal and individual. Individual effort is frightened off, because it cannot enter into competition with the Government. And when the end comes all are to be disappointed in the little that is done. The Government *cannot* engage in these works with ability and efficiency, and others are deterred by the attempt. The best illustration of this stand-still policy is, when the country was persuaded to look to the General Government for the construction of such works from the year 1820 until General Jackson dispelled the illusion by several judicious vetoes, when the country, abandoning this idea, turned in upon itself; and see the progress since.

Third. It is a great, hazardous, untried work in which the United States are to be involved. Not so much so for individual or private enterprise, industry, and interest. A road, or roads, to California, will be made. It is merely a question of time. When Kansas and Nebraska are settled, when our population from this side shall have pressed up to the base of the mountains, and when the population shall, on the other side, press up to meet it, then shall go with it, as naturally and as necessarily, these roads. But now, without a population, without protection, without labor, without shelter, without provisions, without material, Congress is called upon to engage inextricably in this work, that is to be forced through by money and by money alone. For money, sufficient money, can make any of the routes practicable.

Fourth. Even in the hands of individuals it would be a formidable political engine; in the hands of corporations still more so; but, in the hands of the Government, a second Bank of the United States. Its influence and power would be retroactive. Being in the Government, it would make *itself a part of it* and *impress it* with its power. Like the United States Bank, having the impress of the Government, and possessed of its money, controlling the banks in the States, and thus trying to control the people, these great and leading trunks being put by the Government above all competition, and supported by it, influencing the numerous railroads in the States, and they, in turn, operating upon the people, might present a power truly potent and dangerous.

Combine all the railroads in the United States, as were the banks in the States by the United States Bank, by a leading spirit, as these roads would be—and what terms might they not dictate—at least what might they not obtain? They might only be limited by the demand. Independent and separated by State lines and organizations, and upon a competing equality, railroads, whilst they are able to exert some, cannot exert that joint, united, comprehensive power, so dangerous to free institutions and good and wholesome legislation. They are corporations; and but consolidate the corporations in the United States, give them a common head, a unity of power, and what might we not fear.

This is a gigantic scheme; it is an enterprise comprehending all the elements of power. Connected with Government, it spreads out the hope of gain—the prospect of place. To genius, presents an ample field; to labor, abundant employment; to capital, activity and investment; to the speculator, golden harvests; to the office hunter, an offering of place; to corruption, an illimitable scope; to power, unbounded strength.

However this great work may be inaugurated, the combination of all these elements will incessantly labor to produce the grand result; that is, to have it a splendid, magnificent Government work. Let it become so, and consequences will not be problems!

Lieutenant Whipple estimates the cost and equipment of the road from Fort Smith, on the western boundary of Arkansas, to San Pedro, on the Pacific, a distance of one thousand eight hundred and forty-nine miles, at $166,230,000; add to this for the road from the Mississippi to Fort Smith, and from Southern California to San Francisco, and we have $200,000,000; add to this twenty-five per cent. for deficiency in estimate, and to this, I think, experience will justify me in adding fifty per cent. more, *because* of its connection with the Government, and the sum for cost

and equipment of this one (the southern) road will amount to $350,000,000. There is no estimate for the northern road; but basing it upon a like calculation of cost and equipment, its length being one thousand seven hundred miles, we have about the sum of $250,000,000 for cost and equipment; so that, for both roads, we have the enormous sum of $600,000,000. I do not say that it will cost so much, but the official data furnished us indicate this cost. There, too, in its ramifications is the $61,500,000 which the Government is to pay in twenty-five years. There, too, is the forty-nine million five hundred and twenty thousand acres of land to be disposed of. There, too, is the standing army of four, or five, or six thousand to be strung along these routes. What will not this immense stake invite? What elements will it not combine? What struggles will it not create? What shocks will it not produce? Separated, they will be strong; united, all powerful. Ponder, too, that our Government, by this bill, is to be connected with, to be chained to, this magazine. Remember that our Government is to direct, to control, to superintend it, to be its depository, its guardian, and, ultimately, part of itself. But $50,000,000 are now disbursed by the General Government, and see the struggles it produces, and the evils it generates and entails. With these stupendous sums, and these immense combinations made the subjects of active operations, identified and connected with the Government, as they are, we may well apprehend dangerous legislation and tremble for the safety of the Republic.

In conclusion, it may not be improper for me to say, that I weigh well the convenience and importance of railroad connection with the Pacific coast; and it is my hope and expectation that, before many years, it will be secured; but whilst estimating it, I confess that I cannot discover an overruling necessity that obliges us to cast aside every prudential consideration. We have a communication with this coast, and such a communication now as will justify us in examining deliberately all projects for other as near or more speedy communications, and coming to calm and well digested conclusions, consistent with our constitutional obligations, and our duties to our constituents and the country.

THE TARIFF AND REVENUE.

SPEECH OF HON. J. Z. GOODRICH,

OF MASSACHUSETTS,

In the House of Representatives,

January 24, 1855.

"The working" of the existing and proposed tariffs compared for fourteen years, from 1847 to 1861—Expenses of the Government from July, 1854, to July, 1861, estimated at $52,000,000 annually, and reasons for it—At this estimate, public debt, under the existing tariff, increased, from 1854 to 1861, $16,552,043 97, or imports increased $78,493,901—Under the Secretary's proposed tariff the debt increased $72,904,176, or imports $419,098,459—Under the committee's proposed tariff, the public debt increased $96,069,783, or imports and foreign debt $630,623,127.

The House being in the Committee of the Whole on the state of the Union—

Mr. GOODRICH said:

Mr. Chairman: At a caucus of members of Congress, held some two or three weeks ago, the honorable gentleman from Tennessee, [Mr. Jones,] a member of the Committee of Ways and Means, submitted the following resolution; which was adopted:

"*Resolved*, That it is right and proper that the duties imposed by law, upon goods, wares, and merchandise imported into the United States from foreign countries, should be so modified and reduced, at the present session of Congress, preserving the principles of the tariff act of 1846, as will materially diminish the amount of revenue annually collected from customs."

The purpose being thus announced, of bringing this subject up for action at the present Congress, I have examined it with some care, so far as it relates to the question of revenue, and desire to submit the results of that examination to the House.

Referring to some of the tables which accompany his annual report, the Secretary of the Treasury says:

"These tables combined exhibit the growth of our commercial marine, of our exports and imports, and the receipts and expenditures of our Government, and prove that the receipts into the Treasury are sufficient to meet all reasonable expenditures, discharge the public debt, and allow a *reduction* of the *rate* of taxation, with almost a certainty that our increasing commerce will give an *increase of revenue* equal to the reasonable demands of the future."

Therefore he "calls the attention of Congress to the propriety of reducing the revenue from customs," and recommends a plan of reduction. The majority of the Committee of Ways and Means recommend a different plan, or rate of reduction, and reported a bill at the last session in accordance with it. The gentleman from Tennessee, whose resolution was adopted by the caucus, is one of the majority of the committee who reported that bill, and is known to be in favor of it.

By "*reducing the revenue from customs*," the Secretary means "a reduction of the *rate* of taxation" or duty—not a reduction of the gross revenue, for he deems it "almost a *certainty* that our *increasing* commerce will give an *increase* of revenue." This increasing commerce must obviously be expected to bring *increased importations*, as otherwise there could be no "*increase* of revenue," but a reduction rather, the duty being reduced.

While, then, it is proposed to reduce the rate of duty or tariff on imports, the gross revenue from this source, it is confidently expected, will be increased; in other words, the loss to the revenue, occasioned by reducing the rate of duty and adding to the free list, will be more than made up by increased importations at the reduced rate.

"The present tariff," says the report of the Secretary, "has eight schedules, or different rates of duties, as follows: The first of one hundred per cent., the second of forty per cent., the third of thirty per cent., the fourth of twenty-five per cent., the fifth of twenty per cent., the sixth of fifteen per cent., the seventh of ten per cent., and the eighth of five per cent. The bill prepared by the committee has five schedules, as follows: The first of one hundred per cent., the second of twenty per cent, the third of fifteen per cent., the fourth of ten per cent., and the fifth of five per cent. And the bill prepared at this Department has but two rates of duty: the first of one hundred per cent., and the second of twenty-five per cent."

Such are the alterations in the rates of duty proposed by the Department and by the Committee of Ways and Means, as compared with the present tariff.

The following is a "comparative statement of the *working* of the existing tariff, of the project of the Secretary of the Treasury, and of the bill of the Committee of Ways and Means:"

Our imports for the year ending June 30, 1853, were $267,978,647.

The revenue at the rate of duty in the existing tariff, was $58,072,390 26.

At the rate proposed by the Secretary, it would have been $10,363,069 75 less, or $47,709,320 51.

At the rate proposed by the Committee of Ways and Means it would have been $14,315,309 10 less, or only $43,757,081 16.

The average annual imports for the six years ending the same time, that is, June 30, 1823, were $196,357,284.

The average annual revenue for these six years, under the existing tariff, was $40,907,718 29.

Under the tariff proposed by the Secretary, it would have been only $33,643,018 93.

Under that proposed by the Committee of Ways and Means the average would have been only $30,333,311 75.

Taking this comparative statement, prepared by the Secretary himself, as a guide and basis of calculations, we may arrive at pretty accurate results as to the working, *the practical working*, (for that is the point,) of these different tariffs, and their effect upon the revenue of the Government, and upon the foreign indebtedness of the country. And these results will show that, under a tariff like either of those proposed by the Secretary and committee, there would be either a large *deficiency* of revenue, or a large *increase* of foreign indebtedness, caused by increased imports and *increased excess* over exports. It is to this point I wish to call the attention of the House and the country.

The imports for the year ending June 30, 1854, were something more than one tenth larger than those of the previous year, but the revenue was only about one tenth larger. If, then, we add one tenth to the revenue that would have accrued from the imports of 1853, at the rates in the Secretary's bill, and also at the rates in the bill of the Committee of Ways and Means, we shall have very nearly the amount that would have accrued, at those rates, from the imports of 1854. This would give us the same comparative statement for 1854 which the Secretary has furnished for the six preceding years, and is as follows:

Under the existing tariff, the revenue for the year ending June 30, 1854, was $64,224,190 27.

Under the tariff proposed by the Secretary, it would have been, ascertained as above by adding one tenth to the amount, at the same rate, for the preceding year, only $52,480,252 56.

Under the tariff proposed by the bill of the Committee, the amount, ascertained in the same way, would have been only $48,132,789 28.

This and the comparative statement of the Secretary shows that the revenue would have fallen off, in the last seven years, at the rates of duty in his bill, supposing the imports to have been the same, $55,652,133 87. And at the rates in the bill of the committee the falling off would have been $79,537,741 23.

But, it may be said, and probably will be, that if either of these tariffs had been in operation, there would have been an increase of importations, (stimulated by the lower rate of duty,) and a consequent increase of revenue. Very well. But would that increase have been a corresponding one; that is, equal to the difference in the rate of duty? Suppose, then, there would not only have been an increase of importations, but an increase sufficient to have given the same revenue as the existing tariff has given, what must that increase have been in the seven years? Under the tariff of the Secretary it must have been $322,741,439; and under the bill of the committee, the increase must have been $512,618,904.

These are facts, the substantial correctness of which will not be controverted.

But would such an increase of imports have done the country any good? Even under the existing tariff, the excess of imports over the exports for the seven years ending June 30, 1854, was $93,755,818. And what has been the condition of things since that time? Everybody knows what it has been. Money has been scarce, the market rate of interest for it averaging, in all our commercial cities, twelve to eighteen per cent. per annum, and probably even higher, and, until quite recently, large shipments of specie have been made every week to Europe, to pay our foreign debt, or that part of it which was the most pressing. Why did we send specie? Because we had nothing else to send, or not enough of anything else. Was not every nerve strained to remit what we could in cotton, flour, wheat, and other agricultural and manufactured products? Suppose our imports of foreign fabrics had been $322,000,000, or $512,000,000 more, what more could we have done to export domestic products in lieu of specie? If our ability to export would have been correspondingly increased, then why did not our increased imports in 1853 and 1854, over those of 1851 and 1852, have this effect? That increase was $143,000,000; but the exports for 1853 and 1854 increased over the two previous years only $81,000,000, and of this increase $38,000,000 were in specie in the last year. Notwithstanding the export of this large amount of specie in 1854, the excess of imports over the exports in 1853 and 1854, was more than $63,000,000.

In what way could $322,000,000, or $512,000,000 more of foreign cotton, woolen, and silk goods, and iron, and other articles, have helped us to any considerable amount of means to increase our exports? Not by giving us any more cotton, wheat, and flour to export. And all we had to spare of those articles we sent abroad, and as fast as we could. Nor could we have sold that additional amount of imports in the markets for specie, and thereby increased our ability to pay abroad; for no such process could have increased our specie; and what we had, we could export as well without being thus surfeited with foreign goods as with. No, our ability to export is not measured by our imports. Our difficulty under the present

tariff is, we have imported $93,000,000 more than we have been able to pay for, with all our gold, and that difficulty, under either of the proposed tariffs, would have increased just in proportion to the increase of imports and indebtedness abroad. We had no means to pay for more, and how, except upon a credit and postponement of the evil day, could we have imported more? And if we could not have imported $322,000,000 more under the tariff of the Secretary, and $512,000,000 more under that of the committee, then our revenue, under the former, would have been $55,000,000, and under the latter $79,000,000 less.

Nobody can fail to see that our principal difficulty has arisen from importing too much, and that still further importations, whether at one rate of duty or another, would only have increased our foreign debt and aggravated the evil. We could not, then, have increased our revenue by an increase of imports in the last seven years, under any tariff, without making matters worse, and for a considerable time to come, perhaps for the next seven years, there is every reason to anticipate a large falling off. There is much to justify this anticipation in the present condition of things, in which, confessedly, great inactivity prevails in almost every department of industry, affecting injuriously every interest, public and private, unless it be that of the money lender, who is receiving his one and two per centum a month. And there is equal reason to apprehend such a falling off from the *enormous increase* of importations for the last few years, which the nature of the case and the history of the past assure us must be followed by reaction, and, if much longer continued, a tremendous reaction too. This increase in five years is without a parallel in any other equal period since the origin of the Government, as the following comparison, as far back as 1829, will abundantly show:

Total imports from—	*Amount.*	*Averaging annually.*
1829 to 1834	$509,736,953	$101,947,391
1834 to 1839	756,674,530	151,334,906
1839 to 1844	508,438,617	101,687,723
1844 to 1849	688,346,366	137,669,273
1849 to 1854	1,179,849,720	235,969,964

Or, assuming that the imports for five years, from 1854 to 1859, will be the same as from 1849 to 1854, and dividing the whole thirty years into periods of ten years each, and comparing the different periods, we shall find the comparison to be as follows:

Total imports from	1829 to 1839	$1,266,411,483
do	1839 to 1849	1,196,784,983
do	1849 to 1859	2,359,699,440

The average, annually, would be as follows:

For 20 years from 1829 to 1849	$123,159,823
For 10 years from 1849 to 1859	235,969,964

This shows an increase of nearly one hundred per cent. in ten years, and this, too, without any increase in the coming five years over the last five. The increase from 1849 to 1854 was really more than one hundred per cent. running up from $147,857,439 in 1849 to $304,562,381 in 1854.

Now, who does not know that the country did not require this enormous increase of foreign products and fabrics to supply a legitimate and healthy demand for consumption? It was produced, in a great measure, by an extraordinary gold stimulus, which, with no sufficient countervailing influence in our revenue laws, protecting home labor and interests, and developing, in this way, the almost infinite resources of our own country, instead of aiding foreigners to develop theirs, has really helped to impoverish rather than enrich us. With the fact of such an immense increase of imports before us, and staring us in the face, how can we be at a loss to determine the principal cause of the paralysis which is resting upon the country, and producing such wide-spread suspension of its industrial functions? Who can hesitate to believe that the country is losing, at this very time, from half to a million of dollars a day from this suspension? No doubt, as a resource of national wealth, there is all this in our unemployed labor, and it would be infinitely better, if we would resort to it, than all the gold that has ever come, or ever will come, from California.

But can this unparalleled increase of imports continue? No, not even with a hundred millions of gold annually, that shall merely touch at New York, on its way from the mines of California, to be paid for foreign labor and its products, while our own labor is unemployed. Reaction, as I have said, will be sure to come, and, judging from the imports at New York for the months of September, October, November, and December last, and for three weeks in January, compared with those for the corresponding months and weeks of the previous year, the point of reaction has already been reached, and we have commenced the descending scale. From January to August inclusive, there was an increase of a few thousand dollars. After that the imports fell off as follows:

	1853.	1854.
September	17,292,704	14,266,888
October	19,189,925	11,031,038
November	12,584,927	8,631,842
December	13,928,292	9,315,846
Three weeks in January*	11,996,970	9,286,880
	67,985,818	52,532,494

In November and December, and three weeks in the present month, the falling off was $11,275,621, nearly one third. This was at New York only.

With the exception of the last five years, the imports from 1834 to 1839 were the largest. This was under the sliding scale tariff of 1832, which reduced the rate of duty gradually to twenty per cent in 1840. The imports, as the duty gradually came off, run up to $162,000,000 in 1839, and for the five years ending with that year, they exceeded the exports $157,383,505. We all remember the effect of this large excess. It drained the country of its specie to pay its indebtedness abroad, and produced a commercial revulsion, which required years to recover from.

Well, in 1840, the duties came down to twenty per cent. And did our "increasing commerce" then keep up our imports? No. They were brought down from $162,000,000 in 1839 to $107,000,000 in 1840, to $127,000,000 in 1841, to $100,000,000 in 1842, and to $64,000,000 in 1843. What caused this? Not the twenty per cent. duty. Under other circumstances the immediate effect of the reduced duty would have been to increase importations. But, in the existing state of things, the imports were reduced in spite of the tendency of the reduced rate of duty to increase them; and the reduction was caused by the impoverished condition of the country, brought on by the large over importations of the previous years. We had not done our own work, but had hired Europe to do it for us. We had contracted an immense foreign debt, and when the pay day came, we reeled like a drunken man under the weight of the pressure. If the duty had been five per cent. it would have made no difference. The ability of the country had been exhausted by substituting foreign for home labor, and its imports, from necessity, fell off, and its Treasury was emptied. This state of things continued till the policy was changed, and home labor was employed and encouraged instead of foreign labor; and it would have continued to this day, if the policy and tariff of 1840 had not been changed; and it requires no prophet's vision to see that the present state of things will not only be continued but aggravated a hundred fold, if that policy and that tariff should be substantially restored by the passage of the bill of the Committee of Ways and Means.

But, at length, the tariff of 1842 was passed, and the policy of 1840 was abandoned, for a time at least. It took some little time to experience its beneficial effects either upon the business of the country, or upon the public revenue. The evil effects of the tariff and policy of 1840 continued through 1843, when the imports run down to $64,753,799, and the exports to $84,346,480. But, in 1844 everything began to move on well, the imports run up to $108,000,000, and the exports to $111,000,000, and they continued gradually to increase through 1848, when the imports were $154,998,228, and the exports were $154,032,131; the total imports, for the five years, being $648,925,962, and exports $650,015,918—excess of exports over imports a little over $1,000,000. There has been no period when the prosperity of the country seemed to be more healthy, or to rest on a more stable and firm basis. The Treasury, for all ordinary demands upon it, was being supplied; trade was active; manufactures were growing and being established; labor was employed and well rewarded; the resources of the country were being developed, and our foreign commerce and trade, growing and reaching out into all parts of the world, kept pace with our internal trade and industry. In this state of things the tariff of 1846 was established, and notwithstanding the one or two hundred millions of gold from California, then unexpected, which have come in to aid us apparently, but not really; apparently, by deluding us into false security, and the belief that we could live on our credit, and extravagantly, too, instead of on what we really earned—but not really, by bringing us sooner to see and consult our true interests, and promote our real national independence by learning—using our gold for this purpose—to do, and *doing* for ourselves what, *when learned*, we can do as well, or better than England, France, or Germany can do for us—I say, notwithstanding this gold, we find all over our wide-spread country every interest, with scarce an exception, paralyzed and depressed. The Government is, indeed, rich. Its Treasury is overflowing. But multitudes of the people who have worked hard to produce such articles as are wanted for American consumption, and are good enough for Americans to consume; articles, too, which they are willing to sell at cost, or for the merest trifle over, find the market flooded with similar imported articles, which are sold not at cost—a prohibition against selling foreign fabrics at less than cost would often be a fair protection—no, not at cost, but at twenty, thirty, and sometimes fifty per cent. below cost; and the domestic fabric cannot be sold any better. This is ruin. They are forced to stop producing. They have stopped, and have nothing to do. Multitudes who have paid their tax on foreign imports, to fill the coffers of the Government, have been ruined by the excess of these imports, the market being overstocked and broken down by them, and are to-day without a shilling in their pockets, and nothing to do to earn one. Can such people go on and buy and consume foreign goods, and continue to pay duties to keep up the revenues of the Government? No; they must stop buying till they have something to do to earn wherewith to pay, and the Government revenues will fall off.

Now, let us see what would have been the condition of our public finances at the end of the last seven fiscal years, if either of the tariffs of the Secretary or committee had been in operation, compared with what it was under the existing tariff; and what it would be at the end of the next seven years, those tariffs, or either of them, continuing in operation, assuming the imports to have been, and to continue, the same.

It appears, from a statement of receipts and expenditures, previous to June 30, 1853, prepared by the Register of the Treasury, and from the statement of receipts and expenditures for 1854, in the report of the Secretary of the Treasury, that the total receipts for the last seven years, exclusive of loans, Treasury notes, &c., were.....$347,447,956 03

And the total expenditures for the same time, exclusive of the public debt, were..... 301,863,287 46

Excess of receipts over expenditures..... $45,584,668 57

Of this excess a little over $29,000,000 were applied to the redemption of the public debt, and the balance remained in the Treasury. This left a balance of public debt, July 1, 1854, of $47,242,206 11.

The receipts under the tariff of the Secretary, would have been, as we have seen, $55,652,133 87 less, adding, of course, so much to the public debt, and making it, July 1, 1854, $102,894,339 98.

Under the committee's tariff, the receipts would have been $79,537,740 23 less, adding the same amount to the public debt, and making it, July 1, 1854, $126,779,926 34.

This increase of the public debt—the expenses being the same, and the balance in the Treasury remaining the same—would have been unavoidable, without the additional $322,741,439 of imports under the Secretary's bill, and $512,618,904 under the committee's bill, which would have made the excess of imports over the exports, in one case, $416,497,257, and, in the other, $606,374,722.

* Fourth week in January, ascertained since date of this speech. Total imports, 1845, $5,040,325; 1855, $9,053,774.

The proposed tariffs could, of course, if established now, have no retrospective operation. We see what their "working" would have been. But taking things as we find them, the public debt as we find it, and estimating as accurately as we can, in view of all the facts, the probable future expenses of the Government, the question for us to consider is, what their practical "working" and effect upon the revenue and general interests of the country hereafter would be? Without stopping, then, to inquire further what condition the country would now be in with such an excess of imports over exports in the last seven years—we see what the state of things has been, and is, with an excess of $93,000,000—let us look at the effect of continuing those tariffs seven years longer. But, in order to this, we need first to ascertain what the expenses for another seven years are to be, and how they will compare with what they have been. Will they be less, or the same, or more? We cannot act understandingly in making provision for the expenses of the Government, without forming an opinion of what they will amount to, and no intelligent opinion can be formed except from the facts. What, then, are the facts bearing upon this point?

The Secretary relies upon what he considers "almost a certainty that our increasing commerce will give an increase of revenue equal to all the reasonable demands of the future." But what is his idea of *reasonable* demands? What does he mean by it? Does he suppose the expenses of the Government are to be, or may be, reduced, and that less revenue will be needed? It is quite clear that he does not, as we shall see by comparing the estimates of expenses for the fiscal years ending June 30, 1854, 1855, and 1856—those for 1855 and 1856 being made by the Secretary himself:

Estimate of expenses for 1854....$39,323,870 32
Estimate of expenses for 1855.....44,195,150 68
Estimate of expenses for 1856.....49,656,928 17

He does not, then, as this comparison shows, base his recommendation of a reduction of the tariff upon the idea that the expenses are to be reduced, and for that reason less money will be wanted. And still further comparisons will furnish no reason to suppose there will be a reduction of expenses, but, on the contrary, show that they have been increasing, and are likely to continue to increase. A few only can be presented here.

The average annual expenses of the Government for three years, from June 30, 1847, to June 30, 1850, were $40,775,662 29. And the expenses for military service in these years, growing out of the Mexican war, were $20,187,132 60 more than the average for that service for the four following years. Deducting this sum, (and it should be deducted in comparing the ordinary expenses of the Government at different periods,) the average annual expenses, from 1847 to 1850, were $34,046,618 09. From 1850 to 1854 the annual average was $44,884,074 09.

Calling the expense for military service from June 30, 1847, to June 30, 1848, the same as the average annual amount for 1850 to 1854, the expenses for that year would be $28,122,020 38. From 1853 to 1854 they were $51,018,239 60; increase in seven years nearly $23,000,000.

The estimated expenses for the year ending June 30, 1854, were $39,323,870 32; the actual expenses were $51,018,239 60, or $11,694,369 28 over the estimate.

The estimated expenses for the year ending June 30, 1855, were $44,195,150 68, averaging $11,048,787 67 for each quarter; but the actual expenses for the first quarter were $14,293,317 45. Should the expenses of the other three quarters be the same, the actual expenses of the year will amount to $57,173,269 80, exceeding the estimates $12,978,119 12. Perhaps the expenses of 1855 may not be as much as this; probably they will not be; but it is pretty certain they will be largely in advance of the estimates.

The estimated expenses for the year ending June 30, 1856, are $49,656,928 17, or about $5,000,000 more than the average annual expenses from 1850 to 1854; but the actual expenses of 1856 will exceed the annual average from 1850 to 1854 more than $15,000,000, if they exceed the estimates as much as they did in 1854, and are likely to in 1855.

The estimates no doubt are very correctly made, but Congress have made large appropriations which the Secretary could not foresee and estimate for; and this will continue to be done.

We see, then, that there has been a large increase in the estimates; a large increase in the expenses, and that the actual expenses have generally exceeded the estimates. I am not saying this is right or wrong, or that the expenses ought to be more or less; but am speaking simply of the fact that they have increased very rapidly for the last seven years, and that there is no reason to believe they will be reduced for the next seven years. What, then, would be a fair estimate of the expenses of the Government, exclusive of the public debt, for seven years, from 1855 to 1861, inclusive? They exceeded $51,000,000 in 1854. The first quarter of the fiscal year 1855 they have been at the rate of over $57,000,000. With these facts, I estimate the expenses of 1855 at $52,000,000, and take that sum as the standard or annual average for the seven years; and I submit that, judging from the past ratio of increase, there is reason to believe that it will be much more than this.

At this estimate, the total expenses of the Government, from 1854 to 1861, exclusive of the public debt, will be.....	$364,000,000 00
Total receipts under the present tariff, with the same amount of imports.....	347,447,956 03
Excess of expenses over receipts,	$16,552,043 97
Add public debt, July 1, 1854....	47,242,206 11
Public debt under existing tariff, July 1, 1861.....	$63,794,250 08
Secretary's tariff, total expenses..	$364,000,000 00
Total receipts, ($55,652,133 less)	291,795,823 03
Excess of expenses over receipts,	$72,204,176 97
Add public debt, July 1, 1854...	47,242,206 11
Public debt, July 1, 1861.....	$119,446,383 08
Committee's tariff, expenses.....	$364,000,000 00
Receipts, ($79,537,740 less)....	267,910,216 03
Excess of expenses over receipts,	$96,089,783 97
Add public debt, July 1, 1854...	47,242,206 11
Public debt, July 1, 1861.....	$143,331,990 08

Now, admitting that the expenses of the Government from this time on till 1861 will be as large as I have estimated them—and I doubt whether a single member can convince himself that they will not be—there must be an increase of imports, under the existing tariff, of $78,493,201; under the Secretary's tariff, of $419,028,452; and under the committee's tariff, of $630,623,127, to yield a revenue equal to the expenses of the seven years, and prevent such an increase of the public debt. And with no increase of exports from 1854 to 1861, over 1847 to 1854—and it is by no means certain there will be any—the excess of imports over the exports in 1861, would be, under the existing tariff, $266,004,837; under the Secretary's tariff, $606,540,088; and under the committee's tariff, $818,134,763.

But everybody knows that, long before we had reached these points of excess of imports over the exports, every dollar of specie would be withdrawn from the country, every bank would suspend payment, and universal bankruptcy prevail, from one end of the land to the other. We cannot pay for such an amount of imports if made, and yet, if we were under either of the proposed tariffs, they must be made, or the public debt would go on increasing.

Shall I be told that these calculations are made upon an erroneous principle, and do not show the practical "workings" of the proposed tariffs? I answer, if there be error in the principle, the error is the Secretary's, not mine. He has calculated what their precise "working" would have been for six years, and I have merely spread his calculations, or others made upon the same basis, over a longer period.

And what answer will the honorable chairman of the Committee of Ways and Means, or any other member of that committee, or of the House, who favors the committee's plan of reduction, make to them? There can be but one answer, and that answer must show that the assumed or estimated expenses of the Government, from 1854 to 1861, are too high. All else is clear deduction, so far as the calculations are concerned, from admitted facts and premises. If this cannot be shown, there will be no occasion for alarm at the prospect of a very early payment of the public debt under the present tariff even.

There was a balance in the Treasury, July 1, 1854, of $20,137,967 50; and it may be said that so far, at least, as this amount is more than is necessary to be kept on hand subject to draft, the revenue may be reduced. But the revenue, even if the present tariff should be continued, the Secretary informs us, will be reduced annually $1,524,457 40, under the reciprocity treaty with the British provinces. In seven years this will amount to $10,671,201 80. And it cannot be expected that the receipts from public lands, under the operation of the acts graduating the price and granting bounty land, will be as much as they have been. In 1854, the receipts from public lands were $8,470,798 39. I think it quite reasonable, therefore, to conclude that the revenue will be reduced in seven years, under the reciprocity treaty, and from a falling off of receipts from public lands, more than enough to cover any sum that might properly be drawn from the balance in the Treasury last July. But if there be any doubt of this, such a reduction can easily be secured by adopting the suggestion of the Secretary, and admitting articles of raw material used in the arts and manufactures free of duty. This may be done, too, without touching a single article that comes in competition with anything produced here, and it ought to be done at once, whether there be doubt or not as to the operation of the reciprocity treaty and land laws.

The remarks I have submitted have had reference mainly to the revenue aspect of the question, bearing, of course, incidentally, upon the question of protection. The pending propositions open the whole question of the propriety and policy of protection, and I may take occasion to present my views upon it more fully when the subject comes up.

VINDICATION OF THE LATE JAMES A. BAYARD.

REMARKS IN THE SENATE,

WEDNESDAY, *January* 31, 1855,

In regard to the Aspersions upon the Memory of late James A. Bayard, of Delaware, contained in the "Anas" of Thomas Jefferson, as published under the authority of Congress.

Mr. BAYARD said: Mr. President, since I have been a member of the Senate, under no circumstances have I had occasion to ask the indulgence of the body for the purpose of remarks upon any subject having a personal relation to myself; but I feel authorized to ask that indulgence now, both from my position as a Senator from the State of Delaware, and a sense of duty to the memory of a parent who has left no undistinguished name in his country's annals.

My purpose is, by a succinct statement of facts, and the submission of documents sustaining that statement, to repel and refute two utterly groundless aspersions upon the memory of my father, (the late James A. Bayard, of Delaware,) contained in the "Anas" of Thomas Jefferson, as published under the authority of Congress. A copy of the works of Mr. Jefferson was delivered to me, as a member of the Senate, at the commencement of the present session; and, in running over them, I found that two charges, reflecting upon the character of my father, which were published in the first edition of Mr. Jefferson's works, were retained in the edition published by the authority of Congress. In a note, at page 87, of the ninth volume, the editor assigns the reasons why he "did not feel at liberty" to exclude, what he denominates "the celebrated Anas" from the publication. I mean to imply no censure upon him for retaining them, though I might have arrived at a different conclusion; and I doubt not that he exercised an honest discretion. But the very fact that, in this publication made under the authority of Congress the two charges to which I allude, though previously refuted, have been

retained without the slightest notice of that refutation, renders it more appropriate—indeed, imperative—that I should thus publicly repel any statement contained in that publication aspersing the character of one of the most distinguished citizens of my State, and of a father around whose memory my best affections are clustered; whose stainless character affords some consolation to his children for his early death.

Mr. President, when the first publication of the works of Mr. Jefferson was made, in 1830, my friend and colleague, who had just entered the Senate of the United States, having his attention attracted to *one* of the misrepresentations contained in these "Anas," with a promptitude and sincerity, and depth of feeling, which I can never forget, called the attention to the passage of two Senators (then most fortunately members of this body) on whose alleged authority *this* misrepresentation is founded, and it was then, by their testimony, publicly refuted.

The second misrepresentation, however, escaped his notice, but the publication of what had occurred in the Senate, brought the writings of Mr. Jefferson, for the first time, within the knowledge of my brother, Richard H. Bayard, (one of my predecessors in this body) and myself.

We found the second misrepresentation in another part of the "Anas," and, subsequently, after months of inquiries, were enabled to obtain documentary testimony utterly demolishing both these aspersions upon our father's memory.

We published this testimony in December, 1830, in a newspaper in Philadelphia, and also, in pamphlet; but such a mode of refutation being of a perishable nature, and the works of Mr. Jefferson having been republished under the authority of Congress, it is requisite that the refutation should be made in a more public and more enduring form.

The first charge will be found in the ninth volume of the congressional edition of Mr. Jefferson's works, page 202.

It is in these words:

"*February* 12, 1801.—Edward Livingston tells me that Bayard applied to-day, or last night, to General Samuel Smith, and represented to him the expediency of his coming over to the States who vote for Burr; that there was nothing in the way of appointment which he might not command, and particularly mentioned the Secretaryship of the Navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston and to W. C. Nicholas, who confirms it to me."

In answer to this charge, I shall first read the remarks in the Senate at the time my colleague brought it to the notice of Messrs. Smith and Livingston; then the deposition of my father made in 1805, in a suit for libel brought by Aaron Burr, against James Cheetham, and a letter written by him to General Hamilton, on the 7th of January, 1801. I shall also refer to a letter from Colonel Burr to General Smith, a copy of which is given in the deposition of General Smith in the case of James Gillespie against Abraham Smith, which deposition I shall read hereafter in refutation of the second charge made by Mr. Jefferson.

REMARKS IN THE SENATE.

"The Senate resumed the consideration of the resolution moved by Mr. FOOT respecting surveys of the public lands.

"Mr. BENTON being entitled to the floor—

"Mr. CLAYTON said, that he desired the permission of the Senator from Missouri, [Mr. BENTON,] who was entitled to the floor, to call the attention of two of the honorable members of this body, Mr. SMITH, of Maryland, and Mr. LIVINGSTON, of Louisiana, to a passage in a book which had been cited in this debate by the Senator from South Carolina, [Mr. HAYNE,] as authority on another subject. He did not rise for the purpose of discussing the resolution itself. In the wide range of the debate here, the northeastern and southern sections of the country had been arrayed against each other. He listened to the discussion without any intention of participating in it, while the State which he had the honor in part to represent, had escaped unscathed by the controversy. Though favorable to the resolution, as a mere proposition to inquire, he felt but little interest in such contentions between the North and South; and his only desire in relation to that subject, was, that the warmth of the discussion might have no tendency to alienate one portion of the country from the other. But his attention had been called by a number of members of this House, to a passage in the same book, another part of which had been referred to by the Senator from South Carolina. That passage charged an illustrious statesman, who formerly occupied the seat of a Senator here, and whose memory and fame were dear to himself and to the people he represented, with atrocious corruption, of which, he was convinced that great and good man could never have been guilty; and as the witnesses referred to in the book itself were present, and ready to give testimony to set the charge at rest, he hoped he should be pardoned for refusing to the objectional passage in their presence.

"He then read, from the fourth volume of Jefferson's Memoirs, page 515, (the same volume which had been brought into the Senate by General Hayne,) the following passage:

"'*February the* 12*th*, 1801.—Edward Livingston tells me that Bayard applied to-day, or last night, to General Samuel Smith, and represented to him the expediency of coming over to the States who vote for Burr; that there was nothing in the way of appointment which he might not command, and particularly mentioned the Secretaryship of the Navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston, and to W. C. Nicholas, who confirms it to me,' &c.

"He then called upon the Senators from Maryland and Louisiana, referred to in this passage, to disprove the statement here made.

"Mr. SMITH, of Maryland, rose and said, that he had read the paragraph before he came here to-day, and was, therefore, aware of its import. He had not the most distant recollection that Mr. Bayard had ever made such a proposition to him. Mr. Bayard, said he, and myself, though politically opposed, were intimate personal friends, and he was an honorable man. Of all men Mr. Bayard would have been the last to make such a proposition to any man; and I am confident that he had too much respect for me, to have made it, under any circumstances. I never received from any man any such proposition.

"Mr. LIVINGSTON, of Louisiana, said that, as to the precise question which had been put to him by the Senator from Delaware, he must say, that having taxed his recollection, as far as it could be on so remote a transaction, he had no remembrance of it."

DEPOSITION OF J. A. BAYARD.

The deposition of James A. Bayard, sworn and examined on the twenty—— day of ——, in the year of our Lord one thousand eight hundred and five, at Wilmington, in the State of Delaware, by virtue of a commission issuing out of the supreme court of judicature in the State of New York, to John Vaughan, directed for the examination of the said James A. Bayard, in a cause there depending between Aaron Burr, plaintiff, and James Cheetham, defendant, on the part and behalf of the defendant.

1st. To the first interrogatory this deponent answers and says: As a member of the House of Representatives I paid a visit of ceremony to the plaintiff on the 4th of March, in the year one thousand eight hundred and one, and was introduced to him. I had no acquaintance with him before that period. I had no knowledge of the defendant but what was derived from his general reputation before the last session of Congress, when a personal acquaintance commenced upon my becoming a member of the Senate.

2d. To the second interrogatory this deponent saith: I was.

3d. To the third interrogatory this deponent saith: There was an equality of electoral votes for Mr. Jefferson and Mr. Burr, and the choice of one of them did, of consequence, devolve on the House of Representatives.

4th. To the fourth interrogatory this deponent saith: The House, resolved into States, balloted for a President a number of times—the exact number is not at present in my recollection—before a choice was made. The frequency of balloting was occasioned by the preference given by the Federal side of the House to Mr. Burr. With the exception of Mr. Huger, of South Carolina, I recollect no Federal member, who did not concur in the general course of balleting for Mr. Burr. I cannot name each member. The Federal members, at that time, composed a majority of the House, though not of the States. Their names can be ascertained by the Journals of the House of Representatives.

5th. To the fifth interrogatory this deponent saith: I know of no measures but those of argument and persuasion which were used to secure the election of Mr. Burr to the Presidency. Several gentlemen of the Federal party doubted the practicability of electing Mr. Burr, and the policy of attempting it. Before the election came on, there were several meetings of the party to consider the subject. It was frequently debated; and most of the gentlemen who had adopted a decided opinion in favor of his election, employed their influence and address to convince those who doubted, of the propriety of the measure. I cannot tell whether Mr. Burr was acquainted with what passed at our meetings. But I neither knew nor heard of any letter being written to him on the subject. He never informed me, nor have I reason to believe, further than inference from the open professions, and public course pursued by the Federal party, that he was apprised that an attempt would be made to secure his election.

6th. To the sixth interrogatory the deponent saith: Mr. Burr, or any person on his behalf, never did communicate to me, in writing or otherwise, nor to any other persons of which I have any knowledge, that any measures had been suggested, or would be pursued, to secure his election. Preceding the day of the election, in the course of the session, the Federal members of Congress had a number of general meetings, the professed and sole purpose of which was to consider the propriety of giving their support to the election of Mr. Burr. The general sentiment of the party was strongly in his favor. Mr. Huger, I think, could not be brought to vote for him. *Mr. Craik and Mr. Baer, of Maryland, and myself, were those who acquiesced with the greatest difficulty and hesitation. I did not believe Mr. Burr could be elected, and thought it vain to make the attempt. But I was chiefly influenced by the current of public sentiment, which I thought it neither safe nor politic to counteract.* It was, however, determined by the party without consulting Mr. Burr, to make the experiment, whether he could be elected. Mr. Ogden never was authorized nor requested by me, nor any member of the House, to my knowledge, to call upon Mr. Burr, and to make any propositions to him of any kind or nature. I remember Mr. Ogden's being at Washington, while the election was depending. I spent one or two evenings in his company at Stiller's hotel, in small parties, and we recalled an acquaintance of very early life, which had been suspended by a separation of eighteen or twenty years. I spent not a moment with Mr. Ogden in private. It was reported that he was an agent for Mr. Burr, or it was understood that he was in possession of declarations of Mr. Burr, that he would serve as President if elected. I never questioned him on the subject. Although I considered Mr. Burr personally better qualified to fill the office of President than Mr. Jefferson, yet for a reason above suggested, I felt no anxiety for his election, and I presumed if Mr. Ogden came on any errand from Mr. Burr, or was desirous of making any disclosure relative to his election, he would do it without any application from me. But Mr. Ogden or any other person never did make any communication to me from Mr. Burr, nor do I remember having any conversation with him relative to the election. *I never had any communication directly or indirectly with Mr. Burr in relation to his election to the presidency. I was one of those who thought from the beginning that the election of Mr. Burr was not practicable. The sentiment was freely and openly expressed.* I remember it was generally said by those who wished a perseverance in the opposition to Mr. Jefferson, that several Democratic States were more disposed to vote for Mr. Burr than for Mr. Jefferson. That out of complaisance to the known intention of the party they would vote a decent length of time for Mr. Jefferson, and as soon as they could excuse themselves by the imperious situation of affairs, would give their votes for Mr. Burr, the man they really preferred. The States relied upon for this change were New York, New Jersey, Vermont, and Tennessee. I never however, understood that any assurance to this effect came from Mr. Burr. Early in the election it was reported that Mr. Edward Livingston, the Representative of the city of New York, was the confidential agent of Mr. Burr, and that Mr. Burr had committed himself entirely to the discretion of Mr. Livingston, having agreed to adopt all his acts. I took an occasion to sound Mr. Livingston on the subject, and intimated that, having it in my power to terminate the contest, I should do so, unless he could give me some assurance that we might calculate upon a change in the votes of some of the members of his party. Mr. Livingston stated that he felt no great concern as to the event of the election, but he disclaimed any agency from Mr. Burr, or any connection with him on the subject, and any knowledge of Mr. Burr's designing to coöperate in support of his election.

7th. The deponent answering that part of the seventh interrogatory, which relates to letters received from the late Alexander Hamilton, says: I did receive, in the course of the winter of 1801, several letters from General Hamilton upon the subject of the election, but the name of David A. Ogden is not mentioned in any of them. The general design and effect of these letters was to persuade me to vote for Mr. Jefferson, and not for Mr. Burr. The letters contain very strong reasons and a very earnest opinion against the election of Mr. Burr. In answer to the residue of the same interrogatory, the deponent saith: I repeat that I know of no means used to promote the election of Mr. Burr, but persuasion. I am wholly ignorant of what the plaintiff was apprized of in relation to the election, as I had no communication with him, directly or indirectly; and as to the expectation of a change of votes from Mr. Jefferson to Mr. Burr, I never knew of a better ground for it than the opinions and calculations of a number of members.

8th. In answer to the eighth interrogatory, the deponent saith: I know of nothing which, in my opinion, can be of service to the defendant in the cause.

To the interrogatory on the part of the plaintiff, the deponent answers: Having yielded with Messrs. Craik and Baer, of Maryland, to the strong desire of the great body of the party with whom we usually acted, and agreed to vote for Mr. Burr, and those gentlemen and myself being governed by the same views and motives, we pledged ourselves to each other to pursue the same line of conduct, and act together. We felt that *some concession* was due to the judgment of a great majority of our political friends, who differed from us in opinion, but we determined that no consideration should make us lose sight for a moment of the necessity of a President being chosen. We therefore resolved that as soon as it was fairly ascertained that Mr. Burr could not be elected, to give our votes to Mr. Jefferson. General Morris, of Vermont, shortly after acceded to this arrangement. The result of the ballot of the States had uniformly been eight States for Mr. Jefferson, six for Mr. Burr, and two divided. Mr. Jefferson wanted the vote of one State only; those three gentlemen belonged to the divided States. I held the vote of the State of Delaware; it was therefore in the power of either of us to terminate the election. Those gentlemen knowing the strong interest of my State to have a President, and knowing the sincerity of my determination to make one, left it to me to fix the time when the opposition should cease, and to make terms, if any could be accomplished, with the friends of Mr. Jefferson. I took pains to disclose this state of things in such a manner, that it might be known to the friends of Mr. Burr, and to those gentlemen who were believed to be most disposed to change their votes in his favor. I repeatedly stated to many gentlemen with whom I was acting, that it was a vain thing to protract the election, as it had become manifest that Mr. Burr would not assist us; and, as we could do nothing without his aid, I expected, under these circumstances, if there were any latent engines at work in Mr. Burr's favor, the plan of operations would be disclosed to me. But, although I had the power, and threatened to terminate the election, I had not even an intimation from any friend of Mr. Burr's, that it would be desirable to them to protract it. I never did discover that Mr. Burr used the least influence to promote the object we had in view. And being completely persuaded that Mr. Burr would not coöperate with us, I determined to end the contest by voting for Mr. Jefferson. I publicly announced the intention which I designed to carry into effect the next day. In the morning of the day there was a general meeting of the party, where it was generally

admitted that Mr. Burr could not be elected; but some thought it was better to persist in our vote, and to go without a President rather than to elect Mr. Jefferson. The greater number, however, wished the election terminated, and a President made; and, in the course of the day, the manner was settled, which was afterwards adopted, to end the business.

Mr. Burr, probably, might have put an end sooner to the election by coming forward and declaring that he would not serve, if chosen; but I have no reason to believe, and never did think, that he interfered, even to the point of personal influence, to obstruct the election of Mr. Jefferson, or to promote his own.

LETTER FROM J. A. BAYARD TO A. HAMILTON.

WASHINGTON, 7th *January*, 1801.

DEAR SIR: I have been but a few days in this city, but since my arrival have had the pleasure to receive the letter which you did me the honor to write on the 27th ultimo. I am fully sensible of the great importance of the subject to which it relates, and am, therefore, extremely obliged by the information you have been so good as to communicate.

* * * * * * * * * * *

It is considered that, at least in the first instance, Georgia, North Carolina, Virginia, Tennessee, Kentucky, Pennsylvania, New Jersey, and New York, will vote for Mr. Jefferson. It is probable that Maryland and Vermont will be divided. It is, therefore, counted that, upon the first ballot, it would be possible to give to Mr. Burr six votes. It is calculated, however, and strongly insisted by some gentlemen, that a persevering opposition to Mr. Jefferson would bring over New York, New Jersey, and Maryland. What is the probability relative to New York? Your means enable you to form the most correct opinion. As to New Jersey and Maryland, it would depend on Mr. Lyan, of the former, and Mr. Dent, of the latter State.

I assure you sir, there appears to be a strong inclination in a majority of the Federal party to support Mr. Burr. The current has already acquired considerable force, and is manifestly increasing. The vote which the representation of a State enables me to give, would decide the question in favor of Mr. Jefferson. At present, I am by no means decided as to the object of preference. If the Federal party should take up Mr. Burr, I ought certainly to be impressed with the most undoubting conviction before I separated myself from them. I cannot, however, deny that there are strong considerations which give a preference to Mr. Jefferson. The subject admits of many and very doubtful views, and before I receive on the part I shall take, I will await the approach of the crisis which may probably bring with it circumstances decisive of the event.

The Federal party meet on Friday for the purpose of forming a resolution as to their line of conduct. I have not the least doubt of their agreeing to support Burr.

Their determination will not bind me, for though it might cost me a painful struggle to disappoint the views and wishes of many gentlemen with whom I have been accustomed to act, yet the magnitude of the subject forbids the sacrifice of a strong conviction. I cannot answer for the coherence of my letter, as I have undertaken to write to you from the Chamber of Representatives with an attention divided by the debate which occupies the House. I have not considered myself at liberty to show your letter to any one, though I think it would be serviceable, if you could trust my discretion in the communication of it.

I am, with great consideration, your very obedient servant, JAMES A. BAYARD.

HON. ALEXANDER HAMILTON.

It will be perceived, Mr. President, that the charge which Mr. Jefferson has recorded is, in its offensive character, this: That my father attempted to corrupt General Samuel Smith, of Maryland, by offering to purchase his support of Mr. Burr, by the promise of such office as he might desire, designating, especially, the Secretaryship of the Navy, and further, that my father stated he was authorized to make the offer. It must be borne in mind, that General Smith was, at the time of the election of 1801, a Representative from Maryland, and that the vote of Maryland was equally divided.

The denial of Mr. Jefferson's own witness, General Smith, is broad and unqualified, and Mr. Edward Livingston, who is cited as a witness that Smith made a similar statement to him, denies all remembrance of it.

As to the truth or falsity of the charge, Mr. Livingston is not alleged to have had any personal knowledge.

The deposition of my father, in the case of Mr. Burr *vs.* Cheetham, proves that he had not even a personal acquaintance with Colonel Burr antecedent to the election of 1801, and no communication with him, directly or indirectly. It further shows that, from the commencement of the struggle, as to the election, my father was opposed to the determination of his party, and only yielded to it for a time, as "a concession which was due to the judgment of a great majority of his political friends," and that, mainly through his influence, the course adopted by the Federal party was abandoned, and the election of Mr. Jefferson effected. His letter of January 7th, 1801, written in the confidence of friendship to General Hamilton, confirms this conclusively. Further, the charge made by Mr. Jefferson involves the gross absurdity of an entire stranger to Colonel Burr, making an authorized offer of office on his behalf, with a view to the corruption of one of his (Burr's) intimate friends and correspondents, who had been selected by him as his *proxy*, to defeat the very object for which the alleged offer was made. This relation of Colonel Burr to Mr. Smith, appears in his letter to the latter, of the date of December 16, 1800, which letter was a matter of notoriety before the alleged conversation between my father and General Smith, is stated to have occurred, having been published in the newspapers as early as December 30, 1800.

I shall read a copy of it, as contained in General Smith's deposition, in my answer to the second charge.

Sir, I look back with pride and pleasure to the course taken by my father in the election of 1801, and the service he rendered to his country in being the chief actor in its termination.

I will not detain the Senate by reading the other testimony, in corroboration of that which I have submitted, but I desire that it may be appended by the reporter to these remarks. I allude to letters from Mr. Baer, of Maryland, Mr. John Chew Thomas, of Pennsylvania, Mr. Jarvis, of Vermont, (a friend and appointee of Mr. Jefferson,) Joseph L. Sprague, of Massachusetts, and Judge Paine, of Vermont.

Surely, sir, my father was entitled to somewhat more justice from a President to whose election he was mainly condusive, than a *permanent* record of one of those political calumnies, which will always arise during the excitement of party contests, and which should be permitted to perish with the excitement which gives them birth.

The second aspersion upon my father's memory more offensive, and equally groundless, is in the following words:

April 15, 1806.—"I did not commit these things to writing at the time, but I do it now, because, in a suit between him (Burr) and Cheetham, he has had a deposition of Mr. Bayard taken, which seems to have no relation to the suit, nor to any other object than to calumniate me. Bayard pretends to have addressed to me during the pending of the Presidential election in 1801, through General Samuel Smith, certain conditions on which my election might be obtained, and that General Smith, after conversing with me, gave answers from me. This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, nor any answer authorized by me. And this fact General Smith affirms at this moment."—*Jefferson's Works, Congressional Edition, page* 209.

I do not read the context which relates to an interview between Colonel Burr and Mr. Jefferson, some time in March, 1806—it having no relation to my father; but confine my quotation to that part which embodies the charge affecting his character.

The calumny involved in this charge is, that my father, in a deposition made by him under oath, *falsely pretended* that he had addressed to Mr. Jefferson, through General Samuel Smith, pending the election of 1801, certain inquiries in the nature of conditions to which an affirmative answer had been received by him from General Smith.

My evidence in reply to this charge is conclusive. I now read the deposition of my father, made in the case of Gillespie *vs.* Smith on the 3d of April, 1806, and that of General Smith, made in the same case on the 15th of the same month. I read also, the fifth interrogatory, omitting the others, as the depositions are perfectly intelligible without them:

FIFTH INTERROGATORY.

Fifth.—Do you or do you not know, or have you heard so that you believe, of any negotiations, bargains, or agreements in the year 1800 or 1801, after the said equality became known, and before the choice of the President, by or on behalf of any person, and whom, with the parties called Federal or Republican, or with either of them, or with any individual or individuals, and whom, of either of the said parties, relative to the office of President of the United States? If yea, declare the particulars thereof, and the reasons of such your belief.

DEPOSITION OF J. A. BAYARD.

Deposition of the honorable James A. Buyard, a witness produced, sworn, and examined in a cause depending in the supreme court of the State of New York, between James Gillespie, plaintiff, and Abram Smith, defendant, on the part of the plaintiff, follows:

To the first interrogatory, deponent answers and says: I do not know either the plaintiff or defendant.

To the second interrogatory he answers and says: I was personally acquainted with Thomas Jefferson before he became President of the United States, the precise length of time I do not recollect. The acquaintance did not extend beyond the common salutation upon meeting, and accidental conversation upon such meetings.

To the third interrogatory he answers and says: I was a member of the House of Representatives of the United States, during the fifth, sixth, and seventh Congresses, from the 3d of March, 1797, to the 3d of May, 1803.

To the fourth interrogatory he answers and says: The electoral votes for Thomas Jefferson and Aaron Burr, for President of the United States, were equal, and that the choice of one of them as President did devolve on the House of Representatives.

To the fifth interrogatory he answers, and says: I presume this interrogatory points to an occurrence which took place before the choice of President was made, and after the balloting had continued for several days, of which I have often publicly spoken. My memory enables me to state the transaction, in substance, correctly, but not to be answerable for the precise words which were used upon the occasion. Messrs. Baer and Craig, members of the House of Representatives from Maryland, and General Morris, a member of the House from Vermont, and myself, having the power to determine the votes of the States, from similarity of views and opinions during the pendency of the election, made an agreement to vote together. We foresaw that a crisis was approaching which might probably force us to separate, in our votes, from the party with whom we usually acted. We were determined to make a President, and the period of Mr. Adams's Administration was rapidly approaching.

In determining to recede from the opposition to Mr. Jefferson, it occurred to us, that probably instead of being obliged to surrender at discretion, we might obtain terms of capitulation. The gentlemen whose names I have mentioned, authorized me to declare their concurrence with me upon the best terms that could be procured. The vote of either of us was sufficient to decide the choice. With a view to the end mentioned, I applied to Mr. John Nicholas, a member of the House from Virginia, who was a particular friend of Mr. Jefferson. I stated to Mr. Nicholas, that if certain points of the future Administration could be understood and arranged with Mr. Jefferson, I was authorized to say that three States would withdraw from an opposition to his election. He asked me what those points were. I answered, first, sir, the support of public credit; secondly, the maintenance of the naval system; and, lastly, that subordinate public officers employed only in the execution of details, established by law, shall not be removed from office on the ground of their political character, nor without complaint against their conduct. I explained myself, that I considered it not only reasonable, but necessary, that offices of high discretion and confidence should be filled by men of Mr. Jefferson's choice. I exemplified by mentioning, on the one hand, the offices of the Secretaries of States, Treasury, foreign ministers, &c., and, on the other, the collectors of ports, &c. Mr. Nicholas answered me, that he considered the points as very reasonable, that he was satisfied that they corresponded with the views and intentions of Mr. Jefferson, and knew him well. That he was acquainted with most of the gentlemen who would probably be about him and enjoying his confidence, in case he became President, and that if I would be satisfied with *his* assurance, he could solemnly declare it as his opinion, that Mr. Jefferson, in his administration, would not depart from the points I had proposed. I replied to Mr. Nicholas, that I had not the least doubt of the sincerity of his declaration, and that his opinion was perfectly correct, but that I wanted an engagement, and that if the points could in any form be understood as conceded by Mr. Jefferson, the election should be ended, and proposed to him to consult Mr. Jefferson. This he declined, and said he could do no more than give me the assurance of his own opinion as to the sentiments and designs of Mr. Jefferson and his friends. I told him that was not sufficient, that we should not surrender without better terms. Upon this we separated, and I shortly after met with General Smith, to whom I unfolded myself in the same manner that I had done to Mr. Nicholas. In explaining myself to him in relation to the nature of the offices alluded to, I mentioned the offices of George Latimer, collector of the port of Philadelphia, and Allen McLane, collector of Wilmington. General Smith gave me the same assurance as to the observance, by Mr. Jefferson, of the points which I had stated, which Mr. Nicholas had done. I told him I should not be satisfied, nor agree to yield, till I had the assurance from Mr. Jefferson himself; but that if he would consult Mr. Jefferson, and bring the assurance from him, the election should be ended. The General made no difficulty in consulting Mr. Jefferson, and proposed giving me his answer next morning. The next day, upon our meeting, General Smith informed me that he had seen Mr. Jefferson, and stated to him the points mentioned, and was authorized by him to say, that they corresponded with his views and intentions, and that we might confide in him accordingly. The opposition of Vermont, Maryland, and Delaware, was immediately withdrawn, and Mr. Jefferson was made President by the votes of ten States.

To the sixth interrogatory, the deponent answers and says: I was introduced to Mr. Burr, the day of Mr. Jefferson's inauguration as President. I had no acquaintance with him before, and very little afterwards, till the last winter of his Vice Presidency, when I became a member of the Senate of the United States.

To the seventh interrogatory, deponent answers and says: I do not know, nor did I ever believe, from any information I received, that Mr. Burr entered into any negotiation or agreement with any member of either party, in relation to the Presidential election, which depended before the House of Representatives.

To the eighth interrogatory, the deponent answers and says: Upon the subject of this interrogatory, I can express only a loose opinion, founded upon the conjectures at the time, of what could be effected by Mr. Burr, by mortgaging the patronage of the Executive. I can only say, generally, that I did believe, at the time, that he had the means of making himself President. But this opinion has no other

ground than conjecture, derived from a knowledge of means which existed, and, if applied, their probable operation on individual characters. In answer to the last part of the interrogatory, deponent says: I know of nothing of which Mr. Burr was apprised, which related to the election.

J. A. BAYARD.

District of Columbia, Washington:

The deposition of the honorable James A. Bayard, consisting of six pages, was taken and sworn to before us, this 3d day of April, A. D., 1806.

STEPHEN B. BRADLEY.
GEORGE LOGAN.

DEPOSITION OF SAMUEL SMITH.

Deposition of the honorable Samuel Smith, Senator of the United States for the State of Maryland, a witness produced, sworn, and examined in a cause depending in the supreme court of the State of New York, between James Gillespie, plaintiff, and Abram Smith, defendant, on the part and behalf of the defendant, as follows:

1st. I knew Thomas Jefferson some years previous to 1800. The precise time when our acquaintance commenced, I do not recollect.

2d. and 3d. I was a member of the House of Representatives of the United States in 1800 and 1801, and know that Thomas Jefferson and Aaron Burr had an equal number of the votes given by the electors of President and Vice President of the United States.

4th. Presuming that this question may have reference to conversations (for I know of no bargains or agreements) which took place at the time of the balloting, I will relate those which I well recollect to have had with three gentlemen, separately, of the Federal party. On the Wednesday preceding the termination of the election, Colonel Josiah Parker asked a conversation with me in private. He said that many gentlemen were desirous of putting an end to the election; that they only wanted to know what would be the conduct of Mr. Jefferson in case he should be elected President, particularly as it related to the public debt, to commerce, and navy. I had heard Mr. Jefferson converse on all those subjects lately, and informed him what I understood were the opinions of that gentleman. I lived in the house with Mr. Jefferson, and that I might be certain that what I had said was correct, I sought and had a conversation that evening with him on those points; and I presume, though I do not precisely recollect, that I communicated to him the conversation which I had had with Colonel Parker.

The next day General Dayton, (a Senator,) after some jesting conversation, asked me to converse with him in private. We retired. He said that he, with some other gentlemen, wished to have a termination put to the pending election; but he wished to know what were the opinions or conversations of Mr. Jefferson respecting the navy, commerce, and public debt. In answer, I said that I had last night had conversation with Mr. Jefferson on all those subjects. That he had told me that any opinion he should give at this time, might be attributed to improper motives. That to me he had no hesitation in saying that, as to the public debt, he had been averse to the manner of funding it, but that he did not believe there was any man who respected his own character, who would or could think of injuring its credit at this time. That, on commerce, he thought that a correct idea of his opinions on that subject might be derived from his writings, and particularly from his conduct while he was Minister at Paris, when he thought he had evinced his attention to the commercial interests of his country. That he had not changed opinion, and still did consider the prosperity of our commerce as essential to the true interest of the nation. That, on the navy, he had fully expressed his opinion in his Notes on Virginia; that he adhered still to his ideas then given. That he believed our growing commerce would call for protection; that he had been averse to a too rapid increase of our navy; that he believed a navy must naturally grow out of our commerce, but thought prudence would advise its increase to progress with the increase of the nation, and that in this way he was friendly to the establishment. General Dayton appeared pleased with the conversation, and, I think, said that, if this conversation had taken place earlier, much trouble might have been saved, or words to that effect.

At the funeral of Mr. Jones, of Georgia, I walked with Mr. Bayard, of Delaware. The approaching election became the subject of conversation. I recollect no part of that conversation, except his saying that he thought that an half hour's conversation between us might settle the business. That idea was not again repeated. On the day after, I had held the conversation with General Dayton, I was asked by Mr. Bayard to go into the committee room. He then stated that he had it in his power (and was so disposed) to terminate the election, but he wished information as to Mr. Jefferson's opinions on certain subjects, and mentioned, (I think,) the same three points already alluded to, as asked by Colonel Parker and General Dayton, and received from me the same answer in substance, (if not in words,) that I had given to General Dayton. He added a fourth, to wit: What would be MR. JEFFERSON'S conduct as to the public officers? He said he did not mean confidential officers, but, by way of elucidating his question, he said, such as Mr. Latimer, of Philadelphia, and Mr. M'Lane, of Delaware. I answered that I never had heard Mr. Jefferson say anything on that subject. He requested that I would inquire, and inform him the next day. *I did so. And the next day (Saturday) told him, that Mr. Jefferson had said that he did not think that such officers ought to be dismissed on political grounds only, except in cases where they had made improper use of their offices, to force the officers under them to vote contrary to their judgment. That as to Mr. M'Lane, he had already been spoken to in his behalf by Major Eccleston, and from the character given him by that gentleman, he considered him a meritorious officer; of course, that he would not be displaced, or ought not to be displaced. I further added, that Mr. Bayard might rest assured, (or words to that effect,) that Mr. Jefferson would conduct, as to those points, agreeably to the opinions I had stated as his. Mr. Bayard then said, we will give the vote on Monday, and we separated.* Early in the election, my colleague, Mr. Baer, told me that we should have a President, that they would not get up without electing one or the other gentleman. Mr. Baer had voted against Mr. Jefferson until the final vote, when, I believe, he withdrew, or voted blank, but do not perfectly recollect.

5th. I became acquainted with Colonel Burr some time in the revolutionary war.

6th. I know of no agreement or bargain in the years 1800 and 1801 with any person or persons whatsoever, respecting the office of President in behalf of Aaron Burr, nor have I any reason to believe that any such existed.

7th. I received a letter from Colonel Burr, dated, I believe, 16th December, 1800, in reply to one which I had just before written him. The letter of Colonel Burr is as follows:

"It is highly improbable that I shall have an equal number of votes with Mr. Jefferson; but if such should be the result, every man who knows me ought to know, that I would utterly disclaim all competition. Be assured that the Federal party can entertain no wish for such an exchange. As to my friends, they would dishonor my views and insult my feelings, by a suspicion that I would submit to be instrumental in counteracting the wishes and the expectations of the people of the United States. And I now constitute you my proxy to declare these sentiments, if the occasion shall require."

I have not now that letter by me, nor any other letter from him, to refer to—the preceding is taken from a printed copy, which corresponds with my recollection, and which I believe to be correct. My correspondence with him continued till the close of the election. In none of his letters to me, or to any other person that I saw, was there any thing that contradicted the sentiments contained in that letter.

S. SMITH.

City of Washington, in the District of Columbia:

The deposition of the honorable Samuel Smith, written upon five pages, was duly taken and sworn to before us, two of the commissioners named in the annexed commission, at the Capitol, in said city of Washington, on the fifteenth day of April, in the year of our Lord one thousand eight hundred and six, and of the Independence of the United States, the thirtieth.

GEORGE LOGAN.
DAVID STONE.

This testimony needs no comment.

Mr. Jefferson vouches Mr. Smith on the 15th of April, 1806, as his witness to sustain the charge of *false statements* made by my father. The deposition of General Smith, *made under oath on the same day*, corroborates, substantially and fully, the statement made by my father in his deposition.

It is stated in the passage from Mr. Jefferson's works which I have last quoted, that the deposition was taken in the suit of Burr *vs.* Cheetham, and seemed to have no relation to the suit, nor to any other object than to calumniate him, [Mr. Jefferson.] The former part of this statement as to the title of the suit, is evidently an error, and as to the latter, I have neither knowledge nor the means of knowledge of the relevancy of the testimony to the suit of Gillespie *vs.* Smith. I have been able, after diligent inquiry, to ascertain nothing in relation to it, nor was there among my father's papers any paper or memorandum having reference to the subject. The material question, however, as regards my father is, that his answer is responsive to the interrogatory, and I have yet to learn that a witness has the right to determine the relevancy or irrelevancy of the matters to which he deposes to the subject in controversy in the case.

Sir, when my brother and I first read this charge we were at a loss for the means of refutation. We could not find, amongst my father's papers, any trace of his having made such a deposition, and a copy of his deposition in Burr *vs.* Cheetham, which we did find, (in which case Mr. Jefferson alleged the false deposition to have been made,) contained nothing of the kind.

In this state of ignorance, after many fruitless attempts at obtaining information, the documents I have just read were fortunately—or should I not rather say providentially?—discovered.

I went to New York, and, under the supposition that, having been a chief actor in the transaction, according to Mr. Jefferson's statement, Colonel Burr, who was then living, could give me some information, I called upon him. His memory of those times, and indeed generally, seemed to be much impaired, and it was only after many minute and direct inquiries that he at last told me he thought Bradley, of Vermont, had been a commissioner to take depositions in a suit relating to the events of the election of 1801. He had no further recollection of the matter.

I wrote to the representatives of Mr. Bradley, and the *original* depositions, of which I have read copies, were returned to me by his son or representative; having been retained amongst Mr. Bradley's papers, and thus preserved.

May I not, Mr. President, without aggression, be permitted to remark, that, rest where it may, the charge of calumny rests not upon my father's memory.

The deposition of Mr. Bayard was made during the lifetime of all the parties connected with, or having a knowledge of, the matters detailed in it, and made, too, before commissioners (Messrs. Bradley and Logan) opposed to him in political principles, and members of Mr. Jefferson's party.

The memoranda of Mr. Jefferson were secluded amongst his private papers, revised by him in 1823, eight years after Mr. Bayard's death, and left for posthumous publication to tarnish his reputation when the means of refutation *might* have been lost. Those means, however, have been preserved, and the object and intent of these "Anas," so far as relates to Mr. Bayard, utterly defeated—with what benefit to the reputation of Mr. Jefferson, is left to others to determine.

Sir, I freely admit, that Mr. Jefferson was a man of genius, and rendered great services to his country; and my object is not aggression. I have endeavored to make this statement merely defensive; nor have I wandered from the charges affecting the character of my father, for the purpose of commenting upon the opinions of Mr. Jefferson, or investigating the numerous charges contained in his "Memoirs" against the Federal party, its leading members, and the States in which it maintained a majority during his administration. These, together with the general views of Mr. Jefferson on religion and Government, and his character as a philosopher, statesman, or man, will be more impartially considered at a later day; more fairly weighed, and truly estimated, when those whose feelings are, in any way, connected with the contest in which he was so prominent, are not to be the arbiters. His most devoted friends, however, cannot but regret that the enlightened judgment and benevolent feelings, which, in his letter to Mr. Adams, of June 23, 1813, dictated the sentiment, that he "should see with reluctance the passions of that day rekindled in this, while so many of the actors are living, and all are too near the scene not to participate in sympathies with them," did not look beyond the duration of his own life, and restrain the publication of much that is contained in the "Memoirs," which, whether with reference to his own fame, or with a proper regard for the opinions, sentiments, and characters of others, a wise discretion alone would certainly have prevented.

Mr. President, I have concluded my defense; but I trust I shall not be considered as trespassing too far upon the time and patience of the Senate, by the statement of a few facts—probably little known to the public—having relation to my father's course during the contest of 1801, and illustrative of his principles and character—a character which won the confidence of his political opponents, whilst it retained that of his friends.

On the 17th of February, 1801, the day on which the election was terminated in favor of Mr. Jefferson, mainly through the influence and exertions of Mr. Bayard, he was nominated by President Adams as Minister to the French Republic.

He was then thirty-three years of age. That nomination was unanimously confirmed by the Senate on the 19th of February; and, on the same day, Mr. Bayard addressed the following letter to the President, resigning the office:

WASHINGTON, *February* 19, 1801.

SIR: I beg you to accept my thanks for the honor conferred on me, by the nomination as Minister to the French Republic. Under most circumstances, I should have been extremely gratified with such an opportunity of rendering myself serviceable to the country. But the delicate situation in which the late presidential election has placed me, forbid my exposing myself to the *suspicion* of having adopted, from impure motives, the line of conduct which I pursued. Representing the smallest State in the Union, without resources which could furnish the means of self-protection, I was compelled, by the obligation of a sacred duty, so to act, as not to hazard the constitution upon which the political existence of the State depends.

The service which I should have to render, by accepting the appointment, would be under the administration of Mr. Jefferson, and having been in the number of those who withdrew themselves from the opposition to his election, it is impossible for me to take an office, the tenure of which would be at his pleasure.

You will, therefore, pardon me, sir, for begging you to accept my resignation of the appointment.

I have the honor to be, with perfect consideration, your very obedient servant,

JAMES A. BAYARD.

The President of the United States.

The following extract is from a letter written three days afterwards to a near relative, one of the earliest and most intimate friends of Mr. Bayard. Those who knew him personally, will recognize his character in its sentiments. It contains the principles which governed his political course and ambition, then, and through the rest of his life. Principles which induced him to accept the mission to Ghent as a duty to his country, and when peace was concluded, to decline that to St. Petersburgh.

Washington, *February* 22, 1801.

You are right in your conjecture as to the office offered me. I have since been nominated Minister to France, concurred in *nem. con.*—commissioned and resigned. Under proper circumstances, the acceptance would have been complete gratification; but, under the existing, I thought the resignation most honorable. To have taken $18,000 out of the public Treasury, with a knowledge that no service could be rendered by me, as the French Government would have waited for a man who represented the existing feelings and views of this Government, would have been disgraceful.

Another consideration of great weight, arose from the part I took in the presidential election. As I had given the turn to the election, it was impossible for me to accept an office, which would be held on the tenure of Mr. Jefferson's pleasure. My ambition shall never be gratified at the expense of a suspicion.

I shall never lose sight of the motto of the great original of our name.

Sir, it must often happen that the extent of the services rendered by a statesman to his country, will remain unknown and unestimated, and such I believe has been peculiarly my father's fate, both in relation to the election of 1801, and the treaty of peace concluded at Ghent in 1814.

Such, certainly, was his own belief, when, on his death bed, he expressed his calm but mournful regret to the distinguished surgeon who attended him, during the short week which he survived after reaching his home: "Ah! doctor, my country will never know how much she owes me."

[ADDENDA.

Frederick, *April* 19, 1830.

Sir: In compliance with your request, I now communicate to you my recollections of the events of the presidential election, by the House of Representatives, in 1801. There has been no period of our political history more misunderstood and more grossly misrepresented. The course adopted by the Federal party was one of principle and not of faction, and I think the present a suitable occasion for explaining the views and motives at least of those gentlemen who, having it in their power to decide the election at any moment, were induced to protract it for a time, but ultimately to withdraw their opposition to Mr. Jefferson.

I have no hesitation in saying that the facts stated in the deposition of your father, the late James A. Bayard, so far as they came to my knowledge, are substantially correct; and although nearly thirty years have elapsed since that eventful period, my recollection is vivid as to the principal circumstances, which, from the part I was called upon to act, were deeply graven on my memory. As soon as it was generally known that the two Democratic candidates, Jefferson and Burr, had the highest and an equal number of votes, and that the election would consequently devolve on the House of Representatives, Mr. Dent, who had hitherto acted with the Federal party, declared his intention to vote for Mr. Jefferson, in consequence of which determination the vote of Maryland was divided.

It was soon ascertained that there were six individuals, the vote of any one of whom could at any moment decide the election. These were your father, the late James A. Bayard, who held the vote of the State of Delaware, General Morris, of Vermont, who held the divided vote of that State, and Mr. Craik, Mr. Thomas, Mr. Dennis, and myself, who held the divided vote of Maryland. Much anxiety was shown by the friends of Mr. Jefferson, and much ingenuity used to discover the line of conduct which would be pursued by them. Deeply impressed with the responsibility which attached to their peculiar situation, and conscious that the American people looked to them for a President, they could not rashly determine either to surrender their constitutional discretion, or to disappoint the expectations of their fellow-citizens.

Your father, Mr. Craik, and myself, having compared ideas upon the subject, and finding that we entertained the same views and opinions, resolved to act together, and accordingly entered into a solemn and mutual pledge, that we would, in the first instance, yield to the wishes of the great majority of the party with whom we acted, and vote for Mr. Burr, but that no consideration should induce us to protract the contest beyond a reasonable period for the purpose of ascertaining whether he could be elected. We determined that a President should be chosen, but were willing thus far to defer to the opinions of our political friends, whose preference of Mr. Burr was founded upon a belief that he was less hostile to Federal men and Federal measures than Mr. Jefferson. General Morris and Mr. Dennis concurred in this arrangement.

The views by which the Federal party were governed were these: They held that the Constitution had vested in the House of Representatives a high discretion, in a case like the present, to be exercised for the benefit of the nation; and that, in the execution of this delegated power, an honest and unbiased judgment was the measure of their responsibility. They were less certain of the hostility of Mr. Burr to Federal policy than of that of Mr. Jefferson, which was known and decided. Mr. Jefferson had identified himself with, and was at the head of, the party in Congress who had opposed every measure deemed necessary by the Federalists for putting the country in a posture of defense; such as fortifying the harbors and sea-ports, establishing manufactories of arms; erecting arsenals, and filling them with arms and ammunition; erecting a navy for the defense of commerce, &c. His speculative opinions were known to be hostile to the independence of the judiciary, to the financial system of the country, and to internal improvements.

All these matters the Federalists believed to be intimately blended with the prosperity of the nation, and they deprecated, therefore, the elevation of a man to the head of the Government whose hostility to them was open and avowed. It was feared, too, from his prejudices against the party which supported them, that he would dismiss all public officers who differed with him in sentiment, without regard to their qualifications and honesty, but on the ground only of political character. The House of Representatives adopted certain resolutions for their government during the election, one of which was, that there should be no adjournment till it was decided.

On the 11th, February, 1801, being the day appointed by law for counting the votes of the electoral colleges, the House of Representatives proceeded, in a body, to the Senate Chamber, where the Vice President, in view of both Houses of Congress, opened the certificates of the electors of the different States, and as the votes were read, the tellers on the part of each House counted, and took lists of them, which being compared and delived to him, he announced to both Houses the state of the votes; which was—for Thomas Jefferson, 73 votes; for Aaron Burr, 73 votes; for John Adams, 65 votes; for Charles Pinckney, 64 votes; for John Jay, 1 vote; and then declared, that the greatest number, and majority of votes, being equal, the choice had devolved on the House of Representatives. The members of the House then withdrew to their own Chamber, and proceeded to ballot for a President. On the first ballot, it was found that Thomas Jefferson had the votes of eight States, Aaron Burr of six States, and that two were divided. As there were sixteen States, and a majority was necessary to determine the election, Mr. Jefferson wanted the vote of one State. Thus the result which had been anticipated was realized.

The balloting continued throughout that day, and the following night, at short intervals, with the same result, the twenty-sixth ballot being taken at eight o'clock on the morning of the 12th of February. The balloting continued with the same result, from day to day, till the 17th of February, without any adjournment of the House. On the previous day (February 16) a consultation was held by the gentlemen I have mentioned, when, being satisfied that Mr. Burr could not be elected, as no change had taken place in his favor, and there was no evidence of any effort on the part of himself or his personal friends to procure his election, it was resolved to abandon the contest. This determination was made known to the Federal members generally, and excited some discontent among the violent of the party, who thought it better to go without a President than to elect Mr. Jefferson. A general meeting, however, of the Federal members was called, and the subject explained, when it was admitted that Mr. Burr could not be elected. A few individuals persisted in their resolution not to vote for Mr. Jefferson, but the great majority wished the election terminated and a President chosen. *Having also received assurances from a source on which we placed reliance, that our wishes with respect to certain points of Federal policy in which we felt a deep interest would be observed in case Mr. Jefferson was elected*, the opposition of Vermont, Delaware, and Maryland, was withdrawn, and on the thirty-sixth ballot, your father, the late James A. Bayard, put in a blank ballot, myself and my colleagues did the same, and General Morris absented himself. The South Carolina Federalists also put in blank ballots. Thus terminated that memorable contest.

Previous to, and pending, the election, rumors were industriously circulated and letters written to different parts of the country, charging the Federalists with the design to prevent the election of a President, and to usurp the Government by an act of legislative power. Great anxiety and apprehensions were created in the minds of all, and of none more than the Federalists generally, who were not apprized of the determination of those gentlemen who held the power, and were resolved to terminate the contest when the proper period arrived. But neither these rumors, nor the excitement produced by them, nor the threats made by their opponents to resist, by force, such a measure, had the least influence on the conduct of those gentlemen. They knew the power which they possessed, and were conscious of the uprightness of their views, and of the safety and constitutional character of the course they had adopted. I was privy to all the arrangements made, and attended all the meetings of the Federal party when consulting on the course to be pursued in relation to the election, and I pledge my most solemn asseveration that so much measure was ever, for a moment, contemplated by that party; that no such proposition was ever made; and that, if it had been, it would not only have been discouraged, but instantly put down by those gentlemen who possessed the power, and were pledged to each other to elect a President before the close of the session.

I am, respectfully, sir, your most obedient servant,

GEORGE BAER.

Richard H. Bayard, Esq.

Leiperville, *4th of 5th month*, 1830.

Esteemed Friend: I have carefully considered the contents of thy letter of the 16th ultimo, and can fully appreciate the object in view, which appears to be the vindication of the character of thy father, James A. Bayard, in consequence of certain "injurious imputations" affecting it, contained in the writings of Jefferson, lately published, in reference to his conduct in the presidential election of 1801. I must be excused from attempting anything like a circumstantial account of the transactions of so remote a period. The depositions shown me by *thee*, which were made by thy father in 1805, and the statement recently drawn up by George Baer, (my colleague in Congress,) of the occurrences which then happened, I believe to be substantially correct—and I may add that, as a Federal member of the House of Representatives, I attended the meetings of the Federalists, held for consultation at that deeply interesting crisis—and know of no cause to doubt the sincerity of the *professed object* of the party, which was to execute the important duty devolved upon them, by exercising a *constitutional* discretion for the benefit of the nation, according to the dictates of their best judgment at the time. Of any project or determination inconsistent with these views I am utterly ignorant, as I am of any fact or circumstance which ought, in the slightest degree, to lessen the high *respect* which, in common with the American people, I have uniformly entertained for the *integrity* of thy father, as well as for his preeminent talents, zealously devoted to the service of his country.

JNO. CHEW THOMAS.

Richard H. Bayard.

I, William Jarvis, of Weathersfield, in the county of Windsor, and State of Vermont, do testify and declare that, in the friendly intercourse which took place between the late honorable Lewis R. Morris, and myself, among various other topics, politics often became the subject of conversation. In one of these conversations, the contest which took place in the House of Representatives in the year 1801, for the election of Mr. Jefferson or Mr. Burr, to be President of the United States, was adverted to; when General Morris remarked that several Federalists of high standing wished for the election of Mr. Jefferson in preference to Mr. Burr, naming the late honorable James A. Bayard, of Delaware, as being one; and stated that Mr. Bayard came to him (General Morris) and urged him to vote in favor of Mr. Jefferson, or to absent himself when the ballots of the State delegations were taken. Mr. Bayard remarking to him, that as he (Mr. Bayard) represented a Federal State, he could not, with propriety, vote for Mr. Jefferson, but as the State of Vermont was friendly to the election of Mr. Jefferson, no objection of the kind precluded him (General Morris) from giving his vote to Mr. Jefferson, or from absenting himself from the poll. As the delegation of Vermont in Congress consisted of two members, one of which had voted for Mr. Jefferson, and he (General Morris) had voted for Mr. Burr, the vote of the State had previously been lost; but upon the representations of Mr. Bayard, with whom General Morris said he was on terms of the most friendly intimacy, and for whose talents he entertained the highest respect, and had the most entire confidence in his honor and integrity, he was induced, prior to the last ballot, to absent himself from the House, and the other member being in favor of Mr. Jefferson, the vote of Vermont was accordingly given to him. After a lapse of ten or twelve years I do not pretend to recollect the precise language of General Morris, but I am satisfied that the preceding declaration contains the true and faithful sense of his communication to me relative to that question.

WILLIAM JARVIS.

Weathersfield, *29th April*, 1830.

Council Chamber, Boston, *June* 2, 1830.

Sir: I inclose you the statement of my brother, William Jarvis, of Vermont, and it gives him and myself great pleasure to be in any way instrumental in vindicating the character of your father.

One such witness as Mr. Jarvis is sufficient. He was appointed consul at Lisbon by Mr. Jefferson, and was there as consul and chargé d'affaires many years. Was also appointed by Mr. Madison commissary general of the Northern Army, which he declined; was one of the presidential electors of the State of Vermont at the last election, and has repeatedly declined the Gubernatorial chair of that State. With great respect, your obedient servant,

JOSEPH E. SPRAGUE.

Richard H. Bayard, Esq.

POLITICAL HISTORY.

Letter from Judge Paine, of Vermont, to the Editor of Niles's Register.

Williamstown, (Vermont,) *June* 1, 1830.

Dear Sir: Noticing, in the papers of the day, the memorandum made by the late President Jefferson, of the communication of Mr. Livingston, of Louisiana, in relation to a conversation said to be held by the late Mr. Bayard, of Delaware, with General Smith, of Maryland, pending the presidential election in the House of Representatives in 1801, I determined immediately to communicate to you my knowledge of the views and sentiments of Mr. Bayard, in relation to that election. But, from a reluctance to appear in the public prints at my time of life, I changed my determination. However, by the advice of friends, on whose judgment I rely, I now concisely communicate to you my knowledge on that subject.

And first, permit me to say, that probably I possess more knowledge on the subject, as it relates to Mr. Bayard, than any person now living. Mr. Bayard, as is well known, was, at the time, the sole Representative from Delaware, and could cast the vote of that State as he thought proper. The late General Morris and Matthew Lyon were the Representatives from this State—Vermont; for, at that time, Vermont had but two Representatives. General Morris voted for Mr. Burr, and Mr. Lyon for Mr. Jefferson. In consequence the vote of Vermont was lost. At the same time I was in the Senate, and was on intimate and confidential terms with General Morris, and had been so for many years. He held conversations with me every day during the ballotings in the House of Representatives, in relation to the business before them.

General Morris was very intimate with Mr. Bayard; and, in consequence of this intimacy, I became very well acquainted with the latter gentleman. And I *do know* that Mr. Bayard was much dissatisfied that the balloting should

have been so long protracted, and that, the day before the last ballot, he declared, among his political friends, it should be brought to a close the next day. He thought that the delay would cause a dangerous excitement in the country.

The evening before the last ballot was taken, General Morris informed me that he should not be in the House the next day, and, in consequence, Mr. Jefferson would be elected. He said he was induced to secede by the representations and at the request of Mr. Bayard, who thought that he—General Morris—could secede with greater propriety than a person who was the only Representative of a Federal State, and Vermont, at the time, was nearly equally divided on the subject; so that I always considered Mr. Bayard as the means of Mr. Jefferson's election, and I believe he was so considered by many others.

That Mr. Bayard might have sportively said to General Smith what is attributed to him, is possible; and, if so, General Smith would not probably remember it. But if such conversation was held with corrupt views, for the purpose of influencing him, it is impossible he should have forgotten it. I have no belief that Mr. Bayard would seriously have made what amounts to a proposition to corrupt another.

I am, with great regard, your obedient servant,

ELIJAH PAINE.]

Mr. PEARCE. Mr. President, the Joint Committee on the Library, of which I am a member, were directed by an act of Congress to cause the Jefferson papers to be published. These papers, sir, were very voluminous. They consist of one hundred and thirty-four large bound volumes of manuscript, besides an immense mass of loose papers. It was manifestly impossible for the Committee on the Library, individually, to perform the duties of editor. They therefore employed a gentleman of talent and character, and directed him, generally, to make such a selection from the papers of Mr. Jefferson, as were necessary and proper to exhibit fairly and fully his opinions, character, and public course.

I regret very much that, during the course of that publication, the attention of the committee was not called to the items in the "Ana," to which the Senator from Delaware has referred. Certainly, sir, if that had been the case, I should have deemed it my duty, and, I presume, the committee would have deemed it theirs, to direct the editor, either to omit the charges referred to, or, what would perhaps have been better, to accompany them with the refutation which had been given to the public. I well recollect the exposition made in the Senate of the United States, to which the Senator has referred, and I have read more than once the pamphlet issued by the Senator and his brother. I considered the accusation of Mr. Jefferson as being as fully refuted as it was possible for any accusation to be refuted by human testimony. Without the authority of his name, it would have rapidly sunk into oblivion. With the authority of his name, it has utterly failed to impair the reputation of one who was eminent as a statesman and citizen, and distinguished, not only for ability, but for enlightened and earnest patriotism, and for a public and private honor which was without a stain. That character Mr. Bayard maintained, not only in his own State, where such a reputation as I have described was always accorded to him, but throughout the Union. The tribute due to exalted character was not only paid to him by his own political party, but in the cordial acknowledgements of those to whom he was politically opposed. His ability and patriotism could not have been more highly indorsed than they were by the chief of his political opponents, Mr. Madison, who appointed him one of the commissioners to Ghent, to negotiate peace with Great Britain.

I have only to repeat, sir, my regret, that I was not informed, during the progress of this publication, that these accusations were about to be included in the congressional edition of Mr. Jefferson's papers.

Mr. CASS. Mr. President, I have listened, with great interest, to the vindication which we have heard from the honorable Senator from Delaware, and I am sure that, if Mr. Jefferson were now here to hear the statements made by that honorable Senator, he would be the first to say that the memory of the distinguished statesman who has been alluded to, had been unjustly reflected on. Mr. Jefferson's high character, his truth, and his frankness, would have led him, as soon as any other man, to disavow any erroneous reflections. The reports, on which the Senator from Delaware has commented, undoubtedly originated in that period of excitement which attended the presidential election of 1801. I bear the circumstances in perfect recollection; and, sir, perhaps never, in the whole history of our country, from the 4th of July, 1776, to the moment when I am addressing the Senate, were the American people more excited than at that time. Independent of the radical difference in the character of the two men who were presented to them, well known and well appreciated, there was a great principle involved in that controversy—the principle of the distinct enunciation of the determination of the American people that Thomas Jefferson should be their President. Now, sir, when the event has passed by, with all its feelings and passions, history has ratified and commended the action of the House of Representatives. There is not a man at this day who, in looking back to the history of that period, and the subsequent events, will pretend to say that Colonel Burr should have been chosen President, and Mr. Jefferson set aside. No man, knowing the character of Colonel Burr, as evinced in his conflict with General Hamilton, can tell what would have been the consequences of such an event. Mr. President, you cannot look at the publications of European statesmen—and they are coming to us every day, in the most authentic form, in the papers left behind them—without finding similar errors into which they have been led. Mr. Jefferson was led into this error in the same way as they were into similar ones in regard to their countries. I repeat, however, the vindication of the Senator from Delaware to-day is complete and satisfactory; and, if Mr. Jefferson were here, he would be the first to say so.

Mr. President, I add my full concurrence to what has been said by the honorable Senator from Maryland. I had the honor, when a youth, to see Mr. Bayard often. I lived, for a while, in his own town. The impression which I derived then, and it was the universal sentiment of the country, was, that he was a man of the highest honor and probity, of great talents, integrity, and intelligence, and of the purest patriotism. I consider that one of the most glorious acts of his life when, in opposition to the feelings of his own party, he brought over the State of Delaware to the support of Mr. Jefferson. If a different result had followed that controversy, this Union would have been shaken to its very center. I do not recollect that my honorable friend from Delaware alluded to the man who now dwells on my memory, Lewis Morris, of Vermont, who, according to the best of my recollection, had a principal share in the arrangement on the part of that State. I am not sure that he voted at all; but if he did it was for Mr. Jefferson. This, it will be recollected, was the action of distinguished Federalists, in opposition to the sentiments of a great portion of their own party.

Mr. President, there is a beautiful passage in the life of Mr. Bayard—a lesson for every American. He belonged to, I may almost say he was the head of, that great party which, from the foundation of the Government, has contended with the Democratic party for the administration of the affairs of this country. He was among the most prominent and honored men of that party which opposed the war of 1812, no doubt from very conscientious motives. But, sir, in the darkest crisis of the war, when it was thought best by Mr. Madison to send an embassy to England, who was selected? This very man, against whom these imputations were circulated and sent to the ears of Mr. Jefferson. Mr. Jefferson's friend and successor, and confidential adviser, Mr. Madison, selected him to accompany Henry Clay, Albert Gallatin, and the other eminent men who negotiated the treaty of peace. That was the stamp of his contemporaries on his character. He went there in the view of the whole world, and, to my knowledge, he had an honorable share in the preparation of the articles of peace. Those commissioners conducted themselves like Americans. They would not give up one inch of territory. When England proposed to run a line south of Sandusky bay, taking off a part of the State of Ohio, and all north of it to the Mississippi river, under the pretense that they wanted that territory for Indian country, what did the commissioners say? That they had not power to yield one foot of the territory of the United States, and that one inch of it they never would yield. That ought to be a lesson to Americans in all time to come. Sir, the memory of such men is the treasure of our country. Let us protect it with sacred vigilance.

Mr. HUNTER. Mr. President, the Senator from Delaware has discharged a pious duty, and discharged it well. He has rescued the memory of his father from an imputation which might have tarnished it, and shown that he was guiltless of any such offence. His, sir, was such an offering as filial affection might be glad to render to the dead. It was not only his right, but his duty, to have risen, and to have done what he has this day done.

But, sir, while he feels it to be his duty to take care of the reputation of his father, I may be allowed, perhaps, to say a word in reference to a great name, which is deservedly cherished in my own State. That Mr. Jefferson believed what he recorded, I think no man can doubt who has ever studied his character or his history. That he was led into an error, and very naturally led into an error, under the excitement and the passions of the day, I think has been very clearly shown. But, sir, that he is chargeable with culpability for preserving and for presenting to posterity such memorials as those which he has left behind him, I think, cannot be justly maintained, when we come to consider the importance and the value of such historical documents. That they should contain errors is natural and probable enough; and that no man would have regretted these errors more than Mr. Jefferson, if he had been aware of them, I believe I may say, and expect to be sustained by the evidence of his life and his career.

Sir, to say that it is wrong for such a man as Mr. Jefferson, who figured in scenes so important, to leave behind him any memoirs of a personal character, or a daily record of the proceedings of the times, would be to say that we should have denied to the world such memoirs as those of Sully, and Clarendon, and De Retz, and Burnett, and many others to which I could allude, and which we would not willingly lose. Sir, of all sorts of historical documents, these are among the most important. I may say, also, that this kind of history is especially liable to error, and to errors which are not easily avoided. That such mistakes are to be found in Mr. Jefferson's writings, I admit. That the Senator from Delaware has proved that he was mistaken and deeply erred in this case, I admit; but whilst I say so, I must be allowed to declare that I do not believe Thomas Jefferson ever recorded that which he did not believe to be true, either in reference to the character of a fellow-man, or in regard to any event of historical importance. I must, also, be allowed to say that, although writings of this character may be liable to such errors, yet it does not follow that it was improper in a man who saw what he saw, and who bore such a part in the public affairs of the world as he did, to leave such records as must be among the most valuable monuments of human history; for the good more than compensates for the evil which may be thus done. Sir, they will be recurred to hereafter by posterity, and they will be received as one of the legacies from him for which he will be honored and remembered.

Mr. MASON. Mr. President, I listened, as did all the Senate, with deep interest and emotion to the explanation which fell from the very able Senator from Delaware, in vindication of the memory of his father. I must be permitted to say, sir, even in his presence, that, while it illustrated the filial virtues of his own heart, it betrayed an able and well-balanced intellect. I can appreciate the painful necessity under which he was placed while discharging this duty, achieved, I will add, with such signal success in our presence. It would be gratuitous in me to say that the evidence, which he has been enabled to adduce from the mouldy records of time, has been conclusive.

Sir, it is unfortunate that there was such a necessity. I agree with my friend and colleague, and with the honorable Senator from Michigan, that, if we could recall the actors of those days, the distinguished statesman who recorded those pages would have been the first to obliterate them. The feelings which he carried to his grave in his latter days are strikingly depicted in the letter which was read by the Senator from Delaware, one of his last letters to Mr. Adams, who pos-

ceded him in office. The passions of the day had then subsided, and the excitement of feeling had subsided with them.

But now, sir, so far as history is concerned, we know how utterly impossible it is, with the clearest and least impassioned mind, clearly to ascertain the truth when there is excitement and prejudice mingled with it. Mr. Jefferson, undertook, unfortunately, as I think, to record conversations at some time after they had passed, and he undertook it when the passions of the day had not yet subsided, and when none, from the necessity of his position, had mingled more freely in them than he had done; and all can understand, who know anything of the difficulty of getting at truth, how natural it was that even such a man should have misinterpreted and misapprehended.

Sir, Thomas Jefferson has left his impression upon the age in which he lived, not only in this broad land, but at home, in his native State. No man did more to mould, to cast into shape, and form the Government which now prevails in this country—a Republican Government, resting upon popular institutions. The traces of his mighty intellect are everywhere in the history of the country. At home, after he had retired from public life, he gave his whole time, and all his thoughts to the institutions of his native State, and to the promotion of her welfare.

Sir, the James A. Bayard of that day has passed into history, and it may be said of him, that he bore with a winning grace that high and lofty name, which the Bayard of Dauphiny, had signalized in the fifteenth century—the chevalier who, with the virtue of Scipio blended the graces of Alcibiades, who lived without fear, and died without reproach.

Now, sir, one word as to what has fallen from the Senator from Maryland, in reference to the publication of the papers of Mr. Jefferson. It was at my instance, I think, chiefly, that the very learned and able gentleman who was appointed by the committee to edit this publication, was selected; a citizen of Virginia, then and still a professor in old William and Mary—our renowned and earliest seat of learning—Professor Washington. He conversed with me frequently and freely while he had this work under his charge; he conversed equally, I believe, freely with the honorable Senator from Maryland, who was then, as now, chairman of the Committee on the Library, to whom the duty of publication was intrusted. Professor Washington considered it his duty, and in that, I believe, he was sustained by the honorable Senator from Maryland—certainly he was by me—to publish everything which would contribute materials for future history, or which would show the political opinions and tenets of Mr. Jefferson. I presume there was no consultation with anybody as to the publication of the *Anas*. I never heard of it. My impression is, however, that these *Anas* had been published in the private collection that was printed by Mr. Jefferson's representatives after his death, and had gone to the world in that form, and if the inquiry had been made of me, or of the honorable Senator from Delaware, now before me, [Mr. Bayard,] upon the propriety of a reprint of this book, it would have been a question of difficult solution; because, if they had been withheld, at a future day it might have been supposed that they were suppressed from tenderness to the memory of the gentleman who was assailed. A most unjust and unfounded inference might thus have arisen, had they been suppressed. I take it for granted, and if I am wrong the Senator from Maryland [Mr. Pearce] will correct me, that the attention, neither of the committee or of any other, was called by Professor Washington to the propriety of publishing the *Anas* with the other papers. I therefore am not in possession of his reasons for having included them; but I can very well understand, knowing that gentleman, as I do, to be a man not only of correct taste, but of sound and judicious head, that if the question occurred to him as to the propriety of a reprint, he would have solved it by saying, "If it is withheld, the act may be deemed equivocal, and unfounded inferences may be drawn."

Mr. President, let none fear that what is recorded in those *Anas*, after the refutation we have received to-day, will leave the slightest shade upon the memory of Bayard with posterity or in history; and equally let none fear, who is interested for the memory of Mr. Jefferson, that it will leave upon the public mind, or upon the unwritten future, any other impression than regret, that so great a man should have left the world before he was disabused of this grave misconception, and had, himself, an opportunity to disclaim it.

FRENCH SPOLIATIONS.

SPEECH OF HON. JAMES L. ORR,

OF SOUTH CAROLINA,

In the House of Representatives,

January 25, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. ORR said:

Mr. Chairman: There is difficulty in arriving at the exact state of facts in this case upon which to predicate a correct conclusion. The mists of fifty long years have shrouded them in obscurity, veiled them with uncertainty; this is especially true as to the facts relied upon to resist the admissibility of this claim. No one has been specially interested in collating and preserving them. The facts to sustain the claims have been preserved with scrupulous care. The claimants and their hired agents have pertinaciously pressed the consideration of this claim upon Congress for half a century, and not only has every fact been preserved, but every argument and consideration which human ingenuity could invent has been pressed with no less pertinacity. Not one, but many editions of every report and speech in favor of the claims have annually been reproduced. No single member of either House of Congress, for many long years, has failed to receive all the speeches and documents ever made in behalf of the claim, and the result has been to form an opinion exclusively upon *ex parte* representations. These appliances had their effect on me when I first entered Congress, though I remembered that Calhoun, McDuffie, and other leading statesmen of my own State, had denied, in the strongest terms, the validity of these claims. These *ex parte* representations *appeared* so just that I felt great surprise that the American Congress had, for so long a period, obstinately denied common justice to the sufferers from French spoliations. It led to an examination of the history and merits of the claims, and, when ended, I felt that our predecessors had not repudiated their validity without abundant cause. To my surprise, I found that many of the supposed facts in favor of the claims had no foundation in truth. It has been alleged by the claimants that Mr. Giles reported in their favor. A brief history of congressional action on this subject will serve to correct this and many other misrepresentations.

The "memorial of sundry merchants and traders" brought this subject to the consideration of the House, and a select committee, of which Mr. Giles was the chairman, submitted their report on the 22d April, 1802. After stating the facts very succinctly, and without giving, directly, any opinion, he sums up the question in a few brief words:

"Upon the whole view of the case, the committee submit it to the House, to determine whether the Government of the United States *be in any respect bound to indemnify the memorialists*, and whether there be any ground for discrimination between the cases of losses sustained before the acts of the 28th of May, 1798, the 7th of July, 1798, and the 9th of July, 1798, and cases of losses sustained after those periods."

Can any fair or just interpretation of this paragraph authorize the declaration that Mr. Giles reported favorably on the claims. This is the language he uses, and even that is now distorted into a favorable opinion on the merits of the claim.

In 1807, Mr. Marion, from a select committee, made a favorable report, without stating, however, the grounds fully, and without committing himself on the question, whether the spoliations committed after July, 1798 were subject to indemnity. Mr. Giles' report was acted on in the House, the vote in favor of paying the claims was yeas 33, nays 54.

These claims slumbered on from 1807, and we hear nothing of them until March, 1818, when Mr. Roberts, of the Senate, from the Committee of Claims, made an adverse report, which is a thorough and lucid exposition of the whole question. His report concludes with the following recommendation, which was adopted by the Senate:

"*Resolved*, That the relief asked by the memorialists and petitioners ought *not to be granted*."

On the 31st January, 1822, Mr. Russell, of the House, from the Committee on Foreign Affairs, made an adverse report, which was agreed to. On the 24th March, 1834, Mr. Forsythe—and I need not call the attention of the committee to the high qualities of head and heart that distinguished this favorite son of Georgia, for his history is a part of the records of this country—made an adverse report, concluding in the following emphatic language:

"The committee are not satisfied that the French Government ever admitted the justice of the claims of the petitioners, or ever intended to pay them; that the Government of the United States used every effort—even to war itself—to rescue the property of American merchants from the lawless violence of France; that its efforts to procure payment were not discontinued until it was obvious that there was no hope of success; that this Government *never* received from France any equivalent for the claims of Americans on France."

Again:

"To justify their claims upon the United States, the petitioners assume that France was right, and their own Government wrong; that France was prepared to make a just reparation for the outrage committed under her own laws, until released from her obligations by the United States, who, faithless to their trust in the first instance, and have been regardless of the obligations of justice ever since! Assumptions not consistent with truth, nor creditable to the patriotism of those who make them."

On the 8th of February, 1827, Mr. Holmes, of the Senate, made, from a select committee, the first elaborate favorable report. So long as the memorials were considered by the standing committee of either House, so long these reports were adverse, but when sent to a select committee, composed, by universal parliamentary usage, of the friends of the measure to be considered, we find it assumed and maintained that this Government had made itself responsible for the indemnity alleged to be due by France to our citizens, but these claimants coming before the Senate, under the auspices of a favorable report, failed to secure from that body its favorable action. Appended to Mr. Holmes's report, is a statement from the Department of State, showing the names of vessels, their owners, and in some cases the amount of the spoliations. It appears the number on file is four hundred and forty-four. One fifth of that number shows the probable amount of the loss to be $2,235,702. Assuming that they will be a correct average, the entire amount of the spoliation amounted to $11,178,510. Of these figures I propose to make some use in the subsequent part of my argument. A select committee in the Senate through Mr. Webster, its chairman, made a favorable report in 1834, and the bill accompanying it, after an elaborate debate, which drew out Messrs. Calhoun, Bibb, Wright, Benton, and other distinguished Senators in opposition, passed the Senate by a small majority for the first time since their prosecution commenced, running through a period of thirty-two years. Subsequently, and prior to 1846, reports favorable and adverse were submitted, but never definitely acted upon. In 1846, a bill passed both Houses of Congress, and when it went to President Polk for his approval, it met from him a prompt veto. In his veto message, he says:

"It is scarcely probable if the claim had been regarded as obligatory upon the Government, or constituting an equitable demand upon the Treasury, that those who were contemporaneous with the events which give rise to it, should not long since have done justice to the claimants. The Treasury has often been in a condition to enable the Government to do so without inconvenience, if these claims had been considered just. Mr. Jefferson, who was fully cognizant of the early dissensions between the Governments of the United States and France out of which the claims arose, in his annual message in 1808, adverted to the *large surplus* then in the Treasury, and its probable accumulation, and inquired, whether it should lie unproductive in the public vaults, and yet these claims, though then before Congress, were not recognized or paid. Since that time, the public debt of the Revolution, and of the war of 1812, has been extinguished, and at several periods since, the Treasury has been in possession of large surpluses over the demands upon it. In 1836, the surplus amounted to many millions of dollars, and for want of proper objects to which to apply it, it was directed by Congress to be deposited with the States."

These claims have been urged with unabated,

zeal since the veto, and we are here to-day engaged in their consideration. Such, sir, is a brief outline of their legislative history, sketched for the double purpose of exposing the misrepresentations of interested friends, and that the country may understand with what little favor they were viewed by our predecessors, for a period of two and thirty years, after their introduction into this Hall. I caution gentlemen to look to the original documents for the facts; do not rely upon the loose statements, though in print, of the friends of these claims for the facts. Your constituents may require you to explain a vote which absorbs $5,000,000 from the public Treasury, and will not be satisfied, if given under misapprehension, when you had reliable information that is perfectly accessible.

I now propose, Mr. Chairman, to state briefly the origin of these claims, and to examine the grounds upon which it is insisted that this Government is liable for their payment.

On the 6th of February, 1778, treaties of amity and commerce, and of alliance, were concluded between the United States and France. By these treaties, each party secured to itself the right of fitting out vessels, condemning and disposing of prizes, enlisting soldiers or seamen in the ports of the other. It was stipulated that the enemies of either Power should be denied these privileges. It was further agreed to *reduce* that class of goods known as contraband of war, to intruments and munitions of war, allowing unrestricted commerce in all kinds of provisions, cloths, timber for shipbuilding, anchors, and many other articles under the law of nations, as then accepted, which were contraband, and liable to seizure and confiscation. The treaties also contained mutual guarantees. The United States guaranteed to France, against all other Powers, "the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace;" and France guaranteed to the United States "their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of Government as commerce, and also their possessions and the additions and conquests that their Confederation may obtain from any of the dominions now or heretofore possessed by Great Britain in North America." These guarantees were declared to be "forever." Such, sir, is a brief outline of the stipulations contained in the treaties.

Late in the year of 1792, war broke out between England and France, and General Washington, then the President of the United States, determined that our Government, which was still weak, should maintain the strictest neutrality. Neither himself nor his Cabinet construed the treaty in such a way as to make us liable, on the guarantee, in an offensive war. Mr. Genet, the French Minister, declared to Mr. Jefferson, and to the President himself, the satisfaction of his Government at our position of neutrality. He commenced fitting out ships, arming them and enlisting our citizens for the French service. Great Britain complained, and took the ground that such privileges to a belligerent were wholly inconsistent with neutrality; and it was true, according to well-defined principles of international law. We yielded to these remonstrances, and refused to continue the permit to France. This decision of our Government was acquiesced in after some hesitation, and it was not long until France discovered that a strict interpretation of the treaty was resulting in great benefit to Great Britain. Our commerce on the high seas, so far as Great Britain was concerned, was regulated by international law, whilst the treaty regulated it as to France. France then saw that the goods of her citizens were liable to seizure by British cruisers in our bottoms without any indignity to our flag, and that British goods in our ships could not be seized by French cruisers, because her treaty forbade it. So, too, provisions and other contraband goods, could be carried by our ships to English ports, and French cruisers were not authorized to molest them, under the treaty, whilst the law of nations gave no such exemption to contraband goods in neutral ships entering French ports. England, therefore, secured most of the provisions carried by our vessels, and in lieu of confiscation, fixed and paid its own price. The effort of France, then, to extend the immunities of commerce on the high seas, was greatly aiding her enemy, and that Government determined that we should no longer enjoy free trade with her enemy—as stipulated by the treaty. Growing restive under its operations, without consulting us, in May, 1793, France repudiated one of the material stipulations of the treaty, and declared "that the French people are no longer permitted to fulfill towards the neutral Powers in general the vows they have so often manifested," and "making its operation retrospective to the date of the declaration of war and prospective to the period when the enemies of France should cease the depredations of which it complained," and established the rule—not as laid down in the treaty, but in violation of it—that French cruisers had the same right to seize and condemn goods and merchandise in American vessels as British cruisers. From the date of this decree commenced a series of depredations on our commerce which entailed much loss upon our merchants, and which defied our treaty rights. It continued until September, 1800, when a new treaty of peace and amity was concluded between the two Governments.

This, sir, brings me to the consideration of one of the material questions involved in this discussion: What action was taken by our Government to stay these spoliations on the commerce of our citizens, and what diligence was exercised in efforts to secure indemnity? The Government did not look with cold indifference on the sweeping destruction which overtook our merchants. From 1792 up to 1798 the French Court resounded with appeals from our Ministers for justice. We pointed to the broken treaty and violated faith of France; we remonstrated; we expostulated; we sent special envoys, who were insultingly driven from the country. All, however, yielded no fruit. We were refused indemnity for past outrages, and denied security for the future. This Government will never again, I trust, submit so passively for six long years to such a series of humiliating indignities as France, in the might of her power, chose to impose upon us in the weakness of our youth. For whom were these indignities brooked? To enforce and secure whose rights were these efforts made? I answer, sir, the claimants under this bill. The enormities of the French nation would have justified a declaration of war long before 1798; but there were ties connecting us with that people not easily dissevered. France had given our fathers the powerful aid of her name—material aid in men and money, in the dark night of the Revolution, and gratitude plead for the longest forbearance. It was extended with no stinted hand; but, finding that the plunder of our citizens had become the fixed purpose of France, our Government, by congressional legislation, determined to authorize a retaliatory defensive policy, which, in a few brief months terminated, as I shall show from the records, in *war*—a war having its inception in the determined purpose of our Government to secure satisfaction for the spoliations, now the subject-matter of these very claims we are called upon to pay.

Where an injury is done a citizen by a foreign Government, it is the duty of that Government entitled to his allegiance to seek reparation. If denied, it must then determine whether it will go to war or not. Sometimes the general interest of the whole State would be so greatly prejudiced that the nation may properly decline an appeal to arms.

In this particular case, so many citizens had suffered, that, when reparation was refused, the Government, to enforce it, embarked in a *quasi* war. It is conceded by all, that, when a nation goes to war, it resorts to the last and highest vindication of its injured citizen; and if the war terminates without an express stipulation on the part of the offending nation to pay indemnity for the injury then all further claims against the offending Government is foreclosed, and it is equally clear that the citizen can have no claim of indemnity against his own Government; for the men and money of the whole State have avenged the wrong by appealing to war.

Failing to secure indemnity through negotiation, our Government went to *war for these claimants*. I know this will be controverted. The gentleman from Ohio [Mr. DISNEY] denied that there was war, in his speech yesterday. He saw at once that if he conceded this fact, no tenable ground was left for these claimants to stand upon.

I will demonstrate, to my own satisfaction, at least, and I hope to the satisfaction of the committee, by various acts of Congress—by the declarations of our Ministers who negotiated the treaty of 1800, by the declarations of the French negotiators, and by the position assumed by the French Government during the negotiation—that war actually existed between France and the United States, and that France denied all liability for indemnity to our citizens on that account. The initiative to the war was an act passed by Congress the 18th of May, 1798. It authorized the capture of all armed vessels of France which had committed depredations upon our commerce, or which should be found hovering upon the coast for the purpose of committing such depredations.

The second act was passed June 25, 1798, and authorized the merchant vessels of the United States to *arm* and *defend* themselves against any such restraints or seizures of vessels sailing under French colors, to repel force by force, to capture any French vessel attempting search, restraint, or seizure, and to recapture any American merchant vessels which had been captured by the French.

On the 28th of June, 1798, a third act was passed, authorizing the *forfeiture* and *condemnation* of all French vessels captured in pursuance of the preceding acts, and provided for the *distribution of prize money*, and for the confinement and support, at the expense of the United States, of *prisoners taken in captured vessels!* Prisoners! and yet there was no war!! And here a most obvious distinction must be made in the positions of France and England, and the United States. The two former were at war; we were neutral. They being at war, claimed the right of seizure; and confiscation of all contraband merchandise which was admissible by the then settled practice of nations, the same authority authorized the seizure and appropriation of enemies' goods in neutral bottoms. If there had been no treaty with France, we would have had no just cause of complaint, for we would have violated our neutral position by dealing in contraband goods. But this act of Congress authorized our ships to restrain, seize, and confiscate French commerce in the same manner which was being done by England, one of the belligerents. No international law would have justified it without authority of Congress. If Congress had not authorized it, an attempt by the crew of one of our ships to seize a French vessel would have been piracy. The supreme power of the State authorized it, and in doing so made war.

But, sir, the next act to which I shall refer, shows that it was the purpose of Congress to throw off the *quasi* war and assume a position of open, undisguised hostility. On the 7th of July, 1798, an act passed declaring that the United States were of right free and exonerated from the stipulations of the treaties and consular convention concluded with France, and that the same should not henceforth be regarded as legally binding on the Government and citizens of the United States.

Our Government was fully justified in this proceeding, for France had, by solemn decree, renounced the binding obligation of the treaty in its most material and important provisions; and the conduct of its citizens was consistently conformable in practice to the decree of May, 1793, to which I have already adverted. Congress very properly declared the treaty no longer obligatory on the United States.

But this act develops, most prominently, a wide distinction between these claimants, who now all unite in a common application for indemnity. It requires only to be stated—not argued—to perceive the distinction. Every seizure made by French cruisers after the 7th July, 1798, of American vessels having on board merchandise contraband of war, (and most of them were freighted with provisions, ship timbers, &c.,) as well as English merchandise, whether contraband or not, were lawful prizes for the French; and if they could be *legally* seized and forfeited, what claim resulted to the American merchant or ship-owner against France? It was the treaty which made the seizures illegal, and when our merchants' own Government declared it abrogated, pray what right, under the treaty, remained to the citizen? If it should be determined that indemnity be due to any

of these claimants, I demand to know upon what basis spoliations committed after the abrogation of the treaty by the American Congress, can be recognized; for they certainly never constituted a legal or equitable demand against the French Government?

Sir, congressional legislation did not stop there. On the 9th of July, 1798, an act passed authorizing the *capture*, by the public armed vessels of the United States, of all French *armed* vessels, whether within the jurisdictional limits of the United States, or *upon the high seas—their condemnation as prizes—their sale* and the distribution of the prize money. Now, when it is remembered that England and France were at war, and neither knowing the day or the hour when they might come in collision, I assume that every French vessel that sailed upon the seas was armed, and when authority was given to our vessels to capture and confiscate "all French armed vessels" it embraced every vessel in the merchant and war marine of France. Does such legislation presuppose peace; and can its results be looked to as pacific? And finally, sir, Congress, to illustrate fully the interpretation of its *pacific* action, on the 28th of February, 1799, provided for an *exchange of prisoners with France* and authorized the President at his discretion to send to the dominions of France, without an exchange, such prisoners as might remain in the power of the United States. Well, sir, would it not be an anomaly if prisoners could be taken and exchanged in *time of peace*—an exchange of prisoners between two friendly Powers! Is argument required to subvert such a paradox?

But, sir, this pacific legislation does not end here. The prisoners taken by France from the vessels of the United States did not receive that kind treatment which our Government thought they were entitled to. Cruelty, if not barbarity, had been practised on them by French authorities, and to prevent further outrage upon the persons of our prisoners, Congress on the 3d March, 1799, declared, by an act of that date, that in case any citizen of the United States, taken on board vessels belonging to any of the Powers at war with France, by French vessels, should be put to death, corporally punished, or unreasonably imprisoned, to *retaliate* promptly and fully upon any *French prisoners* in the power of the United States.*

The fact is fully established that several hostile actions actually occurred betwen the armed vessels of the two nations, and several captures were made of French vessels, both by public and private armed vessels of the United States, which were condemned and sold as lawful prizes. The number captured was about eighty. Of the value of the prizes I have no information. Who were the beneficiaries of these prizes? Doubtless, the merchants; perhaps, some of the claimants. If so, have they abated their demands to an amount equal to these reclamations?

Does the legislation I have recapitulated, show that war existed between the two countries? What single element is wanting to make it open, undisguised naval warfare? Armed vessels meet on the high seas, they engage in battle, use every instrument and missile of death to destroy each other. The deck is strewn with the dead and dying, the heavy timbers in the vessel are riven by balls and shells, the colors are hauled down, the crew become prisoners of war, the vessel is brought into port, the vessel and cargo, consisting perhaps of French silks, is sold, and the proceeds distributed amongst the owners and the triumphant crew. Did our vessels do more or otherwise in the Revolution—in the war of 1812?

There seems to be no room left to doubt; and I repeat it, sir, if this Government went to war for these claimants and felt, looking to the general interest of all its citizens, that peace must be made even if the indemnity could not be secured, then there rested no obligation on France to pay these claims; they were extinguished, and if France was never liable, or has been released from their payment without any other consideration than peace, we are not liable. And let it not be attempted to resist the force of these facts and this reasoning by the plea, that as no land forces were engaged in hostilities that hence there was no war. At that time the United States were in no condition to send troops to France, the country was still groaning heavily under the pressure of the debts and sacrifices of the revolutionary war, nor was France more fortunate than ourselves. That Government was engaged in a desperate conflict with England and the continental Powers, and their troops could not be withdrawn from the sanguinary fields of Europe. Land engagements are not indispensable to constitute a state of war.

I regard the fact of the existence of war so important to the just determination of these claims, that I proceed to other proofs. When the negotiations commenced, which led to the treaty of 1800, both parties proceeded on the basis that peace had not been destroyed, but before their labors ended, the preceding hostilities were considered war. The journal of the American Ministers, of the 12th September, 1800, says:

"The President of the French commission declared that if the Government should think proper to instruct them to make a treaty on the basis of indemnities, and a modified renewal of the old treaties, he would resign sooner than sign such a treaty; adding, that if the question could be determined by an indifferent nation, he was satisfied such a tribunal would say that the *present state of things was* WAR, on the side of America, and that *no indemnities could be claimed*. The two other commissioners made similar declarations."

How emphatic the declaration of the French Ministers. The present state of things was war, and claims for indemnity therefore wholly inadmissible. It has been alleged that France acknowledged her liability to pay for these spoliations. Does not the language of her Ministers entirely refute and dissipate any such assumption? Our own commissioners coincide with the French. After the treaty had been signed they wrote the Secretary of State as follows:

"Nor is it conceived that the treaties between the United States and France have undergone a more nullifying operation than the condition of *war* necessarily imposes. Doubtless the congressional act authorizing the reduction of French cruisers by force, was an authorization of war, limited, indeed, in its extent, but not in its nature. Clearly, also, their subsequent act declaring that the treaties had ceased to be obligatory, however proper it might be for the removal of doubts, was but declaratory of the actual state of things; and certainly it was not from an exercise of the constitutional prerogative of declaring war that either of them derived validity."

Again, our commissioners say:

"All hope of obtaining indemnities, with any modifications of the treaties, had to be abandoned, and they determined, by a temporary arrangement, (the treaty of September, 1800,) to extricate the United States from the *war*, or that peculiar state of hostility in which they are at present involved, *save the immense property* of our citizens now depending before the council of prizes, and secure, as far as possible, our commerce against the abuses of captures during the present war."

Have I succeeded, Mr. Chairman, in proving, from the acts of Congress, actual hostilities and captures, the declarations of the French authorities, and the admissions of our own commissioners, that war existed between the United States and France? And, if we went to war, whose rights was it to assert, whose wrongs to avenge? These claimants. It was their claims, and not broken treaties, that led to the shedding of blood, the raising of armies, and the levying of taxes. Mr. Cambreleng, in his report, recapitulates what we have already done for these claimants:

"We renounced our treaties; authorized our merchantmen to arm; ordered the capture by our public and private armed vessels, and the condemnation of all armed French vessels; loans, appropriations, and taxes for the purposes of war, amounting to more than twelve millions of dollars; ordered six seventy-fours, and six sloops-of-war to be built; the raising of thirty-six regiments and two battalions; and, in case of invasion, the President was authorized to call into the field an army of seventy-five thousand men."

After all these steps had been taken, the whole country favored a restoration of peace. We sent our commissioners, and instructed them to insist upon the payment of indemnity for these spoliations. They succeeded in getting two classes recognized, but all "indemnities for seizures and captures" were expressly excepted, because France denied its liability. The French commissioners said, You have gone to war to enforce these claims, and they, therefore, cease to be a charge on our treasury. We will neither recognize or pay them. What alternative was left our Ministers but to conclude a treaty without securing the indemnity, which they did, and which was subsequently ratified by the Senate. When the fellow-citizens of these claimants cheerfully submitted to greatly augmented taxation, to maintain a war asserting their rights, giving them the highest redress, and failing to secure payment on the conclusion of peace, are they now to be taxed again to make up all the losses of these claimants? Neither justice nor the law of nations require it, and no parallel can be found where any Government on the globe has, under such circumstances, indemnified the losses of its citizens out of its own exchequer, after making an unsuccessful war to enforce their rights.

I proceed now, Mr. Chairman, to examine the grounds upon which these claimants mainly rely for indemnity. If war existed, I have shown the claims were extinguished. The claimants deny that any war existed between the two nations, and insist that the treaty of September, 1800, actually released, for a valuable consideration, to the United States the claims of our citizens against France. If this were true, then there is merit in this bill. The second article of the treaty, and its subsequent rejection by the Senate, it is contended, furnishes evidence that France acknowledged the liability, and its rejection by the Senate abandoned the claims to rid us of the obligations of guaranty contained in the treaty of 1778. The second, or rejected article, is in the following words:

"The Ministers Plenipotentiary of the two Powers not being able to agree at present, respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate *further* upon these subjects at a *convenient time*; and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows," &c.

This article was stricken out by the Senate, and the following provision was inserted:

"It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

Does the article furnish the evidence claimed for it? I cannot so construe it. On the contrary, it furnishes strong inferential, if not positive, proof that France repudiated the liability, and intended to put itself in a position where it might, through all time, refuse further even to negotiate. When were these four points of difference to be, not adjusted or paid, but negotiated upon? At a "*convenient time.*" Such language, in an official paper, prepared by such a man as Talleyrand, can mean nothing else than a perpetual repudiation by France of all liability for these spoliations; and Mr. Murray, one of our commissioners who exchanged the ratifications, fully corroborates this conclusion. He says, with reference to the rejected article:

"*If* the Senate meant, as I hope, to consider *indemnities as worth nothing*, the business, I presume, is closed."

Talleyrand, the negotiator, the subtle, sagacious Talleyrand, who never did his work awkwardly or unmeaningly for his Prince, interpreted the true intent of the second article to be an indefinite postponement of the four open points; and when that article was expunged, he said it was renounced "as susceptible of producing disquiet in future by promising *nothing* but an ulterior and *discordant negotiation.*" When the article was rejected, it is true, the further prosecution of the claims was renounced by our Government, not for a consideration, but because France pertinaciously and firmly refused to acknowledge her liability after we had gone to war. But what paragraph in the second article secured anything to the claimants? The extent of concession to them is, that, at a convenient time, the two Governments will further negotiate upon the subject. What was such a contingent recognition worth? Could not France, if the article had been retained without any violation of its provisions, have said five, ten, or twenty years afterwards, that a "convenient time" *to negotiate* had not arrived? When our commissioners consented to this provision, is it not apparent that it was the nearest approach to recognition they could obtain, and that, by reserving for future consideration the subject, they had followed as nearly as possible their instructions to *demand* indemnities? Here was a demand, but was the response promising? France delicately, yet very emphatically, said, we never mean to rec-

*I am indebted to the speech of Hon. Silas Wright, republished in Colonel Benton's "Thirty Years' View," for the abstract of much of the legislation on this subject.

ognize these claims, and the postponement was a courteous negation of liability. The striking out of the article could not strengthen the rights of the claimants beyond the recognition therein contained; and if there was no recognition, then no rights were released.

These claimants, however, contend that the declaration of Napoleon Bonaparte, First Consul, attached to the treaty, furnishes evidence that their claims were released for a consideration. After the treaty had been ratified, it was sent back to France to approve the amended treaty, and Bonaparte returned it with a declaration, which was certainly no part of it, but his opinion of the effect of the action of the Senate striking out the second article, in the following words:

"That, by this retrenchment, the two States renounce the respective pretensions which are the object of said article."

These were the four adjourned points deferred to a "convenient time." Mr. Madison, the Secretary of State, says:

"I am authorized to say that the President does not regard the declaratory clause as more than a legitimate inference from the rejection, by the Senate, of the second article."

And when the treaty was again sent into the Senate, without adopting this declaration of Bonaparte, they resolved that they "consider the said convention as fully ratified." Is this to be the foundation of our liability—an inference drawn from a declaration of Bonaparte, which was no part of the treaty?

But it is said that we released the claims to relieve ourselves of the alliance and guarantee under the treaties of 1778. The guarantees were mutual, reciprocal; if, indeed, the treaties were considered of force; and I do not perceive how they could be then said to be subsisting; for France, in 1793, violated the treaty by solemn decree, and the United States, in 1798, declared them void. The acts of the two Governments had, in fact, abrogated the treaties; and, if that be true, what consideration could be due from us to relieve us of the guarantee. If the treaties were subsisting in 1800, they were mutually binding and obligatory; and the release of France from her obligation to protect our liberties and possessions, was as great a good to her as her release of our obligations to guarantee her American possessions. What consideration, then, was there for us to receive from France for these claims? None. We abandoned them because we could not, according to international law, justly require their payment by France, because we went to war; and, if we did not go to war, they were abandoned after long negotiation, open hostility, and renewed negotiation, because France denied her liability, and would not pay. In the latter case we were justifiable, and the citizen has no just cause of complaint. If it had been clear that France was liable, even then we had a perfect right to abandon the claims rather than plunge the country into a general and devastating war to enforce them; and the United States, in such a case, would not be, equitably or morally, bound to pay the claims of the injured citizen.

In every aspect of this subject I deny any obligation to indemnify these claimants. They were prosecuted with extraordinary diligence; we tried to enforce them by reprisals, by war; we pressed them, subsequently, in negotiations; we, at last, abandoned them, but without a consideration, and because France persisted in refusing to pay them.

For fifty-two years these claims have been successfully and steadily repudiated by our predecessors; what new lights have dawned upon us to justify so large an expenditure of the public treasure? Sir, this is but the initiative to much heavier appropriations for these same claims. I stated, at the outset of my remarks, that these claims, without interest, amounted to upwards of eleven millions of dollars. Can you pay such a sum with five millions? If eleven millions of dollars are due, and the liability of the Government is established for any portion, as you do in this bill, how can you avoid paying the whole sum? Will you force your citizen, after acknowledging the justice of his demand, by a solemn act of Congress, to receive only forty cents in every dollar, and give you a receipt in full? When was there ever more odious repudiation practised by any Government than this will be? If the claims be just, pay all, or plead, in your act making the appropriation, poverty or bankruptcy for the residue.

Sir, the prospect of the speedy passage of this bill in the House of Representatives gives me much real pain. When it shall go upon your statute book, it will be a recorded rebuke of all the great names and intellects who have gone before us in these Halls, for their inexorable injustice in denying the citizen his just dues. Were they niggardly and parsimonious—are we to be just and generous? Sir, they were actors when these spoliations were committed; they knew the facts, and they refused to do that which we will soon do—charge the Treasury with all these spoliations. When we consummate the act, I fear that our countrymen will not commend our liberality, and that they will charge us with infidelity in guarding the Treasury with that patriotic vigilance that distinguished the earlier statesmen of the Republic.

Note.—Since this speech was delivered in the House of Representatives, a friend has called my attention to a decision made by the Supreme Court of the United States, which fully settles the question by the highest legal tribunal known to our laws, *that war existed*, as I have contended, between the United States and France.

The case is Bas *vs.* Tingy, reported in 4th Dallas, 35. The opinion of the court is unanimous in declaring that public war existed between the two countries. A part of the abstract of the opinion, by the Reporter, is as follows:

"Limited hostilities authorized by the legitimate authority of two Governments, constitute public war, and render the parties respectively enemies to each other."

Mr. Justice Washington, in delivering his opinion in the case, on the question whether "enemy" is not descriptive of France and her armed vessels, says:

"The decision of this question must depend upon another, which is, whether, at the time of passing the act of Congress of the 9d of March, 1799, there subsisted a state of war between the two nations? It may, I believe, be safely laid down that every contention by force between two nations, in external matters, under the authority of their respective Governments, is not only war, but public war."

Again, he says:

"*In fact, and in law, we are at war.* An American vessel fighting with a French vessel, to subdue and make her prize, is fighting with an enemy, accurately and technically speaking," &c.

This case arose out of the construction of two acts of Congress, the first passed the 28th of June, 1798, and the second on the 2d of March, 1799; and the case was determined in the Supreme Court of the United States, in August, 1800. Can the question of war or no war, after this decision, be any longer contested? Justices Washington. Moore, Chase, and Patterson, all delivered concurrent opinions. No adverse opinion was held.

FRENCH SPOLIATIONS.

SPEECH OF HON. J. S. MILLSON,

OF VIRGINIA,

In the House of Representatives,

January 25, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. MILLSON said:

Mr. Chairman: At the very moment when my friend and colleague [Mr. Letcher] submitted his proposition to exclude all insurance companies from the benefits of this bill, I was, without any conference with him, without any knowledge of his purpose, in the act of preparing a similar amendment. These companies are by far the most numerous class of claimants. Nay, sir, it is scarcely an exaggeration to say, that nearly all the claims of magnitude are represented by them. If they are allowed to participate in the indemnities provided, but few, if any, of the private claimants will ever derive any advantage from this bill. Now, sir, I wish to prevent this result. If the bill should pass I wish to secure to those of my constituents, who conceive themselves to have an interest in it, at least a chance of sharing its benefits. I have never believed that these private claimants would, in one case out of twenty, derive any benefit from the measure. I have never doubted that they have been used by the managers and agents of these corporations for their own purposes. Influence was wanted to secure the success of the bill. The associated wealth of these companies has been freely employed in printing reports, speeches, and essays, in securing the services of numerous agents, in ascertaining the name and residence of every person directly or remotely connected with any party who suffered from French spoliations, and by addressing circular letters to all such persons, advising them to urge their representatives in Congress to vote for the indemnities to which they were told they had an unquestionable claim. The aid of the State Legislatures has been sought, and resolutions of instruction obtained from them, adopted, with no more accurate views of the very intricate subjects to which they relate, than could be acquired from the one-sided documents and plausible representations that were submitted to them.

Sir, when the bill is passed—when the numerous private claimants and their descendants and connections, and friends, have performed the service required of them, we shall see them occupying a very different relation to these companies. No longer useful as dupes, they will be sacrificed as victims. Admit the insurance companies to the benefits of the bill, and it will then be their interest to depreciate the very claims they are now concerned to magnify. The smaller the number who share the five millions of dollars, the larger will be the dividend of each. Confiscations that now cry loudly for redress, will then be made to appear as lawful captures. Outrageous aggressions upon neutral commerce will be shown as justifiable seizures of contraband goods. Documents and papers now represented as incontestible proofs, will be scouted as the flimsiest testimony on which a claim was ever founded. And, sir, it must be admitted that, in these contests, the companies will have much the advantage of the private claimants. When uninsured property was captured, the report of the master or supercargo would give the owner full intelligence of his misfortune. He had comparatively small inducement to possess himself of those formal documents required by the insurance companies before they would adjust the losses for which they were liable. Even where proofs were procured, they are now, after the lapse of sixty years, in many cases, mislaid or destroyed. But not so with the companies. Their documents have been carefully filed away and preserved, and I now confidently predict, that if this commission is created, nearly the whole of the five millions will be distributed to insurance companies, not only because they are the largest claimants in interest, but because their proofs have been so much more skillfully fortified.

Sir, in proposing to confine to the private claimants the relief provided by this bill, I am not seeking to make an arbitrary discrimination. I trust I shall be able to show that the exclusion of insurance companies is demanded by the same considerations of equity or mercy that are believed to entitle the sufferers from French spoliations to compensation from Congress. These companies have never been sufferers from French spoliations. They have reaped large profits from French spoliations. Many of them grew rich upon them. These spoliations constituted their business, their capital, their stock in trade, their very life. Had there been no spoliations they would not have got the enormous premiums exacted from those whose property they insured. Their calculations were deliberately made. They understood their risks, and took care to indemnify themselves by demanding such premiums as would make good their probable losses, and leave them their expected profits. They knew that in one case out of three the vessel and cargo would be captured, and they regulated their percentage accordingly. Their usual rate was about fifty per cent. From A, and B, and C they would receive fifty dollars on the hundred. The vessels of A and B get safely into port, but that of C is captured. They receive $150, and pay $100, leaving $50 as their gain. Do not let us be told, then, that these insurance companies were sufferers from French spoliations. With as much propriety may you say

that fire insurance companies are always and necessarily great sufferers from conflagrations. They derive their profits from conflagrations. They would have no existence if there were no conflagrations, for no man would ever insure his house against loss by fire if no house was ever destroyed by fire.

Here, then, were risks deliberately assumed by these insurance companies, and for which they were amply compensated. It was by these risks they were enabled to make great profits, and distribute to their stockholders large dividends. So far from being sufferers from French spoliations, their fortunes were built on the very losses of the real sufferers; and it is a mockery, an abuse of language, to say, that in granting them relief, we are only yielding what is due them as common sufferers from the depredations of the French.

But, sir, I wish further to show, that if they are allowed to share this relief, the American people will be twice taxed to reimburse their losses. Who was it that paid the premiums received, and which more than indemnified them for all the losses they sustained? Why, the people at large. The merchant who advanced these heavy premiums, did it with a knowledge that the profits of a successful voyage would secure a full remuneration. The expenses of insurance were charged upon the price of his goods. The consumers paid back all these expenses. The people bore all these burdens; and yet it is now proposed to tax them again for the purpose of relieving the insurance companies from losses, which they were relieved from at the time by these premiums, charged in the prices of the goods, and paid by the people that consumed them. The insurance companies, then, were not sufferers, and many of them even declared large dividends; for their losses were made up from the premiums paid by the merchants whose voyages were not interrupted. These merchants were not sufferers, for they were reimbursed in the sale of their goods. Then who did lose? Why, sir, the consumers, who paid the increased price, and the merchants whose property was captured—those who were uninsured, and even those who were insured also, for they lost the amount of the premiums paid, which they did not get back as they expected, in the shape of profits. Where the rate of premium was fifty per cent., they lost just as much as the insurance company itself; and yet they can get nothing under this bill, while the insurers, standing in their stead, are to receive the full value of the property insured, or as much of it as the $5,000,000 will discharge. This singular fact, then, appears, that the real losers by French spoliations, except indeed the uninsured claimants, are excluded from the benefits of the bill, while those who were rather gainers than losers are admitted to the full enjoyment of them. Nay, sir, they are even more highly favored than the private claimants; for distribution will be made to them according to the value of the captured property, without requiring a deduction of the premium they received, diminishing fifty per cent. the amount of their loss; while the poor private claimant, who has received no premium, can still get no more than they.

In assuming the rate of premiums to be fifty per cent., I do not wish to be understood as saying that that amount was always exacted. I have heard that it was frequently, if not usually charged; but, whatever was the ordinary rate, it was deemed by the insurers sufficient to answer the risk and guard against loss. And, unless gentlemen can show that they became bankrupt, or that their losses were greater than their profits, my proposition will stand good—that there is but little equity in their demand to be classed among the sufferers.

But, I may be told that these companies are assignees of the original claimants, and entitled to demand payment of the debt due them by the Government. I admit they are assignees, and I confess there would be serious objection to the proposition to exclude them, if any debt was ever due by the Government to them, or to those whose rights they have acquired. However inequitable may be their demand, as a debt we cannot resist it. But I proceed upon the assumption that no debt is due by the Government. The bill itself is framed upon this assumption. It does not purport to pay debts. It does not regard these claimants as creditors of the United States. If it did, it would provide for the ascertainment of the amounts due, and then direct their payment in full; but it simply appropriates the sum of $5,000,000, which is to be received in discharge of all claims, however much they may exceed that amount; and we all know they will greatly exceed it. There could be no stronger objection to the bill than to say the Government is indebted to these claimants. It would be disgraceful to the country that the payment of just debts should be withheld for sixty years, and then compounded for at twenty-five or fifty cents on the dollar.

Then, what are the grounds on which this measure rests? The only ground at all consistent with its provisions is, that though there is no debt, though no liability has ever existed, and no obligation assumed to pay any of the claims our citizens had against France, yet, that in negotiating the treaty of peace between France and the United States, in the year 1800——

Mr. BAYLY. The gentleman does not mean to call it a treaty of peace?

Mr. MILLSON. Yes, sir, a treaty of peace; for such it was in effect as well as in terms. It commences with the declaration that there shall be "a firm, inviolable, and universal peace" between the French Republic and the United States; and it was a treaty of peace, though I am indifferent about the style of it. But I was about to say, the bill before us seems to proceed upon the assumption that, though no debt is due by the United States on account of these claims, yet, in ratifying the treaty of 1800, our Government impliedly engaged to trouble France no more about them; and we might, therefore, with propriety, extend some relief to the sufferers.

Sir, there is no other plausible ground on which this measure can be placed. If a debt be due by our Government to these claimants, pray tell me how it arose? Is it pretended that we incurred this obligation by a failure to prosecute their claims with sufficient diligence and earnestness! That cannot be said, for never was a Government more solicitous to defend the rights and redress the wrongs of its citizens, than was ours on this occasion. Mission after mission, and of the most eminent men of our country, was sent to France. For more than seven years their efforts were persisted in, and that, too, under circumstances of indignity and insult almost unexampled. So little effect were they able to produce, that fresh outrages were constantly perpetrated, while they were still urging their ineffectual demands for redress.

These efforts were first made by Mr Governeur Morris, our Minister to France, in 1793; for, even at that early day, he refers, in a letter to Mr. Jefferson, the Secretary of State, to the captures of our vessels by French privateers, as too numerous to be specified. Mr. Monroe was sent out in 1794, and his instructions were "to insist upon compensation for the captures and spoliations of our property, and injuries to the persons of our citizens, by French cruisers." In 1797, after the recall of Mr. Monroe—at which, by-the-by, the French Government assumed upon themselves to evince much resentment—Mr. Marshall, Mr. Pinckney, and Mr. Gerry were appointed joint envoys to France. They were instructed that "reparation for losses sustained by our citizens was to be pressed with the greatest earnestness," and that "the best possible means of compensation must be attempted." But the French Directory refused to receive them, or even to give them an audience. Talleyrand, the Minister of Foreign Relations, conferred with them as private citizens, and only condescended to hold intercourse with them at all, until he became convinced that his unscrupulous machinations for extorting from them a loan to the French Republic and a *douceur* of £50,000 for himself, would prove unsuccessful. But the ambidextrous Talleyrand was too wary to connect himself openly with these disgraceful propositions. His secret agents, referred to in the journals of our Ministers as Messrs. X., Y., and Z., and for a long time only known by those initials, exhausted their powers of persuasion in the attempt to prevail on the American envoys to aid France with the desired loan, and to purchase the good will of the Minister with the suggested bribe. They sternly refused, and it was amusing to see his display of virtuous indignation, when, after the publication of the reports of our Ministers, he demanded to know by what authority they had presumed to hold intercourse with these agents, as persons speaking on his behalf.

Sir, in the communications addressed to the French Government, they clearly set forth the claims of our citizens, and triumphantly vindicated the honor and good faith of the United States against the loose charges and frivolous pretensions, set up by France for the mere purpose of refusing that justice which she had neither the inclination nor the ability to grant. But these representations were treated with contempt. The most insolent language was applied to our Government. Insult after insult was heaped upon our Ministers. Their public character was denied them, and they were even threatened with the supervision of the police. Hints were thrown out that they, or, at least, Mr. Pinckney and Mr. Marshall, would consult their interest by quitting the territory of France; and this insolence rose to so high a pitch, that Talleyrand, in an official letter to Mr. Gerry, whom he wished to detain in Paris, wrote as follows:

"I suppose, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimation which the end of my note of March 18, 1798, presents, and the obstacle which their known opinions have induced to the desired reconciliation, to quit the territory of the Republic."

They were compelled to leave France. It was with the greatest difficulty that Mr. Pinckney, whose daughter was then lying dangerously ill, could procure a delay of a few days. They returned to the United States, but even before their arrival their reports had been communicated by the President to Congress, and had been laid before the American people. They produced a blaze of indignation. Even Mr. Jefferson trembled for the supremacy of the Republican party when the X. Y. Z. documents, known to have been drawn up by Judge Marshall, came to be published. There was a universal demand for the adoption of such measures as would vindicate the national reputation. Then it was that those acts, just referred to by my friend from South Carolina, [Mr. ORR,] authorizing hostilities against the French Republic, were passed by Congress, and which he characterized as a condition of *quasi* war. Then it was that Congress passed a law declaring that the treaties between the United States and France had been repeatedly violated on the part of France; that the just claims of the United States for reparation had been refused, and their attempts to negotiate an amicable adjustment repelled with indignity, and enacting that the United States were of right freed and exonerated from the stipulations of these treaties, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

Sir, I think I may venture the assertion that there was, perhaps, no class of persons in the United States to whom these measures gave more satisfaction, or who were more clamorous in their demands for these warlike proceedings, than those whose descendants or assignees now so loudly complain of them.

If, then, it be pretended that the Government has incurred this liability, because it did not diligently prosecute these claims, there is no sort of foundation for the charge. They were just claims, and they ought to have been prosecuted earnestly, and they were so prosecuted.

But it is said, that in the ultimate treaty between the two countries, concluded in 1800, the Government surrendered these claims, and thus gained important advantages in inducing a corresponding surrender of the claims of France upon us. Is that the ground of our liability? If it be—and it was put upon that ground to-day by the gentleman from Alabama, [Mr. PHILLIPS,] and yesterday by the gentleman from Ohio, [Mr. DISNEY]—let us examine the argument. What were those claims Will any gentleman rise and tell me what just claims France ever had against the United States for the violation of any treaty? Will any gentleman say that France could charge us, or ever did charge us, with violating the treaty of alliance, in respect to the guarantee of her islands? Why, sir, as the gentleman from Missouri [Mr. BENTON] said yesterday, France never even asked us to fulfill this guarantee. He referred only to the

testimony of Mr. John Quincy Adams, but he might have multiplied his authorities. Mr. Genet, in his very first communication to the Secretary of State, says, that though "the French nation would have a right to reclaim the obligations imposed on the United States by the treaties she has contracted with them," yet that she continues "to labor still to increase the prosperity and add to the happiness which she is pleased to see them enjoy."

Mr. Jefferson, in a private letter to Mr. Madison, written a day or two afterwards, represents Mr. Genet as saying:

"We know that, under present circumstances, we have a right to call upon you for the guarantee of our islands. But we do not desire it. We wish you to do nothing but what is for your own good, and we will do all in our power to promote it. Cherish your own peace and prosperity."

In a subsequent letter to Mr. Madison, he says:

"Genet mentions freely enough in conversation that France does not wish to involve us in the war by our guarantee."

In an official note given by Mr. Jefferson, as Secretary of State, to President Washington, and described by him as a "Note given to the President relative to Mr. Genet," he says:

"Mr. Genet's declaration to the President, at his reception, that France did not wish to engage the United States in the present war, by the clause of guarantee, but left her free to pursue her own happiness in peace, has been repeated to myself in conversation, and to others, and even in a public answer, so as to place it beyond question."

Even Talleyrand, five years afterwards, in his letter of March, 1798, to Messrs. Pinckney, Marshall, and Gerry, admits that France had never required us to execute this clause of guarantee, and says:

"The Republic was hardly constituted when a minister was sent to Philadelphia, whose first act was to declare to the United States that they would not be pressed to execute the defensive clauses of the treaty of alliance, although the circumstances, in the least equivocal manner, exhibited the *casus foederis*."

Sir, the French Government did not exact from us the fulfilment of the guarantee, and if she never called on us to do so, pray tell me how there could be any claim for indemnity for a violation of that treaty? Yet, the gentleman from Ohio [Mr. DISNEY] says, that France did demand its execution, and did claim indemnity for that guarantee, and he declares that some American politicians resorted to miserable subterfuges to avoid our honest obligations to France by insisting that she had commenced the war with England, and that our guarantee could only be invoked in a defensive and not in an offensive war. Sir, the gentleman is mistaken. It would have been as idle then as now, to inquire whether we were bound to guaranty the French islands in an offensive as well as a defensive war. I care not what may have been the true construction of the treaty. I care not what opinions may have been expressed upon the subject. The point did not arise, and it never became necessary to resort to any subterfuge. Whether we would have been bound or not, if France had called on us for aid, the simple fact is, she never asked it, but expressly disclaimed it.

Well, sir, was it for any violation of the treaty of amity and commerce that a claim for indemnity arose? Who will rise upon this floor and say that this treaty was violated by Washington? The gentleman from Ohio [Mr. DISNEY] insisted yesterday that this treaty allowed France exclusively to arm and fit out her vessels of war in our ports, and to sell the prizes she might take from her enemy; and he not only declares that these stipulations of the treaty were violated by us, but he looks with pain upon this chapter of our history. Sir, I challenge the citation of a single American statesman, of that day, either of the Republican or of the Federal school of politics, who did not unite in the denial of the French pretensions on these subjects. No such right was granted to France by the treaty, either exclusively, or in common with other nations. To have permitted it to her would have been a gross violation of our neutrality. France complained of the denial of these privileges, but rather to avoid accounting with us for her numerous depredations on our commerce, by trumping up complaints with which to meet ours, than because there was anything in the treaty that could make them even plausible. It is true that for a time she was allowed to dispose of some of her prizes in our ports, but only as a matter of grace and not of right. When it became inconsistent with our treaty stipulations with England, it was forbidden; and it involved no wrong to her, for her treaty with us only authorized her ships of war to bring their prizes into our ports, without being obliged to pay any duty, and to depart and carry them away again; but did not authorize her to make sale of them there. When France complained that "the Government of the United States does not permit the sale in their ports of prizes made upon England by the cruisers of France," our Ministers replied:

"The fact is admitted. To erect it into an offense, it becomes necessary to prove that the measure violates either the engagements or the neutrality of the United States. Neither is attempted."

The claim to arm and fit out in our ports her privateers and ships of war, had no ground whatever to support it. It was denied on all hands. What can be more conclusive than the reasoning of Mr. Jefferson, in his dispatch to Mr. Morris, then our Minister to France? He says:

"But Mr. Genet says that the twenty-second article of our treaty allows him *expressly* to arm in our ports. Why has he not quoted the very words of that article *expressly* allowing it? For that would have put an end to all further question. The words of the article are: 'It shall not be lawful for any foreign privateers, not belonging to the subjects of the Most Christian King, nor citizens of the United States, who have commissions from any Prince or State, in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties.' Translate this from the general terms in which it here stands, into the special case produced by the present war: 'Privateers not belonging to France, or the United States, and having commissions from the enemies of one of them, are, in the present state of things, British, Dutch, and Spanish privateers.' Substitute these then for the equivalent terms, it will stand thus: 'It shall not be lawful for British, Dutch, or Spanish privaters to fit their ships in the ports of the United States.' Is this an *express* permission to France to do it? Does the negative to the enemies of France, and silence as to France herself, imply an affirmative to France? Certainly not—it leaves the question, as to France, open and free to be decided according to circumstances."

But, sir, you will find in the ninth volume of Jefferson's works that this very question became a subject of Cabinet consultation. I read the following extract:

"Does the treaty with France leave us free to prohibit her from arming vessels in our ports? Thomas Jefferson, Hamilton, Knox, and Randolph—unanimous—it does. As the treaty obliges us to prohibit the enemies of France from arming in our ports, and leaves us free to prohibit France, do not the laws of neutrality oblige us to prohibit her? Same persons answer they do."

The gentleman from Ohio [Mr. DISNEY] says that we gave just cause of offense to France by denying privileges to her that we granted by the Jay treaty to England, in allowing her to take French goods out of American ships, while France was forbidden to take British goods out of our vessels. Now, sir, the plain answer to this is, that our treaty with France had established the principle that free ships should make free goods. This principle was no part of the general law of nations, and was only binding upon those nations who, by treaty, should agree to it. We never had any such treaty with England, and of course her right to take the property of her enemy when found in neutral bottoms, was regulated by the law of nations only. It was not a privilege granted to England by the Jay treaty, as the gentleman supposes, but belonged to her by the general law of nations, before that treaty was made. Its recognition there added nothing to her rights. The United States desired to substitute the principle that free ships make free goods, but England always preferred to adhere to the general doctrine of international law upon that subject. She steadily acted upon it and the French Government complained of us for allowing it, long before the ratification of the Jay treaty. As early as 1793, Mr. Jefferson had occasion to reply to some of these unreasonable complaints of the French Minister. Writing to Mr. Genet, he says:

"I believe it cannot be doubted but that, by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend, are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the cases above mentioned, and I confess I should be at a loss on what principle to reclaim it."

If this doctrine of the law of nations, in some cases worked against France, in others it operated in her favor; for she was entitled to make prize of our goods when found in English bottoms. And she was not backward in availing herself of this right, for her armed vessels captured American property wherever it was found in the ships of any of the nations with which she was at war. Sir, she gained more than she lost by it; and, as Mr. Jefferson stated in his letter to Genet, we were the actual losers, for the goods lost were our own, and those saved only our friends'. Yet, in spite of all this, and in flagrant violation of her treaty with us, she decreed, in 1796, "That all neutral or allied Powers shall, without delay, be notified that the flag of the French Republic will treat neutral vessels, either as to confiscation, as to searches, or capture, in the same manner as they shall suffer the English to treat them." The gentleman from Ohio admits that this was a violation of her treaty with the United States, but France persisted in this course, though our Ministers warmly remonstrated against it as one "dispensing with the most solemn obligations which compact can create."

Where, then, sir, is the warrant for the assertion that France had any just claims against the United States? On what ground can gentlemen maintain that, in desisting from the further prosecution of the claims of our citizens against France, we obtained an equivalent in being relieved from her demands for indemnity upon us? Why, sir, the very strength of our claims against the French Government depended upon the faithful execution of our treaties with her. Had we been guilty of violating them, France would have had some justification for her course towards us, and there would have been no foundation for the demand of compensation for the spoliations committed upon our commerce. And yet, while gentlemen endeavor to show that these treaties were repeatedly violated by the United States, they somewhat inconsistently declare that France acknowledged her liability to us for the property taken from our citizens.

Sir, what sort of acknowledgment did she make? I suppose no member of the French Ministry ever went to the absurd extreme of declaring that, out of the many cases of seizure and capture of our vessels and goods, not one could be found that created an obligation to make compensation. But was any investigation ever made? Was there an admitted liability as to any one of these unsatisfied claims? Did she ever promise to make payment in any particular case? Had she made any such promise, when, in 1797, our Ministers reported to the Secretary of State: "We are sorry to inform you that the present disposition of the Government of this country appears to be as unfriendly towards ours as ever, and that we have very little prospect of succeeding in our mission!" Had she made any such promise, when, as late as 1798, only about three months before we found it necessary to abrogate all our treaties with her, Talleyrand, in an interview with our Ministers, observed that "we had claims on the French Government for property taken from American citizens; some of these claims were probably just?". *Some* of these claims were *probably* just! A very definite and important acknowledgment to be sure! No, sir; they never did promise to pay these claims. Our Ministers never could extort any such promise from them. Even in the final negotiation, when the French Ministers were pressed and constrained to make some reply, they boldly declared that they were determined not to assume the payment of indemnities, because they were altogether unable to pay them; and our negotiators twice communicated to their own Government the declaration made by the French Ministers, that they would not enter into an investigation because they did not mean to acknowledge the claims, as they had not the means to pay them.

Mr. BAYLY. Where is the evidence of that?

Mr. MILLSON. Here it is. Our Ministers say, September 12, 1800:

"They now openly avowed that their real object was to avoid, by every means, any engagement to pay indemnities, giving, as one reason, the utter inability of France to pay, in the situation in which she would be left by the present war."

Again, on the 4th October, 1800, they say:

"In short, they thought proper to add, what was quite unnecessary, that their *real object was to avoid* indemnities, and that it was not in the power of France to pay them."

Sir, I trust I have succeeded in showing that France never had any valid claims for indemnity

against the United States resulting from the violation of any of our treaties with her, and that if we desisted at last from all further efforts to obtain satisfaction for the claims of our citizens, it was from a conviction that such efforts would be fruitless, and not from any anxiety to be relieved from her empty pretensions. But it is said that, by the convention of 1800, we were discharged from the guarantee in the treaty of alliance, and that this was the valuable consideration for which we renounced the just claims of our citizens, and secured a national benefit at their expense. Before we can estimate the force of this argument, it will be necessary to advert to the previous relations existing between the two countries.

I have already stated that, in 1798, the French Government not only refused to receive our Ministers and treat with them upon the objects of their mission, but ignominiously compelled two of them to quit her territory, while a discrimination not less insulting was made in favor of the other. Our Government had hardly received intelligence of these proceedings, before the most prompt and vigorous measures were taken to vindicate the national independence. In less than three weeks from the reception of this intelligence, the law abrogating all our treaties with France, had passed both Houses of Congress, and been approved by the President. Various measures of a hostile character were adopted in quick succession. I need not describe them particularly, as my friend from South Carolina [Mr. ORR] has just done so. They prohibited all intercourse with France; they authorized the capture of all French armed vessels wherever found, and their condemnation as lawful prize; they provided for raising an army, equipping a navy, and for placing the country in a complete state of defense. Actions were fought, prisoners were taken; but gentlemen say all this did not amount to war. They are aware that if it was war, it annulled all our treaties with France, and she was from that moment released from any obligation to pay our claims against her. Therefore, they deny that this condition of things amounted to anything more than hostilities, without war.

Now, sir, I do not think it at all necessary for the purposes of the argument, to show that war did really exist. But it seems to me that gentlemen encounter formidable difficulties in their efforts to show it did not. At the renewal of negotiations in 1800, the French Ministers, while they maintained that France had not accepted the war, and had not in that way assented to the abrogation of the treaties, yet insisted that the hostile acts authorized and committed by the United States, "were nothing less than war," and that "a new treaty between France and the United States should be preceded by a treaty of peace." Our Ministers could only reply, on this head, that the state of things from which they desired to return, was one "*difficult to name* and more difficult to account for." If the state in which the country was placed by the legislation of 1798, was not one of war, Judge Marshall, who is said to have favored these claims, must have been unusually careless in his phraseology, when he said, in his Life of Washington, "General Washington did not live to witness the restoration of peace."

But I care not how this may be. The French Government expressed a desire to conciliate the United States, and to restore the good understanding between the two Republics. The Government and people of the United States were willing, on their part, to reëstablish friendly relations; and three new envoys were appointed, who were, however, not to embark for Europe until they had received from the Executive Directory "direct and unequivocal assurances, signified by their Secretary of Foreign Relations," that they would be received in character and admitted to an audience. The President was thus punctilious as to these conditions, because he said the honor of the country "dictated" them, and our "moderation" had given us a "right to prescribe" them. The required assurances were given, and the envoys went on their mission.

You will remember, sir, that, at this time, all our treaties with France had, by a solemn act of Congress, been abrogated. The envoys were expressly instructed not to consent to their revival. This point, indeed, was declared to be "*ultimated*." I will read a brief extract from these instructions. "The following points are to be considered ultimated"—Omitting all but the second and third, I quote the language of these two:

"2. That the treaties and consular conventions declared to be no longer obligatory, by act of Congress, be not, in whole or in part, revived by the new treaty, but that all the engagements to which the United States are to become parties, be specified in the new treaty.

"3. That no guarantee of the whole or any part of the dominions of France be stipulated, nor any engagement made in the nature of an alliance."

The envoys were instructed, also, to use every effort to obtain indemnities for spoliations, and to prosecute the negotiation with the utmost possible diligence. They were told they must be commenced within twenty days after their arrival, and it was expected they would return home in less than six months. But, sir, the most vexatious delays occurred. Every obstacle was interposed, and it was soon evident the same course of procrastination would be followed that had been adopted towards their predecessors. The French Government repeated their old complaints, and renewed their demands for indemnity, for the purpose of setting them off against our claims. They complained, too, of the abrogation of the treaties by Congress, and denied that one party could dissolve them without the consent of the other. It was answered, that their repeated infraction by France authorized the United States to declare they should be no longer binding upon them. They said it would be degrading to pay indemnities, and submit, also, to be deprived of the benefits of the treaties. Their proposition was a stipulation for mutual indemnities and a revival of the treaties. This was, of course, instantly rejected. At a subsequent period our Ministers proposed that, if France would pay the indemnities due on her part, they would make a similar agreement, provided it should be limited to the claims of individuals; and they would also consent to a revival of the treaties, on condition that the mutual guarantee should only bind France, when the United States were attacked, to furnish one million of francs, in provisions, and should bind the United States to supply the same amount when France was attacked. By this proposition, too, either party was to be at liberty to exonerate itself wholly from its obligations under the guarantee, by paying to the other, within seven years, five millions of francs—less than $1,000,000.

This, sir, is doubtless the proposition referred to by the gentleman from Ohio [Mr. DISNEY] when he said that the United States offered to pay eight millions of francs to be released from the guarantee. The supposed offer of eight millions, by our Ministers, was only a recital by them of their understanding of a previous offer of the French Government. The offer made on our part was expressly connected with the proposition that France should pay the indemnities. Could we have gotten from her the seventy-five, and perhaps a hundred millions of francs, that she was liable for, it would have been an excellent bargain to allow her five millions for the guarantee. The privilege, too, was to be reciprocal. When she desired to be released from the guarantee, she was to pay us as much as we were to pay her, if we should want to be released.

The reply of the French Ministers on this head was to the effect that the guarantee should be converted into a promise of succor to the amount of two millions, but not redeemable except for ten millions. They, however, still evaded the proposition as to indemnities, and continued to set up their own claims. The American Ministers rejected these terms, and particularly objected to the augmentation of the sums proposed to extinguish the right of France under the mutual guarantee. But after deliberating a few days, they determined to advance still closer to the French offer. They say in their report:

"They offered an unlimited recognition of the former treaties, though accompanied with a provision to extinguish such privileges claimed under them as were detrimental to the United States by a pecuniary equivalent, to be made out of the indemnities which should be awarded to American citizens. A compensation which, *though it might have canceled but a small portion of the indemnities*, was nevertheless a liberal one for privileges, which the French Government had often admitted to be of little use to France, under the construction which the American Government had given to the treaties."

They go on to say, that though this offer covered the *avowed* objects of the French Government, their Ministers then "made an entire departure from the principles upon which the negotiation had proceeded for some time," and openly avowed that their *real object* was to *avoid* indemnities, and that it was not in the power of France to pay them.

Here, sir, seemed to be the end of the negotiation. What more could our Ministers do? Their arguments had been unavailing. Their remonstrances had been disregarded. Were hostilities to be renewed? That was a grave question, and gravely did they consider it. More blood might be spilt, more treasure wasted, but what, at last, would be the good? They concluded to make a temporary arrangement. There were more than forty ships and cargoes, many of which, they said, were of great value, not yet definitively condemned. These, at least, might be saved. They therefore concluded the treaty of 1800, the second article of which was in these words:

"The Ministers Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed; the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows."

This article was expunged by the Senate of the United States, and the following was added:

"It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications."

In this form the treaty was ratified. It was also ratified by the French Government with the declaration that "the Government of the French Republic consents to accept, ratify, and confirm the above convention, with the addition that the Convention shall be in force for the space of eight years, and, with the retrenchment of the second article, provided that, by this retrenchment, the two States renounce the respective pretensions which are the object of the said article."

On being again sent to the Senate, that body simply declared that they considered the treaty fully ratified.

Now, sir, it is upon this state of facts the assertion is founded, that the United States bartered the claims of their citizens for valuable privileges to themselves, in receiving exemption from what is called a burdensome guarantee. It is now usual to speak of it as a *burdensome* guarantee. But was it less burdensome to France? Were not the obligations reciprocal? If we were bound to guarantee the French possessions in America, was not France equally bound to guarantee our possessions, and our "liberty, sovereignty, and independence" besides? Yet this guarantee is constantly spoken of as if it imposed obligations upon the United States alone. Why, sir, at the time it was made it was deemed rather a favor than a burden to us; and, considering the relative power of the two nations, we might hope to secure at least as much advantage from it as France ever could.

But had we not already been released from this guarantee? Had we not abrogated all our treaties with France, and had any of them ever been revived? Who shall question the right of a nation to pronounce treaties previously violated by the other contracting party, no longer obligatory upon herself? Between nations there is no common arbiter, and each must judge for itself as to the obligations of their public compacts. A difference of opinion between them as to the propriety of the abrogation may, to be sure, lead to war; but the act of abrogation is not the less valid. Especially, sir, is it not permitted to the citizens or subjects of any Power to question its validity. *They* are bound by the act, whether other Powers may choose to acquiesce or not. Mr. Jefferson's opinion upon this subject may be inferred from his letter to Mr. Madison, in which he says:

"I was glad, in yesterday's discussion, to hear it admitted on all hands, that the laws of the United States subsequent to a treaty, control its operation, and that the Legislature is the only power which can control a treaty. Both points are sound beyond doubt."

But it has been argued, that though a nation possess the right to absolve itself wholly from treaties previously violated by the other party, yet she is accountable to that party for its improper

exercise; and that the United States relinquished to France the claims of our citizens in order to avoid the effects of her resentment. Yes, it is even said we bought our peace with France. Sir, is there the least ground or excuse for such an idea? We have seen the United States adopting the most vigorous measures to compel justice from France. Complaints are made; envoys are sent out; treaties are abrogated; hostilities are commenced. We attack and capture her ships-of-war; we spill her blood; we make prisoners of her citizens. All this is done without provoking her to war; and yet, after she has submitted to these aggressions, and entreated us to recede from our hostile attitude, we suddenly become so timorous as to be terribly frightened, lest our simple abrogation of the treaty may offend her, and we offer some twelve or fifteen millions of dollars to buy off an expected war upon us! And that, too, when the highest price set upon the guarantee by France herself was less than two millions! The cause must be a weak one that needs such arguments.

No, sir; the Government of the United States received no consideration from France for any surrender of our claims. It had no inducement to do so. It is a strained interpretation of the motives and objects of our Government to suppose it had. The Senate struck out the second article, doubtless, from an idea that France might found upon it a pretension that it contained an implied admission of her having valid demands upon us. Perhaps, too, they were unwilling that further efforts—by this time ascertained to be hopeless—should be made to induce France to grant the indemnities so obstinately denied, and were, therefore, averse to holding out such an expectation. But suppose the Government had expressly resolved to abandon all further exertions on behalf of the claimants; suppose it had notified France of its purpose to discontinue the prosecution;—would even that have made her liable to pay them? Undoubtedly not. A nation will assist its citizens to obtain redress from foreign Powers, but it is not bound to go further than it may deem expedient. It will make all proper efforts to obtain satisfaction for injuries done them; but if it fails to do so, it is under no obligation to pay the claim itself. Disputes between nations are not to be perpetual. There is a time when there must be an end of strife. The Government must judge of this for itself; and the good of the whole, not the passions or interests of a few, must be the controlling consideration.

I do not see, then, upon what principle we can regard these claims as debts due by the United States. If they were, we would, I admit, be bound to recognize the insurance companies as lawful holders of the original demands, and make equal payment to them as to the others. But if this whole bill proceeds, as I conceive it does, upon the idea of a dispensation of gratuitous relief to actual sufferers from French spoliations, we have a right to select the objects of our bounty, and exclude those who can, in no just sense, be classed among the sufferers. Unless this is done, the bill will be almost worthless to the private claimants.

PACIFIC RAILROAD.

SPEECH OF HON. J. A. McDOUGALL,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

January 16, 1855.

The House being in the Committee of the Whole on the state of the Union, and Mr. BENTON having concluded his remarks—

Mr. McDOUGALL said:

Mr. CHAIRMAN: I entertain for the venerable gentleman from Missouri great respect—great respect as a feature in our history; but as a member of this body, upon this floor, acting, and seeking to influence action on a great public question, I cannot regard him as entitled to any greater or higher deference or consideration than any one of the honorable gentlemen before me, and I shall, therefore, undertake to discuss freely the gentleman's present position, and to exhibit fully his true relation to the subject now under consideration.

The gentleman from Missouri commences his discourse by informing this committee that he has, for *a long time*, earnestly desired to withdraw this subject from this forum—a forum disturbed and agitated by political controversies, and by personal and local considerations.

I would like to inquire of the gentleman from Missouri what, in his opinion, constitutes *a long period of time*. I hold in my hand a letter, written by that gentleman, or at least his name is appended to it, dated March 4, 1853. Is the time since then *a long period*, in the estimation of the gentleman of thirty years' experience in senatorial legislation? This letter is in the form of an address to his constituents, on the subject of a railway to the Pacific. I will read a few extracts from this letter:

"I hold that it should be made by the United States, so far as their territory extends, (which would be almost the whole distance on the central route,) leaving the two ends where it would go through States to the operation of State laws and State authority." * * * "My idea is, that the road should be built by the United States, by the creation of a stock hypothecated upon the public lands, and payable, at a fixed period, at the Federal Treasury, and that an adequate force should be put upon it to do the work at once."

This much, sir, is all I have to say as to the long desire of the gentleman to withdraw this subject from the forum of the Federal Congress.

I have noticed the opening of the gentleman's discourse addressed to the committee. I will now refer to his conclusion. As in the discourse itself there is nothing consecutive, I see no occasion to treat it consecutively.

The gentleman says that the northern road proposed by this bill is a British road, a Canada road, a hyperborean road, an impracticable road; that it has been projected for entirely speculative purposes; and that this British, hyperborean, impracticable speculation is the offspring of the present Administration. The gentleman is mistaken. I will inform this committee that the present Administration is in no respects chargeable with the paternity of this monster offspring. Its paternity is chargeable upon no other person than the gentleman from Missouri now before me. The gentleman from Missouri, as long ago as 1845, in the first proposition made by him for a railroad to the Pacific, suggested that it should be run from the great falls of the Missouri to the Columbia river—the same line recently surveyed by Governor Stevens. The exact line of what has now become a British and hyperborean route.

Mr. BENTON. That was before the acquisition of California.

Mr. McDOUGALL. Yes, it was; but it was as much a British road then as it is now; as much hyperborean, and as impracticable. The gentleman then described it as an excellent route, as a practicable and convenient route, although we had then but few of our people on the shores of the Pacific. He suggested a railroad by this route, as a means whereby we could command the rich commerce of the Orient; and indulging in a strain of oriental eloquence, he gorgeously portrayed, as its results, a line of cities along the banks of the great father of waters, rivaling, in their wealth and splendor, Palmyra of the desert, Tyre, and Carthage, and Venice.

I say, then, sir, this projected road is no offspring of this Administration. If for its paternity either honor or execration is due, the debt is payable to the honorable gentleman himself.

And now as to the southern route. This, the gentleman insists, is another offspring of the Administration; and here, too, the gentleman is mistaken. Let me state the facts: During the late war with Mexico it became necessary to send a body of troops to New Mexico. This command, under General Kearny, consisted in part of mounted men, and in part of infantry, with a large baggage train. They set out from Fort Leavenworth, on the frontier of Missouri, *en route* for the city of San Francisco. They took the route through New Mexico as the most practicable. At Santa Fé they endeavored to find guides, and to ascertain the best route across into California, and with this object remained in New Mexico for some time. After full inquiry, General Kearny undertook as an experiment to take the mounted troops down the Gila; he succeeded in following the Gila, but encountered serious obstacles, even to the passage of his mules and horses. Leroux undertook to guide Lieutenant Colonel Cooke with the Mormon battalion and the wagon train, by a wagon road into California. To find this wagon road Colonel Cooke, with his command, was forced south through what was then a part of Mexico; and over the same line of road, the survey of which is now denounced as a fraudulent speculation on the part of certain officers of the Army and the Administration.

I know that, until very recently, it has been generally supposed at the West, that this line was the only practicable southern line to the Pacific, and that, perhaps, the only route for a railroad into California, was south of the Gila. Since the opening of the road by Colonel Cooke, the entire emigration from the south and southwest have passed over this road; they have passed it in summer and winter; the features and facilities of the country have become well understood, and now for some years it has been known to present no serious physical obstacles to the construction of a railroad. Therefore, when it was proposed to inquire into the practicability of a railroad to the Pacific, it became important for the Government to inquire into, and examine, the southern route, and it also became an important measure—assuming that there was no other practicable route—to acquire that country from Mexico.

Now, Mr. Chairman, the gentleman from Missouri has great objections to the policy of appropriating the public lands in aid of railroad enterprises. His language amounts to a denunciation of the policy in the most unmeasured terms. It would seem somewhat strange, however, to the committee if I should state to them, and should prove to them, that the gentleman has always heretofore been in favor of the most extravagant appropriations of lands for such purposes; that no other man in the Union, in or out of Congress, has made a record of propositions of this kind, that will at all compare, in point of extravagance, with those made by the gentleman from Missouri. The gentleman introduced into the Senate two different bills for the construction of a railroad to the Pacific. His first bill proposed to appropriate one hundred solid miles of land along the whole line through to the Pacific. Not alternate sections, mind, but one hundred miles in a continuous tract. The gentleman talks about the grant proposed by this bill as containing more land than would be required for a State. His proposal to appropriate one hundred miles in breadth, along two thousand miles of road, would furnish the territory for many States. But he not only proposed to set apart and appropriate the hundred solid miles of land, but also to appropriate to the scheme all the revenues of the Federal Government collected in the Territories of California and Oregon.

The gentleman's next bill provided for the appropriation of seventy-five per centum of the proceeds of all the public lands lying west of the Mississippi, and fifty per cent. of the proceeds of the balance of the public lands, in aid of this great work. It seems to me that the gentleman from Missouri cannot very reasonably assume now, that there is anything vicious in this measure, because it proposes to dispose of what is, comparatively, but a small part of the public domain, for the same purpose.

But, sir, it may be supposed by some, that while the gentleman from Missouri was in favor of a direct appropriation of the public domain, or its proceeds; while he was in favor of a direct construction of the road by the Government, with the property and money of the Government, yet that he was consistently opposed to the policy of granting alternate sections of the public lands, upon special grounds. I ask the attention of the committee, and of the gentleman from Missouri, while I state that in the debate on the bill to grant lands to the State of Illinois, to aid in the construction of the Illinois Central railroad, the gentleman from Missouri boasted that he was one of the fathers of this very policy. On that occasion, he congratulated himself that he had been long enough in the Senate to have voted for the original grant to Illinois, for the purpose of aiding the construction of a canal from lake Michigan to the Illinois river. He stated that, without that aid,

the work would hardly have been undertaken, much less accomplished. He pointed out the prodigious results of that grant, and stated that, if no other advantageous results had followed the grant, that the vast facilities afforded to our internal navigation well compensated us for parting with some acres, over which this Government then wielded a barren scepter. On the same occasion, the gentleman stated that he had voted to give nearly half a million of acres to the State of Alabama, to aid in the construction of a canal around the Muscle Shoals; and that, although the work had not been executed, he did not consider the appropriation lost; that there had been great advantages gained by the conveyance of the land out of the dead hands of the Government into the hands of individual citizens, who would cultivate it, and render it subservient to the wealth and prosperity of the country. That he did not consider any of these grants unprofitable; but that, in his opinion, a great public object was gained by the transfer of the public lands from those by whom they were not cultivated to those by whom they were made productive.

The gentleman stated that he should vote for the pending railroad grant with great pleasure, and that he hoped from it similar beneficial results to those effected by the grant in favor of the Illinois and Michigan canal. The gentleman, then, is not opposed to the appropriation of the public domain for purposes such as are aimed at by this bill, neither is he opposed to the policy of granting alternate sections to States or individual citizens, in aid of enterprises such as the one now proposed. He has been the acknowledged advocate, champion, and father of this policy. I ask, sir, how, or why, has the gentleman just now, at this moment, changed his position and his front upon this whole question?

There is another singular and significant feature in the history of the gentleman's relations to the Pacific railroad. As early as 1845 he advocated the construction of a railroad to the Pacific, but he then proposed no action.

In 1849 he introduced his first bill, one of the bills to which I have already alluded. Upon the introduction of this bill, he delivered one of his oriental discourses, a discourse perfect in its rhetoric, gorgeous in its descriptions, and overflowing with historical illustrations. I have read the speech, read it several times, not with curiosity merely, but with delight, at the glowing, gorgeous picture he presented. From such a speech, one would ordinarily look for some result, or at least some action; and it seemed strange to me that, upon an examination of the record, I could not find that the gentleman had ever called up the bill he had introduced. It seemed strange to me that, after exhausting so much labor and so much eloquence upon his measure, he should not have asked a vote upon it; but permitted it to lie dead upon the table of the Senate.

In 1850 the gentleman from Missouri introduced his second Pacific railroad bill. He introduced his bill, made another of his oriental speeches, sent his speech to the country, and again let the bill lie dead without moving towards its resurrection. On the 4th of March, 1853, he sent his address to the people of Missouri, extracts from which I have read to you. It is now near the 4th of March, 1855. One session of Congress has expired, and another has nearly passed, and no one here has heard of any corresponding proposition from the gentleman from Missouri.

Instead of finding him, in his official position, urging upon Congress any one of the measures he has proposed, we find him, within the last month or two, making pilgrimages and speeches in the North and East, and in his speeches repudiating the idea of Government aid in the construction of the road to the Pacific. The gentleman has made speeches in the North and East, as he has made speeches in Washington. I would like to ask of the gentleman, does he expect speeches to build the road? But he says he has twenty of the solid men of Boston at his back; that he can build it by private enterprise alone; that he has raised millions—has it, has it in his pocket; has the railroad in his pocket—a ponderous burden for one man to carry, but it seems not even to stoop his back. He will build the railroad himself, alone he will do it; another Hercules, upon his own broad shoulders he will bear the mighty burden. He will have no aid from the Federal Government; all he asks is to be let alone, to be allowed to pass over the public domain, without being sued as a trespasser. It is a matter of sincere and earnest regret with me that I cannot think his capacity at all equal to his sublime ambition.

But, Mr. Chairman, what I most apprehend, what I most fear, is, that the gentleman is still merely talking about a railroad to the Pacific; that he has never heretofore, and that he does not now, mean earnestly to act. I will state my reasons: The gentleman talks about the promises of the solid men of Boston, and solid men elsewhere. Now, if promises were money; if promises were grading, superstructure, or a road, they might amount to something. But I am a little surprised that this gentleman should make promises the premises for so vast a conclusion. I have always understood the gentleman had a special aversion to promises; I have even understood that he would not take a bank note for a dollar; and I never supposed that after having, from his want of faith in promises, won the sobriquet of Old Bullion, he would promise to build a railroad to the Pacific on promises. He has promises of the solid men of the East—promises to do what? To build a road to the Pacific? By no means. They may have *informed* him that, if the country was as beautiful, and as practicable, and the enterprise as productive, as he described, they would favor it, and subscribe stock towards its construction. Information like this has not even the weight of a promise. As yet no company has been organized, no route has been selected, and I do not, and cannot, believe that the gentleman has any faith in suggestions or assurances so vague and indefinite as those of which he speaks must necessarily be. But a short time since he thought the work too great for private enterprise. He thought the road should be constructed, and should be owned by the Government; that it should be an Appian way, a highway for nations, a highway as free as our rivers; and I say again, and I say to the gentleman from Missouri, I have no faith in his promises, and I do not believe he has any faith in them. When the gentleman last appealed to the Federal Government, as the only power adequate to this great enterprise, private railroad enterprises were prosperous. Now, at this moment, when all individual enterprises of this kind are under a cloud, when every railroad capitalist, and every railroad interest, is laboring under the greatest embarrassment, he discovers suddenly, and for the first time, that private individual capital is altogether equal to the undertaking. What, sir, does this change of position and opinion mean? or rather, what has caused this change in the gentleman's tactics? Why is the gentleman from Missouri so much disposed, just at this moment, to play the Hercules? Can it be that his proposition, his pilgrimages, and his discourses, since the commencement of the present session, are aimed at the assembled wisdom of his State, now in council at Jefferson City, rather than at overcoming the plains and mountains that separate us from the Pacific? I can conceive of no other satisfactory solution of his strange and inconsistent course upon the subject under consideration.

On yesterday evening the gentleman from Maryland, [Mr. HAMILTON,] a gentleman of altogether a different school from the gentleman from Missouri, presented to the committee his views in opposition to the pending bill. He frankly avowed his opposition to all grants of land, and to all Government aid, to railroads. He regarded all such acts on the part of the Government as unconstitutional. I shall endeavor briefly to respond to some of the points made by him; and I will say here, that, however lightly I may regard the substance of his argument, I will accord to him the credit of sincerity. The gentleman from Maryland sets out by assuming, that under the provisions of this bill, a road to the Pacific must be a Government road. This assumption he first bases upon the clauses in the bill authorizing the Secretary of War to advertise for proposals, and to contract for the construction of the road. If the Secretary of War is to advertise and contract for the construction of the road, he concludes it must necessarily be a Government road. He does not seem to consider that the correctness of his conclusion could be at all affected by the relation of the Government to the contract, or the interest the Government might have, either in its breach or performance.

I will ask the gentleman: Suppose that when this Congress granted to the State of Illinois land to aid in the construction of the Illinois and Michigan canal, there had been introduced into the grant a stipulation, or condition, providing that the State of Illinois should forfeit the land so granted, or its equivalent, in case she should fail to construct the work within a time fixed. Would such a stipulation have made the work a Government work? Suppose again, that, instead of the State of Illinois, the offer had been made to individuals, or a corporation, and to secure fair competition, the proposal was to be advertised, and competent parties had come in and accepted the proposal, and contracted accordingly, will he contend that such an advertisement and contract would make the work a Government work? By a Government work is meant Government *proprietorship* in a work. Neither the advertisement or contract suggested involves any idea of proprietorship on the part of the Government; it would devolve upon the Government neither the construction, ownership, or control of the work.

So far as this bill is concerned, it is a sufficient answer to all such points to shew that this bill involves only the exercise of certain specific powers by Congress:

First—The power to grant lands, by alternate sections, in aid of a railroad enterprise.

Second—The power to contract for transportation for Government purposes.

Third—The power to stipulate with the grantees and contracting parties, that they will construct a road in a certain time, and in a certain manner, under the penalty of forfeiture of the property and rights secured to them by the bill, and also the further forfeiture of such further security as they agree to give, as an assurance that they will undertake and complete the work in good faith; or, in other words, the power to stipulate for security sufficient to protect the Government and its property from the schemes of irresponsible speculators.

Now, sir, I do not understand the power to contract for transportation to be questioned. I do not understand the power to stipulate conditions of forfeiture to be questioned; but as a portion of the road may be forfeited to the Government, the gentleman from Maryland thinks that the portion so forfeited would become a Government road, and, therefore, an *unconstitutional road*. He does not insist that it will be necessarily an *unconstitutional road;* for if, after forfeiture, it should be run and used for Government and public purposes alone, then it would be a constitutional road; but if, after forfeiture, it should be run and used for private and commercial purposes, then it would be an unconstitutional road. I have heard of unconstitutional laws, but never of unconstitutional roads before. But if the gentleman means thus to test the constitutionality of the bill now pending, I confess it is a test the strangest that I have met with in my experience. He asserts that the constitutionality of an exertion of power by this Congress, is to be determined by what may be the policy or legislation of the Government years to come; that the constitutionality of the pending bill is to be determined by the uses to which the road shall be put after it may have become forfeited to the Government.

Mr. HAMILTON, (interrupting.) The gentleman misinterprets my remarks. I said its constitutionality depended upon its object. If it were to be used as a necessary and proper instrument, to execute an enumerated power in the Constitution, then it would be constitutional, otherwise not.

Mr. McDOUGALL. The gentleman said, if, in case of forfeiture, it was to be used for Government purposes, he could see no objection to the bill; but if it was to be used for private purposes it was altogether unconstitutional. Now, sir, the *object* contemplated in case of the forfeiture of this road, is no object at all. No such thing as a forfeiture is contemplated. Forfeiture is not an object of this bill, neither is any contingency dependent upon such forfeiture an object in the legislation now proposed. If, by accident or

otherwise, the road, or any portion of it, should be forfeited to the Government, it will be for the gentleman from Maryland himself, if then a member of this body, and such others as may then have the control of Federal legislation, to say what constitutional use or disposition shall be made of the forfeiture.

But the gentleman from Maryland insists further, that the bill is unconstitutional because it provides for a grant of lands. Now, I wish to ask the gentleman—and I want his answer—does he think the Government possesses the power to grant a right of way, of a mile in width, through the public lands?

Mr. HAMILTON. I think the Government has the right to grant the right of way; but a grant of lands is another thing.

Mr. McDOUGALL. Government, then, has the power to grant the right of way for a mile, but no power to grant lands for one mile or ten miles.

Upon what clause in the Constitution does the gentleman found his distinction? Where does he find the power to grant the right of way over land, or, in other words, the power to grant the use of land, without the power to convey the title? There is no distinction of this kind. The power either exists, or it does not exist in the Federal Government. If it exists to the smallest extent, it exists because there is full power over the subject. Now, sir, under what clause does the gentleman find the power to grant the right of way? I suppose it is under what he calls the eighth section, the power to provide for the common defense and general welfare; he would not undertake to locate it more definitely. But, sir, we appeal to no doubtful or questionable provision of the Constitution, when we claim that Congress possesses the power to grant the public lands; we do not appeal to the eighth section, nor to the military power, nor to the naval power, nor to the power to make post roads, but we find the power and right given in the express letter of the Constitution:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting, the Territory or other property belonging to the United States."

What power more perfect than this could have been given over the public domain? The term *to dispose*, is one known to the law, and the power to dispose conveys the unlimited right of disposition. The legal and the popular signification of the term is the same, and it is by *construction* or *interpolation* alone that it can be limited. The gentleman says that *to dispose* means *to sell*. Sell for what? Sell for one dollar and twenty-five cents per acre? Why not for five dollars, or for five cents? or rather, why not carry out the idea, and make the proposition complete, and say that the only constitutional way to dispose of the public domain is to sell it, as at sheriff's sale, to the highest bidder, for cash in hand? But the suggestion is, that Congress is a mere trustee of the public domain, with certain limitations on its trust. I would like to see the limitation in the Constitution, and then I would like to know what supervising court of equity Congress should appeal to, so as to be able prudently to manage the estate for the advantage of the beneficiaries.

The fact is, sir, the gentleman from Maryland, instead of standing by the Constitution, is a most extravagant latitudinarian. He is more of a latitudinarian than any one ever accused Mr. Webster of being. Mr. Webster only claimed the right to expound the Constitution. The gentleman from Maryland undertakes to interpolate into the Constitution. The power given by the Constitution is too large, therefore he takes the liberty of interpolating a proviso. He finds the power given to dispose; he interpolates so as to make it read, the power to dispose of by sale, at $1 25 per acre. I think, as I said before, that, to make his idea perfect, he should interpolate so that it should read, the power to dispose of by sale at public auction to the highest bidder for cash in hand.

Mr. HAMILTON. The gentleman misunderstands me. I do not question the right of the Congress of the United States to dispose of the public domain, but the object for which it is to be disposed of. If the object is constitutional, then there is no question as to the right.

Mr. McDOUGALL. I did not so understand the gentleman. I understand him now to admit that the power exists generally, but that it may be qualified by the object for which the power is exercised. Now, sir, power is one thing, and the object of its exercise is another. If it is admitted that the power exists, there will have to be a new school of constitutional law established before it can be maintained that the exercise of that power can be constitutionally qualified by the object proposed.

But the burden of the gentleman's objection is, that this bill proposes the construction of a Government road. I have said enough upon this point, but I must say I have been surprised by this objection. It was the most distinct purpose of the framers of this bill that it should not be a Government work. Apart from all questions of a political character, they knew that it would take the Government twice as long, and would cost the Government twice as much, to build the road as if it was undertaken and managed by private and personal interests. We all know something about Government works; and we all know that, in all business of this kind, she is both slow and wasteful. I wish the road to be a thing of the present generation; and for this, if for no other reason, I prefer that it shall be a matter of individual enterprise, to which the Government contributes nothing without an equivalent consideration, and with which the Government has nothing more to do than, by the force of its great arm, to give it life and motion.

The amount of the lands granted is another objection of the gentleman. He says it will amount to a grant of twenty-seven million of acres. The gentleman's estimate is an exaggerated one; but let me remind the committee that a thousand miles of this road lies in the remote country of the interior, and passes over rugged mountains and extensive deserts. Nearly all the lands proposed to be granted, except those in the State of California, are at present almost inaccessible and totally valueless. This bill proposes to open that vast and now inaccessible country—to run through it a road, which, like a great river, will give to it communication, commerce, and wealth—a road which will not only make the territory immediately along its line valuable, but which will open up to settlement and civilization territory equal to a dozen States. If the lands granted, now valueless, are made valuable, the lands, also, of the Government are made valuable. The lands of the Government will derive from this communication all their value. If, under the provisions of this bill, the road is constructed, the Government must necessarily derive immense pecuniary advantages.

There is no danger, under the provisions of this bill, of establishing a vast landed monopoly; the bill is properly guarded, and the grantees must sell within a specified time, or forfeit the remaining lands to the Government.

The gentleman from Maryland is alarmed at the idea of organizing a vast and overshadowing monopoly; an interest which will hereafter come into these Halls and demand legislation upon its own terms; an interest which will control States and influence the nation; an interest more powerful than the old Bank of the United States, and more dangerous.

The cost of this road would be about seventy-five millions. There is now six hundred million of railroad capital in the United States, and I have never heard that this capital in any way threatened our political institutions. Several States have splendid systems of internal improvements; I never understood that they were regarded as mischievous. Illinois has now roads equal to a line from Missouri to California, and I take it she is not worse off now than she was ten years ago without them. I take it that neither Indiana, or Ohio, or Pennsylvania, or New York, or Massachusetts apprehend political disorganization from their great railroad enterprises. I take it Maryland is in no danger from her expensive works and large railroad companies; and to this whole country, the magnitude of a Pacific railroad is trifling compared to what the enterprises of Maryland are to that State. This apprehension is a mere creature of the gentleman's imagination. There are, perhaps, a thousand owners of the Baltimore and Ohio railroad, and they are all looking eagerly for their cent per cent. For this road there will be a hundred thousand owners, also looking for their cent per cent. They may try to get good mail contracts and high prices for transportation from the Government; so do all other companies. What beyond this the parties interested in this road can have to do with the Government, I do not understand. It will be no organization like the Bank of the United States. The Government has neither stock nor direction in the work, cannot control or affect either its profits or its losses; and while the Government has no control over the work, the parties interested in the work have no more to do with the Government than any bank in Wall street.

I do not expect, however, that this road is to be built by any one company. The people on the Pacific expect to construct and own a portion of it, and a large portion of it. No fears are entertained there about the practicability of the road. No one there is alarmed at its magnitude. The people of the Pacific have learned to look obstacles in the face, and have learned to conquer them. The people of the State of California, within the last three years, with no other capital than labor, have made more than a hundred miles of tunnels through the bowels of their mountains, with railroads their entire length; and they have carried along their mountain ridges more than five hundred miles of canal. And I say here, make this bill a law, let me take it with me to the State of California, and, within thirty days after my arrival at San Francisco, the people of California will have organized, and provided the substantial capital to build a road from the bay of San Francisco, across their mountains, to the boundary of their State. And let me say further—and what I say is no idle boast—pass this bill, and, if the enterprise, capital, and spirit of the East is not equal to the task of meeting the energy and enterprise of California on the way, the people of that State are equal to building, will undertake to build, and will build and own the road themselves.

I do not, however, apprehend the happening of any such contingency. The railroad capitalists of the Mississippi and Atlantic States, with their six hundred million of railroad interests, themselves among the most intelligent and enterprising men of this or any country, although under a present cloud, and suffering from a general panic, will be ready for action quite as soon as, under the provisions of this bill, the work can be entered upon. The people of the Atlantic, and the Mississippi, and the Pacific, will unite in the accomplishment of this great work; and so far from their union and success working mischief to the Republic, the beneficent results of their enterprise and labor, will be both felt and recognized throughout this Republic, and throughout the world for ages.

Mr. Chairman, it is time some action was had upon this subject. The popular voice of the whole country has called for action upon it. The necessities of the Pacific coast demand action upon it. The road is wanted for safety; it is wanted for economy; it is wanted for expedition; it is wanted for union; it is wanted so that this Federal Government, in its offices, and in its protecting power, may exist on the shores of the Pacific. I say the road is wanted, and I say further, that want is a necessity; and I say further still, that that necessity demands legislation—demands legislation here. We have devoted time enough to the consideration of this question, and I now repeat what I took occasion to state at the opening of this discussion during the last session; I am not the champion of any particular plan, or of any particular route; I want a road; and if any better legislation can be suggested than is provided by this bill, I am ready to adopt it. I am willing to go further, and the committee with which I am associated are willing to go further: we are willing to adopt another specific measure—the measure brought forward at this session by the committee of the Senate.

It will be remembered that about the same time the special committee was appointed by the House, a special committee was also appointed by the Senate upon the same subject. It was my own wish, and it was the wish of the House committee, to secure concurrent and uniform action on the part of the two committees. This was found impracticable during the last session. Since, however, the commencement of the present session, the

Senate committee have agreed upon a measure with which, I am authorized to say, the House committee can concur.

The Senate bill is the same in principle, and the same in its machinery, with the bill now before the House. The present House bill was the basis of the present Senate bill, and I will now proceed briefly to point out the particular modifications.

First. The Senate bill provides for three roads instead of two; one to commence on the western border of Texas, and running to the navigable waters of the Pacific, in the State of California. One to commence on the western border either of Missouri or Iowa, and running to the city of San Francisco; and one to commence on the western border of Wisconsin, and running to the navigable waters of the Pacific, in Oregon or Washington Territory.

Second. Instead of making the grant of lands contained in the House bill, but twelve miles in alternate sections are to be granted, so that the amount of lands to be granted under the terms of the Senate bill for the three roads, will not be more than the amount of grant provided in the House bill for two roads.

Third. The maximum fixed in the House bill for transportation was $600 per mile per annum. The Senate bill provides a maximum of $300 per mile per annum for mail transportation, and for all other transportation, not more than the Government now pays for the same service. Now, sir, the Government is at this time paying as high as $375 per mile per annum for first-class mail service. The Government is at this time paying for a semi-monthly mail by the Isthmus of Panama more than it would cost for a daily mail under the provisions of this bill. So far as military and naval transportation is concerned, it is a very palpable fact that, until we have a railroad across the continent to our possessions on the Pacific, the cost of such transportation must every year increase. If the cost of Government transportation this year is two millions, next year it will be two millions and a half. The year after, it will, perhaps, be three millions. So that this provision is an economical one to the Government. And now, sir, let me ask, if the grant of lands is a matter of economy, as well as of policy, as I have shown; if the transportation contract is a matter of economy, how do the very economical members of this committee justify themselves in voting against the bill?

There is a further important change made by the Senate bill. The military features of the House bill have been stricken out. The gentleman from New York [Mr. PERKINS] need not be further alarmed at the danger and expense of a standing army to protect the road. Now, as to the feature of the House bill providing military protection along the line of road, I wish to state that, along the great emigrant routes to the Pacific, we are entitled to, we have the absolute right to, protection—complete, ample protection. It is the absolute right of the people on the Pacific to have a good and a safe route to the Atlantic sea-board, and to the center of Federal power. A force sufficient to protect those routes is all the standing army required by the provisions of the bill presented to the House. The force that would protect the lines of emigration, would protect the railroad lines. Every gentleman upon this floor knows that there is now no sufficient protection given to those lines, and I would like to understand why it is that honorable gentlemen think it necessary to insist that one hundred thousand of their fellow-citizens should pass and repass every year between the Atlantic and Pacific at peril of their lives? I would like to understand why it is that they prefer that whole companies of men, and women, and children, every year should be butchered and scalped by savages, rather than furnish to them the protection guarantied by the Federal Constitution. Sir, is this Government so unnaturally overgrown, that it cannot maintain vitality in all its parts, that it cannot perform the functions of its office, that it cannot extend protection to its citizens within its own Territories? If it be so, I wish to be advised of the fact. I wish the people of the Pacific to be advised of the fact. If it be that the Federal Government cannot, or will not, protect them, I wish them to be advised, so, that they may make proper provisions to protect themselves. But, sir, it is unnecessary for me to discuss this feature of the House bill; I acquiesce in the action of the committee of the Senate, and abandon the provision for military protection. I want the road, protection or no protection.

I am not disposed to question the proper disposition of this committee; but before the brief time remaining to me expires, I wish here, in my place, to suggest to gentlemen that this is no mere question of a day. It is, and will continue to be, a present question in this Hall, and throughout this country, until the great work is done. Its accomplishment may involve years of effort, may involve years of expectancy; but there will come years of fruition, years that, while they mark the march of this Republic to an unexampled greatness, will also mark the history and destiny both of the men and the parties who have now the control of our national legislation.

There can be no good or just cause why honorable gentlemen should doubt or hesitate about giving their support to this measure. It is a measure altogether constitutional. It is a measure of economy. It is a necessary measure, necessary to the Government, necessary to the people, necessary in the eye of the country, necessary in the eye of the world. Does any gentleman hesitate because of the magnitude of the undertaking? Let me say the magnitude of the undertaking bears no relation to the importance and magnitude of its results. The importance and magnitude of its results, its relation to the destiny of our nation, and its relation to the world's destiny, are considerations which, in their vast extent, neither human reason or imagination can fully grasp. We know that it would bind together our people and nation from east to west; that it would make and maintain us as one people and one nation; that it would secure to us the command of either ocean; that it would give us commercial ascendency throughout the world; that it would soon constitute us the first in prosperity and power among the nations of the earth; but in addition to these, to wake up the home of the ancient races; to wake up Asia from her slumber of ages; to wake up the millions of the hoary East to the light, and power, and progress of modern Christian civilization; and, while awakening Asia, to break the bonds of Europe; to break them not by the power of arms, not at the cannon's mouth, but through the means and appliances of peaceful commerce; to accomplish results like these is worth ambition, is worth not merely any man's ambition, but is worth the ambition of a great nation.

Since the world was young, since order was first brought out of chaos, no enterprise has been projected, certainly none has been accomplished, that rises into a dignity at all to be compared to this. Its accomplishment would be an answer to the invocation, and would realize the prophecy:

> "Deep dig thy fibres round the ribs of earth!
> From sea to sea, from South to icy North:
> It must ere long be thine, through good or ill,
> To stretch thy sinewy boughs. Go, wondrous child!
> The glories of thy destiny fulfill."

These are the words not only of a poet, but of a philosopher, an English philosopher, addressed to this Republic. I say, sir, let us go forward, and at least endeavor to fulfill our destiny.

THE NATURALIZATION LAWS AND KNOW-NOTHINGISM.

SPEECH OF HON. SAM. A. SMITH,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 6, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. SMITH, of Tennessee, said:

Mr. CHAIRMAN: It had not been my intention to address the House at length upon any subject during the present session; but the introduction of a bill by one of my colleagues [Mr. TAYLOR] to alter the naturalization laws, has induced me to change that determination, and claim the indulgence of the committee, while I submit my views on this important subject. This I shall do very briefly, as I wish to speak also of the causes which have led to this proposition.

This is a legitimate subject for discussion, and if there exists any defect in the present law, it ought to be amended. Before a foreigner can become a citizen of this country, under the laws of Congress, he must prove in open court—

1. A residence of five years in the United States.
2. A residence of one year in the State or Territory where application is made.
3. A good moral character.
4. Attachment to our Government, its Constitution, and laws.

And, in addition to this, the applicant must take an oath of abjuration of allegiance to all foreign Powers whatsoever, and particularly that Prince or Potentate of which he was last a subject, and the oath of allegiance and fidelity to our Government.

If these laws are not properly enforced, it is not the fault of the Legislature, and new statutes would not likely engage more attention from the judiciary than the old. If the law, as it now stands, be executed, no foreigner but a person of good character can ever become a citizen of the United States.

It is said, however, that the object of the mover of this new law is to prevent the immigration of foreign paupers, convicts, and felons into this country; and the importation of these classes from foreign countries is the evil now complained of. If such characters are imported into this country it is an evil, and it is our duty to remedy it. But how are we to do it? Will the repeal of the naturalization laws have that effect? Certainly not. On the contrary, it would accomplish directly the reverse of what the advocates of repeal claim as its real object. The classes of foreigners sought to be excluded care nothing for political rights. They do not aspire to the dignity of citizenship, and make no inquiry into the political laws of the country to which they flee. But it is different with those who come here, not as fugitives from justice, but to better their condition in life, and to enjoy the privileges of our free institutions.

I shall now enter into a discussion of the power of Congress to determine the qualification of voters in the States. I do not believe we have any such power under the Constitution; and were we to pass a law extending the time necessary for naturalization to twenty-one years, it would not affect the number of votes cast by foreigners at any of our elections. The right to vote, and the right to hold property, are only incidents of citizenship, and may be conferred by the Legislatures of the States upon whomsoever they may see proper, whether foreign or native born. Before a legislator seeks to amend a statute in reference to any subject, he ought to understand what the old law is, the evil, if any, that grows out of it, and the proper remedy to correct that evil. My colleague seems to have studied neither, but seeks to base the legislation of Congress upon a popular prejudice, and to carry into the statute-book a condemnation of a religious creed. This is in direct conflict with the spirit of the Constitution of the United States; and such legislation is inconsistent with the character of the American Congress.

I am willing to vote for a law, I care not how stringent its provisions may be, to exclude paupers, convicts, and felons, from our shores. But while I am in favor of such a law, I cannot give my sanction to one which will exclude men of reputation and character from our land.

But, Mr. Chairman, I cannot believe that the object of this movement to repeal or modify is brought forward for the honest purpose of improving the naturalization laws of the country. It has another object in view—another purpose to accomplish. It seeks to engender prejudice, strife, and contention between the native and adopted citizens, in order to aid, encourage, and strengthen the new party which has sprung into existence, very appropriately called

KNOW-NOTHINGISM.

This ubiquitous organization appears to be shrouded in as much darkness as the forms and ceremonies of the ancient Eleusinian mysteries: but—

> "Be thou a spirit of health or goblin damn'd;
> * * * * * * *
> Be thy intents wicked, or charitable,
> Thou com'st in such a questionable shape,
> That I will speak to thee."

And in speaking to or of this new party, I shall discuss it in the following order:

1. Its origin and constituent elements.
2. Its mode of action.
3. Its objects and assumed principles.
4. Its fruits and ultimate consequences.

This, sir, presents a large field for discussion, and I cannot hope to do justice to the subject in the brief time allowed me for its consideration. I do not treat this organization lightly. Its secrecy gives it efficiency in action, and arms it with power to do good or evil. It has had but a brief existence, and has already startled the timid by its wonderful success. Time-serving politicians, demagogues, and disappointed office seekers, see in it a means of elevation to place in the public councils, and corrupt men find in it a shield to cover their demerit through the secrecy of its operations. Many "good men and true" have also joined the new order under the belief that it is an honest opposition to Catholics and foreigners, and shrewd politicians look to it as a means of ingrafting upon the Government their favorite schemes of political economy. A careful inquiry, however, into its origin, elements, objects, principles, and results, will, in my judgment, dispel its magical power, and disclose to an astonished people its dark designs and dangerous tendencies.

ITS ORIGIN AND CONSTITUENT ELEMENTS.

The origin of this new party is, to some extent, shrouded in mystery. It is said to have been started in the city of New York, by a single individual on account of his prejudice against a Catholic foreigner. It made but little progress during the first and second years of its existence. Its originator, however, persevered in his undertaking, and gathered into the fold of the new organization the malcontents of the existing political parties. Those who had not the merit to engage the favor of the people upon any published political creed were early induced to join it, in the hope of either acquiring place or wreaking their vengeance on those whom the people had honored with their confidence. Many, too, were led into the order out of curiosity and a desire to know the principles and ceremonies of a secret political society. By these means it gradually gained strength, and ultimately was enabled to carry a municipal election in one of the northern cities. This was not so much attributable to its numerical strength as to its secret concentration upon an individual who was not known to be a candidate for office. The attention of the country was then, for the first time, attracted to the new party. It continued to develop itself, carrying most of the municipal elections in the northern cities, without, however, making itself visible until the election was over, and it was forced to make its appearance to claim the spoils of victory, and to force obedience to its commands. We all remember the exciting election that came off in this city in June last, which resulted in the defeat of one of the best executive officers ever known to the city of Washington. This gave such encouragement to the new order, that it soon became the asylum for all the political malcontents in the country; and, with this additional strength, was soon after enabled to carry the city of Philadelphia—electing its mayor and most of the members of council in "the city of Brotherly Love." Up to this time, Mr. Chairman, both political parties in the South had stood aloof from the new organization. The Democratic party took bold ground against it, and denounced it as fraught with evil to the country. The Whig party contented itself simply by "holding its peace," and awaiting such developments as would indicate the strength of the new party, that they might determine whether to join it or not.

What, sir, was the condition of the two great political parties of the country at this time?

In the presidential election of 1852 the Democrats had carried twenty-seven of the thirty-one States of the Union, had elected their President, and had a large majority in both branches of Congress. The Whig party, on the other had, was not only defeated by an unprecedented majority, but was denationalized by a division of its members, North and South, on the question of slavery. The northern wing of that party had become thoroughly abolitionized, and it became necessary for the politicians of the South to cut loose from their northern allies to prevent the people there from abandoning them.

This destroyed their last hope of a future national triumph under their then organization, and disclosed to them the necessity of some species of transubstantiation to enable them to keep together the destroying elements of their party, North and South, to enable them again to get possession of the offices and emoluments of the Government. The Whig party, therefore, looked to the success of this new organization as a political God-send to their hopes and wishes and fallen fortunes. And no sooner had its triumphant success been heralded by the telegraph and press to the four corners of the Union, than they rushed to it as did the petty Kings of India to the standard of Alexander the Great in his march from the Indus to the Hydaspes.

That party now gives to it its principal element of strength; and when we consider that the new order is composed of Whigs, Abolitionists, religious fanatics, and political malcontents, it will readily be perceived that elements so incongruous in themselves, and so fatal to the public weal, cannot be held together without extraordinary and unnatural obligations, of which I shall now speak under the head of

ITS MODE OF ACTION.

This, Mr. Chairman, presents one of the most serious objections to this novel organization, and must ultimately lead to the most serious consequences and flagrant abuses. In this model Republic, where public sentiment controls not only the destiny of *men*, but the destiny of the nation, there is something revolting in the idea of *secrecy* in the action, conduct, or principles of any political organization.

The only means by which the people can arrive at a correct knowledge of the principles, policy, and merits of him who seeks public favor and a position in the councils of State, is by public discussion. And he who dares withhold from the electors his opinions on the political topics of the day is apt to be signally rebuked by the sovereign people when they come to exercise the high privilege of choosing their public servants. This new order, however, attempts to establish a new precedent in political conduct. Instead of seeking to win the people by an appeal to the correctness and justice of its creed, it seduces them into a midnight council, and, ere the astonished initiant has time to recover from his amazement at what he sees and hears around him, is induced to take a most horrid oath, which binds him *to support any candidate for political office who shall be nominated by the order to which he belongs.* This, sir, is no exaggeration of the oath taken by the members of this new party; and although we have it not in any authentic shape from the order itself, yet it comes to us in such reliable form that, I apprehend, it will not be denied. I have before me the True American of the 23d December last, whose editor was one of the first to advocate the new organization, and who attached himself to THE ORDER at an early day. In combating the tyranny of the grand council of the State of New York, he uses the following language:

"Now, mark, we are not bound to vote for *a* candidate of the grand council's nomination, but for *any* member of THE ORDER, come from any source his nomination may."

This, sir, is equivalent to abolishing all the high privileges of the elective franchise, which has been properly denominated the "bulwark of American liberty." It takes from the elector the privilege of choosing for whom he shall vote. It ties his hands, and his conscience must submit. His vote is the commodity of a secret council, or the edict of a secret society, and he dare not question the propriety of its dispensation. As immaculate as this new party claims to be, it is not without its difficulties and dissensions; and these have led to disclosures which exhibit its tyranny and unfold its dark designs, to the annoyance of its votaries and the astonishment of a curious world. The astonishing developments made in this new order, after the late election in the great State of New York—that seat of political wonders, which is said to have given birth to the new party—shows that it exercises a censorship which would have damned the secret council of Venice, and practices a despotism worthy only of a secret police of Austrian spies. In that election the Know-Nothing candidate was unsuccessful; and as soon as it was ascertained that some of the *order* had voted contrary to the directions of their masters, the grand council immediately assembled, and passed the following resolution:

"*Resolved*, That the respective councils under the jurisdiction of this grand council, by their proper officers, are hereby instructed and required to withhold the term pass from, and forthwith expel from the council, all brothers who did not, as aforesaid, fully support the nominations in the last preceding resolution referred to, and who refused to answer as hereafter required, or who shall not offer an excuse satisfactory to the council for such non-support, and, that for that purpose, said officers are fully empowered to demand and require of each member of his or their council that he or they do declare with uplifted hand, in open council, for whom he or they voted at the great November election, and excuse, if any they have to offer, for such non support as aforesaid."

This decree of the grand council met the determined opposition of some of the subordinate councils and independent members of the order, and caused the editor of the True American, a member of the new party, to exclaim as follows:

"Are Americans, sons of freemen, to be driven to the polls like a herd of cattle, there to deposit ballots for hypocrites, knaves, or scoundrels, to them known to be such—men they individually deride and despise—under the pain of imperial displeasure?

"We, who oppose Romanism upon the ground of absolutism, in political matters, and contemn foreignism for its sectional intolerance, are probably among the last to succumb to an imperialism which exceeds the broadest despotism of Russia or Austria. And still, in the name of liberty, of Christian freedom, of regeneration from slavery, we are commanded either to lick the feet of our would-be-masters, or to withdraw from companionship with our brethren. 'Oh, liberty, what crimes are committed in thy name!'"

The dissatisfaction did not stop here, but, as before remarked, entered the subordinate councils. And at a meeting of the order in Brooklyn, the following preamble and resolution were unanimously adopted:

"And whereas the said grand council, at their recent session, adopted a resolution originally suggested by H. A. T. Granbury, requiring the members of this order, under certain pains and penalties, to *confess*, under oath, how they voted at the recent election, in palpable violation of the rights and privileges secured to, and so highly prized by, every true American: Therefore,

"*Resolved*, That we repudiate and condemn the aforementioned action of the grand council as *anti-American, anti-Republican*, and the most *unwarrantable, abominable* and *dangerous assumption* of *despotic power* ever attempted in this Republic; in its *confessional, penance*, and threats of *excommunication*, only equaled by the holy *inquisition* of *Spain*, and only worthy of imitation by the *grand council of cardinals* at *Rome*."

These proceedings, Mr. Chairman, are a key to unlock the motives and designs of this new party, and to disclose the reason for the necessity of secrecy in its operations. *It distrusts the people*, and has no confidence in their capacity for self-government. It is conscious of the fallacy of its own political creed, and hence requires an *oath* to support it. If they have confidence in the patriotism of the people, and their capacity for self-government, why not go before them, in open day, and unfurl their banner, with their principles inscribed upon it, and rely upon the justness of their cause for their triumphant success? This want of confidence in the people has existed in the minds of those in favor of strong, consolidated Governments, since the foundation of the world; and oaths have been resorted to to bind men to constancy in that which, upon reflection, they know to be wrong. Such was the case in ancient Athens, when thirty of its most virtuous citizens were banished the city. The authorities, conscious of the infamy of their conduct, and satisfied that, upon sober reflection, the people would repent, and reverse the decree, required them to take an oath never to mention even the return of the banished patriots. This is the only precedent I am aware of for Know-Nothingism in the United States. This new party, it is true, has not the power of corporal punishment, as had the suffetes of the city of Athens. But it is equally inexorable in its decrees, and commands absolute subserviency in all its subjects, at the peril of excommunication. Such principles, such conduct, may have been excusable in the days of Paganism, but is unbecoming the freest people on earth, in this age of progress, where the public will is the public law of the land.

ITS OBJECTS AND ASSUMED PRINCIPLES.

I agree with my eloquent friend from South Carolina [Mr. KEITT] that there exist but two *essential* parties in this country; and whatever

names they may from time to time assume, their elementary principles remain the same—the one contending for a strict, the other a free construction of the Constitution; the one advocating State rights, the other consolidation. And these parties have existed ever since the foundation of the Government. The Democratic party has always existed under the same name, and its elementary principles have undergone no changes. The opposition party has had almost as many names as Proteus had shapes; and, having exhausted the catalogue, now assume one unknown, hidden secret, discoverable only by "signs and wonders." It first existed under the name of the "Federal party;" and, under the lead of a Hamilton and an Adams, exercised an influence and commanded a respect which has not descended to its degenerate offspring, under any of the various titles which it has since assumed. This is not the first time the opposition has changed its name. Whenever defeated under one name, chamelion-like, it assumes another. In one canvass it appears under the name of "Federalist," and in another under the cognomen of "National Republicans." Again it appears as "Native Americans," and then under the seductive name of "Whig." Failing, however, to attain permanent success, under any of these various titles, it now assumes an appellation unknown to those outside *the order*, as if the very mention of its title would subject it to the condemnation of the people.

But, Mr. Chairman, whatever name the new party may assume, it has one leading object in view, and that is the acquisition of power and the possession of the offices, the honors, and the emoluments of the Government. It has its eye steadily fixed upon the Treasury, and, in its political warfare, regards the end as justifying the means. It seeks to overthrow the Democratic party, and, this done, to entail upon the country a system of measures which has been repeatedly and signally condemned by the American people. This new party finds the loose avenues to the Treasury closed against them. The army of supernumerary officers have been "banished the realm;" the legion of secret inspectors of the customs have been stricken from the "Blue Book;" and the very fountains of the public service have been cleansed of the impurities and corruptions which pervaded every department of the Government during the late Administration. Such conduct in the management of the Government does not suit those who make politics a profession, and seek public place only for its pecuniary profit. Such an Administration must meet the unscrupulous opposition of the tribe of Galphins and Gardiners, and all those who seek a living by peculation upon the public Treasury. Hence the object of the new party to break down a Democratic Administration, and to destroy the Democratic party.

But it is said by the members of the new order, that both the old political parties have become essentially corrupt, and their object is to build up a new one on the ruins of the old. And here I would ask, of what material is the new party to be constructed? Heretofore the only prominent organization that claimed an existence outside the Whig and Democratic parties, was the Abolition party. And this, I grant, that the new order has almost entirely absorbed. I deny, however, that the masses of either of the parties are corrupt. So far as the charge may be applicable to those who make it, I will admit it is true; but such self-stultification, such acknowledgment of one's own corruption, and that of those with whom he has been long associated, will meet with the signal rebuke and summary condemnation which it so justly merits at the hands of the people.

Another reason is given by the gentleman from Maryland, [Mr. SOLLERS,] the eloquent champion of *the order* on this floor, for the formation of the new party. In his speech a few weeks since, he says:

"Look at the two old parties. Nearly every question that originally divided them has been swept away. The question of the establishment of a Bank of the United States has been long since settled, never, I believe, to be revived. The question of the tariff has been adjusted, or at least its principles so well settled, that no one dreams of ever again making it a party question. The question of how the public lands shall be disposed of, has ceased to be a party question; for, although not yet adjusted, the conflicting views entertained by individuals attached to both the old parties, has taken it from the arena of party conflict, and so of every other question that formerly divided the Democratic and Whig parties."

Yes, sir, the question of a United States Bank has been settled, and the opposition are deprived of this lever to move public sentiment in their favor. The question of the tariff is also settled, and they no longer derive any advantage from the captivating cry of "protection to the home industry of the country." To these may be added the question of the Independent Treasury, which, in 1840 and 1844, furnished my friend from Maryland such a fruitful theme for discussion in delineating its character, and deducing its origin from the financial systems of European despotisms.

But how, I ask, have these questions been disposed of. Certainly not to suit the views of those who control the destiny of the new party. They have been settled upon the original principles of the Democratic party. In the settlement of these questions we had to meet the most determined opposition of those who now compose this new order. Many difficulties had to be encountered, and many obstacles overcome by the Democratic party in the settlement of these great questions of national policy; and the acknowledgment by the opposition that they have been settled in such manner as to give satisfaction to the country, is the highest tribute to the wisdom and patriotism of that party under whose auspices these important results have been accomplished. And now, sir, if *Democrats* desire to overthrow this system of policy inaugurated by themselves, and which has not only given satisfaction to the whole country, but has extorted from its opponents the acknowledgment of its wisdom, its justice, and adaptation to the wants of the republic, let them join this new organization in sufficient numbers to give it a national triumph. It will then declare its real objects; it will sweep from the statute-book those salutary laws under which the country now prospers, and enact in their stead that odious system of measures which disgraced the Whig party in 1841.

Such being the objects of the new party, I will now turn my attention to its avowed principles. These consist in the repeal or modification of the naturalization laws, and the proscription of the Catholic religion. Of the first of these assumed principles I have already spoken, and must now content myself with submitting my views on the divine pretensions of this modern inquisition. I do not come as the advocate of the Catholic religion, or the apologist of the Catholic faith; believing as I always have in the religious doctrines of my ancestors, I, at an early day, imbibed a prejudice against the tenets of the Catholic Church, and these early impressions have never been removed. I dissent from its doctrines, discard its heresies, and *denounce* its persecution. In religion, I oppose Catholics, as in politics I do Whigs; believing the masses of both to be honest in their motives, and sincere in their intentions, but wrong in their doctrines.

I am a Protestant because I believe its teachings to be the teachings of the Bible, and its religion the religion of our Saviour. But while I am strong in my own faith, I scorn to proscribe others who differ from me in religious sentiment. I do not seek to dive down into the hearts of men to ferret out their religious dogmas, but would secure to every denomination their constitutional "right to worship God according to the dictates of their own conscience." Who does not deplore the melancholy spectacle now presented by the church in this free and happy country on account of the political aspirations of large numbers of the clergy. Political discussions have entered their annual and general conferences, and sectional controversies have usurped the time devoted by the fathers of the church to the exposition of the Word of God.

Already have we seen its baneful influence on the most powerful branch of the Protestant Church in America. Divided by its sectional strife, and torn asunder by the ambition of a portion of its clergy, not being able to live together in "peace and harmony," it has sought contentment in a dissolution of its union, and a division of its ecclesiastical government. Other denominations are said to be following in the same wake; and ere the close of the new volume, now opened to record the history of religious persecution and intolerance in America, may we not well fear that the church will be stripped of its holy panoply, and be clothed in the tattered rags of religious fanaticism. Its moral influence destroyed by its own internal dissensions, its ancient glories must be laid low in the dust. The majestic pillars which support the sacred edifice must crumble and fall,

"And one prodigious ruin swallow all."

Sir, I reverence the American clergy; and what I say of them in reference to their political conduct is intended to apply only to those who, in disregard of their holy calling, seek to usurp the place of the politician, and control, by their clerical influence, the legislation of the country. Such a course on their part can only lead to disputes and contentions between the different denominations of Christians, and cause a sinful world to distrust the sincerity of every branch of the church of God.

But we are told that one of the purposes of the movers of this new order of things is to counteract the secret and mischievous designs of Romanism! If the Republic were imperiled, as they claim that it is, is theirs the way or theirs the means to ward off the evil? The founders of the Confederacy foresaw the danger that in after times might menace its stability, and, as they hoped, securely shielded it from the treasonable designs of all internal foes. It is now discovered that our forefathers were not the seers our admiration has credited them to be; that the so much talked of "charter of our liberties" is but ink and parchment; and the supposed impregnable barrier it offers against the ambitious designs of all religious "dominions and powers," but a flimsy paper wall. Roman Catholicism, after having lost its power over the poor, ignorant masses of Europe, the *savans* of these conclaves now discover in the act of raising itself into the first places of this, the first and most enlightened, the purest and freest nation upon the globe.

And how do they propose to avert the monstrous evil they pretend to see lurking about the body politic? A union of Church and State, directly or indirectly, would be a consummation so damning that we cannot with calmness contemplate even its remote possibility. Romanism is openly charged with such a design. And how do their accusers propose to save the country from the danger they pretend to have discovered? Their plan has, at least, the merit of originality. Their proposition is first to proscribe all who profess the Catholic religion; then disfranchise all who happen to be born in a foreign land; and then, by way of a brilliant *finale*, to take the Government under their own fostering care.

And who are these saviors of the Republic? Who are these, in clerical robes, who summon Israel, not to her tents, but into midnight conclaves—into companionship with all the ungodly isms of the times? Are they not the "three thousand preachers" of the North, who, hardly a twelvemonth ago, appeared at the bar of the Congress of the United States, and attempted to intimidate the Representatives of the American people by protesting, in the name of Almighty God, against the passage of the Nebraska bill, and claiming, by virtue of their high calling, to control the legislation of the country? In the darkest days of ignorance and religious superstition the world has ever known, Popery has never claimed greater power; and now, with unblushing effrontery, these men speak with horror of the *temporal power* claimed by the *Pope*, and call upon us to aid them in exterminating the Catholic religion from our land! "O, shame, where is thy blush!" We have fallen upon strange times. I have been taught to believe that Protestantism was the religion of the Bible; that it was the only true exponent of the doctrines of Christ; that it was invincible, and was marching on conquering and to conquer, reclaiming the world from superstitious error and priestly deception; that it was designed to carry the truths of the Gospel to every portion of this globe where the ocean rolls a wave or the earth bears a plant. But, sir, I do not believe this is to be accomplished by making war upon other religious creeds, or by the ministers of

the Protestant church forsaking the cause of their Holy Master to mingle in the secular concerns or sectional strifes of the times. "Render unto Cæsar the things that are Cæsar's," was the advice which Jesus gave his followers. Upon this advice the Protestants have acted, and through tribulation and trials, they have marched steadily onward, achieving victories for their cause which "an army with banners" could not have done. I have not had any fears of their ultimate success; but I do not believe that this success can be hastened by an alliance with the political isms of the day. It is not necessary now, in the middle of the nineteenth century, after having fought so many battles in the sun, and achieved so many triumphs, to connect themselves with any secret political association, composed of the fanatics of every hue, the malcontents of every political party, the renegades from every religion, and the scoffers at all, such as have enlisted under the *piratical* flag of *Know-Nothingism*. Let the success which has attended the open, manly advocacy of their faith, in all climes, animate and encourage them to continue in a course which commands the approbation of all good men, and must receive the commendation of their Master, who has charged them to keep their garments unspotted from the world. But, sir, should they be seduced, and turned aside from the exalted course which heretofore they have pursued, and enter into the political arena, and, instead of preaching peace on earth and good will to man, they shall raise the standard of persecution and political proscription, the teachings of Luther and Melancthon and the triumphs of the Protestant church will have been in vain; and we will be thrown back upon the times when it was considered an acceptable sacrifice to God to torture and burn at the stake all who were of a different religious creed.

The experience of the world proves that religious persecutions have been a more fruitful source of wars and bloodshed than the ambition of monarchs or the disputes of nations; and that the persecuted sect has ever grown stronger. Religion cannot be propagated by force, nor can it be put down by force. As a Protestant, I protest against this crusade against the Catholic church. I most freely accord to them the right I claim for myself—the right to worship God according to the dictates of their own conscience. To God, and not to man, they are responsible for their errors. I deny that there is any evidence that they desire a union of Church and State in this country. In all of the riots which have taken place at the North, in resisting the execution of the "fugitive slave law," or for other causes, they have set an example of obedience to the laws which has put to shame their traducers. But I must leave this branch of the subject, and turn my attention now

TO THE FRUITS AND CONSEQUENCES OF THIS NEW ORDER.

Not long after the election in this city, two members of this House were invited to address the citizens of this District upon the all-absorbing topic of *Know-Nothingism*. They attended a meeting at Carusi's Saloon, but were not permitted to address the audience. They were hissed and hooted down by the members of this order, who assembled in sufficient force to overawe the peaceful, law-abiding citizens there assembled. In vain were the new police, appointed by the Know-Nothing mayor, invoked to "call spirits from the vasty deep;" the police were not to be found. This was the first public demonstration of the intolerant spirit of this order. But, sir, disgraceful as this exhibition was, it was not attended with that violence and bloodshed which has characterized their proceedings in other parts of our country. There was no burning of churches erected to the living God, no sacking of convents, the abode of those angels of mercy, the Sisters of Charity; no blood was shed—no murder done. But the spirit manifested was the same as that exhibited in other sections of the country where these things were done.

It is not, however, my intention to go into a history of the riots and bloodshed which this order has provoked in the northern States, but to speak of the *political* results which it has accomplished.

We are told by the gentleman from Maryland [Mr. SOLLERS] that this party "knows no North, no South, no East, no West," and that "it is national enough to cover all parts of this wide-spread Confederacy." What evidence has it given of such exalted and extended patriotism? Judged by the fruits it has produced, there is nothing in it to commend it to the American people, and more *especially* the people of the South. But, on the contrary, the results of the late elections in the northern States are well calculated to cause the people of the South to pause and reflect before entering into bonds with this new sect. Look to the record. They have revolutionized Maine, and sent to the Senate of the United States an open, avowed, uncompromising Abolitionist in the place of Bradbury, a *national Democrat;* and to this House (with but one exception) they have returned Abolitionists, or, what amounts to about the same in the North, *Whigs*. And the old Bay State—which stood shoulder to shoulder with the foremost in the days that tried men's souls; whose sons gave their time, means, and talents to the good work; and who, notwithstanding her modern heresies, has ever had men in the Congress of the United States who have commanded the respect and admiration of the whole country—how fares it with her? In her recent election all men of enlarged and statesmanlike views were displaced to make room for Burlingame, Comins, Davis, and Knapp, Abolitionists of the darkest hue. And in the other branch of Congress, the seat once filled and adorned by Webster, Choate, and Everett, is now to be disgraced by Henry Wilson! who, it is said, was a supporter of Henry Clay in 1844—a supporter of Van Buren and Adams in 1848—a coalitionist in 1850—a republican till 1854, and afterwards a Know-Nothing. His only inquiry has been for the shortest cut to office. A graphic picture, Mr. Chairman, but a true one, and a faithful likeness of more than *one prominent member* of this new pharasaical sect. I do not wish to do injustice to Mr. Wilson; and, as his election is one of the most important political acts of the new party, I beg leave to read a short speech of his, made in Boston on Thursday last, at an anti-slavery meeting, and also an extract from the speech of Mr. Burlingame, a Know-Nothing member to the next Congress, which it will be seen is fully indorsed by the Massachusetts Senator. Mr. Burlingame said:

"If asked to state specifically what he would do, he would answer: 1st, repeal the Nebraska bill; 2d, repeal the fugitive slave law; 3d, abolish slavery in the District of Columbia; 4th, abolish the inter-State slave trade; next he would declare that slavery should not spread to one inch of the territory of the Union; he would then put the Government actually and perpetually on the side of freedom—by which he meant that a bright-eyed boy in Massachusetts should have as good a chance for promotion in the Navy as a boy of one of the first families in Virginia. He would have our foreign consuls take side with the noble Kossuth, and against the papal butcher Bedini. He would have judges who believe in a higher law, and in an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God! Having thus denationalized slavery, he would not menace it in the States where it exists; but would say to the States, it is your local institution; hug it to your bosoms until it destroys you. But he would say, you must let our reedom alone. [Applause.] If you but touch the hem of the garment of freedom, we will trample you to the earth. [Loud applause.] This is the only position of repose, and it must come to this. He was encouraged by the recent elections in the North; and he defended the 'new movement,' which he said was born of Puritan blood, and was against despotism of all kinds. This new party should be judged, like others, by its fruits. It had elected a champion of freedom to the United States Senate for four years, to fill the place of a man who was false to freedom, and not true to slavery. For himself, he could say, that so long as life dwelt in his bosom, so long would he fight for liberty, and against slavery. In conclusion, he expressed the hope that soon the time might come when the sun should not rise on a master, nor set on a slave."

After Mr. Burlingame had taken his seat there were loud and continued calls for "Wilson," in answer to which Hon. Henry Wilson spoke as follows:

"Mr. Chairman and Ladies and Gentlemen: This is not the time nor the place for me to utter a word. You have listened to the eloquence of my young friend, and here to-night I indorse every sentiment he has uttered. In public or in private life, in majorities or in minorities, at home or abroad, I intend to live and to die with unrelenting hostility to slavery on my lips. I make no compromises anywhere, at home or abroad; I shall yield nothing of my anti-slavery sentiments to advance my own personal interests, to advance party interest, or to meet the demands of any State or section of our country. I hope to be able to maintain on all occasions these principles, to comprehend in my affections the whole country and the people of the whole country—and when I say the whole country, I want everybody to understand that I include in that term Massachusetts and the North. This is not the time for me to detain you. You have called on me, most unexpectedly, to say a word, and, having done so, I will retire, thanking you for the honor of this occasion."

I have read these speeches, that the country may see the character of this new party in the northern States. I would like to comment on the treasonable doctrines here asserted, but time will not permit.

I have still an abiding faith in the good old Commonwealth. She cannot long resist the silent appeals of that towering monument which overlooks her chief city, erected to commemorate the first great battle of our revolutionary sires in favor of equal rights, equal laws, and the freedom of conscience.

From the great Empire State they have returned Whigs or Abolitionists, in the stead of Union-loving and Constitution-abiding Democrats. From New Jersey, that gallant little State, within whose borders the most important battles of our Revolution were fought, one *Democrat* and four Fusionists have been returned to the next Congress. And in Pennsylvania, whose Democracy heretofore has known no North, no South, but has been true to the whole country, in peace and in war, this new order has not only stricken down Democrats whose nationality was proverbial, but they have invaded the ranks of their allies, the *Whigs*, and immolated upon the altar of intolerance all of that party who were known to entertain political views broad enough to extend south of Mason and Dixon's line, or who were supposed to entertain the religious dogmas which had been tabooed by this new order.

From Ohio, the National Democracy have not elected a single member to the next Congress. There, Abolitionism, Free-Soilism, Whigism, or its other synonym, Know-Nothingism, reigns supreme!

From Michigan, the home of the great leader of the Democratic party, and the able advocate of the doctrine of "non-intervention," the Whigs, Abolitionists, and Know-Nothings, have elected three out of the four members to the next Congress; and the present Know-Nothing Legislature has passed the following resolutions:

"*Resolved*, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested to vote for, and use their best exertions to procure the passage of an act of Congress, that shall prohibit the introduction or exercise of slavery in any of the Territories of the United States, and especially in Kansas and Nebraska, and to introduce, without delay, a bill for the latter purpose.

"*Resolved*, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to use their best exertions to procure the immediate repeal of the act of 1850, known as the fugitive slave law."

From these resolutions it appears that the Know-Nothings of Michigan are not only willing to make Lewis Cass stultify himself, and end his long and useful public career by an act of folly and shame, but are willing to hazard the existence of the Union itself, by a fanatical crusade against the constitutional rights of the South.

From the State of Indiana, in the present Congress, we have seven Democrats, whose course upon great exciting questions has given assurances that their principles and patriotism are coextensive with the whole country. Five of these seven have been defeated for reelection, and Fusionists, the modern name for Abolitionists, have been, by the aid of the *Know-Nothings*, returned in their stead. The gallant young Senator from Iowa has been superseded by an Abolitionist, [HARLAN,] who was supported, if not brought forward, by this new party. In Illinois every *National Democrat* who was a candidate for office, had to encounter the ceaseless, unsleeping opposition of the Know-Nothings.

In all of the elections which have taken place in the North, the Know-Nothings have wielded their power and influence in favor of the Fusionists or Abolitionists. I have not seen a resolution passed at any of their conventions, or by any of the Legislatures of which they have control, that national men can sanction. Nor have I been able to find that they have elected a single man to whom the people of the South can give their confidence. The antecedents of the men they have elected, so far as I am informed, go to show that all of them are the uncompromising enemies of the South. In the next Congress we shall see

the seats now occupied by men of reputation and character filled by *preachers*, who have long since ceased to worship the Most High, and to preach Jesus and him crucified, and have substituted in their stead the most abject of God's created intelligences, *the negro!* or by politicians of one idea —*opposition to the South;* or, as their mob-orators elegantly term it, "opposition to the slave power." And yet, strange to say, Southern men are found to rejoice at the victories achieved by this party in the North over the firm, consistent advocates of State-rights. They wilfully shut their eyes to the fact that the only men elected from the North who are willing to concede the *just* constitutional rights of the South are *anti*-Know-Nothing Democrats, and attempt to mislead the people there by referring to the fact that William H. Seward is opposed by a portion of the Know-Nothings in his State. But, sir, I predict that this chief leader of the Abolition party will this day be reëlected to the Senate of the United States by the New York Legislature, of which the Know-Nothings have control.

These, Mr. Chairman, have been the political fruits heretofore borne by this "American" tree. And I have produced them here to exhibit to national men everywhere the real objects and ultimate designs of this new organization.*

From them it will be seen that the course of the leaders of this new party in the North upon the slavery question, has been that of bitter vindictive opposition to southern institutions. They have openly defied the laws of Congress enacted to protect southern men in their rights to their property. The ministers of the Gospel seem to be the leaders in this slavery excitement. Opposition to slavery swallows up all other articles of their religious or political creeds, and has become their sole rule of faith and action. We of the South are now asked to bury these things in oblivion, and to enter into alliance with our old enemies—the enemies of the Constitution, law, and Union—because they have added *two other articles to their confession of faith—proscription of foreigners, and war to the knife upon the Roman Catholic religion?* Those who favor it, from whatever motives, are only swelling the ranks of the Abolitionists and religious fanatics, and adding fuel to the flames which are now consuming the Union. And I can tell the gentleman from Maryland that if that proud Commonwealth which he has the honor in part to represent, and whose Catholic founders were among the first to establish religious toleration in the American Colonies, is to bear the responsibilities and answer for the consequences of this secret political order, instead of becoming the Marathon of the Union, she will become the modern *Nineveh*, to bring down upon the nation the curses of the gods as a punishment for its iniquity. To avert such fatal consequences, I look to the united effort of the *Democratic party*. Many Whigs, too, I hope, will "lend a helping hand." But, sir, if deserted by all—friends, and (political) foes—I, for one, will be found in the line of duty, battling against the pernicious influences of this new order; and if, in my retirement, I do not pray for "the good of Rome," I will for the safety of my own country, and invoke the gods to preserve the honor, the glory, and the perpetuity of the American Union.

TEXAS DEBT BILL.

SPEECH OF HON. J. C. BRECKINRIDGE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 6, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. BRECKINRIDGE said:

Under the rules of the House, and of the committee, I am entitled, Mr. Chairman, to occupy one hour in the discussion of this subject, and at the close of the general debate to occupy another hour. But in view of the extraordinary pressure of the public business, in view of the fact that we have but one day set apart for the consideration of this subject, and of the additional fact that general debate is to close upon it at three o'clock this day, I think it would be unjust to the committee, as well as to other gentlemen who may desire to express their opinions on this bill, to avail myself of all my rights. I propose, therefore, to make a very brief expository statement, touching only what I consider to be the leading points connected with the subject; and I hope to be able to do so in the course of half an hour. There are, doubtless, many gentlemen on this floor better acquainted with the subject than I am, for it is only very recently that I have given any attention to it. I therefore feel the less regret that I cannot discuss it at length, because I am sure the whole subject is familiar to the country.

These general facts may be stated, as well known to the committee and the country, that Texas, while she was yet a separate Republic, contracted a considerable debt in her revolutionary struggle, and to repel Indian incursions; that for a lage portion of that debt, as her political fortunes were somewhat uncertain, and as her stocks did not invite investment, in order to throw around her obligations a more solemn guarantee of payment, she specifically pledged to her creditors of that class, the revenue arising from the duties laid on foreign imports; which debt I shall call, for convenience sake, the revenue debt of Texas; that, at the period of her annexation to the United States, this revenue debt was still undischarged; that, on her annexation, this Government absorbed her customs revenues, and they have been ever since going into the Federal Treasury, and will continue to do so; that, in view of this absorption of her customs, there was a stipulation between this Government and Texas at that time that her public domain, which she retained, should be appropriated to the payment of her debts, and that the remainder, after discharging those debts, might be disposed of at her pleasure. It was also stipulated, that this Government should in no case become liable for the debts of Texas; but, in passing, it should be remembered that the creditors of Texas were not parties to that agreement. From the annexation of Texas down to the present time, Congress has been besieged by petitions from the revenue creditors for the payment of that class of debts. Texas did not appropriate her public lands in discharge of those obligations.

In 1850 a controversy arose between Texas and New Mexico in regard to the boundary line between the two countries. By what is called the boundary act, this Government purchased from Texas her title, or, to state it in another from, if you please, her claim to a large extent of country, for which we agreed to pay her $10,000,000 in stock, payable in fourteen years, and bearing interest at the rate of five per cent., payable semi-annually. Five million dollars of that stock were delivered to the authorities of Texas, and the other $5,000,000, by a proviso contained in one of the clauses of the bill, were to be retained in the Federal Treasury until the revenue creditors should have released this Government from all claims growing out of her having absorbed those revenues which had been so pledged to them. The revenue creditors of Texas, however, have not released this Government, because Texas has scaled this debt at rates from eighty-seven cents down to twenty cents in the dollar, and because, on the release being filed by the creditors at the Treasury, the stock would be paid over to them at the scaled rates. The creditors preferred, therefore, not to release the claims against this Government, but to hold them. And in this position matters have stood. Texas has not settled with them, but she adheres to her scaled rates. The creditors have not been paid, but they have been besieging our Government for payment. The $5,000,000 of stock remains in the vaults of the Treasury bearing interest, and nobody can find the key. It is absolutely necessary, therefore, if we desire to dispose of this subject, that there should be some additional legislation broad enough to satisfy this Government, Texas, and her revenue creditors. We think that the provisions of this bill will accomplish this object; but if they do not, I see no mode by which the difficulty can be settled.

The bill which has passed the Senate, which has been favorably reported upon by the Committee of Ways and Means of this House, and which is now before you, provides that, in lieu of the reserved fund, with the accumulated interest and premium, which are retained in the Treasury, the Secretary of the Treasury shall be directed to pay to the revenue creditors of the Republic of Texas, as ascertained by Mr. Corwin, former Secretary of the Treasury, whose report was approved by Mr. Fillmore, and who come within the opinion of the present Attorney General of the United States, $800,500,000 in full satisfaction of their claims.

The bill also provides that it shall not take effect until assented to by Texas, nor until the Legislature of that State shall withdraw all claims and demands against this Government growing out of Indian spoliations and depredations committed prior to her annexation. The sum in the Treasury, reserved under the boundary act of September, 1850, was $5,000,000, which, with the interest to the first day of October, 1855—which I have assumed to be the earliest period at which any arrangement we may make can be consummated, together with six per centum premium, being the premium now offered by the Secretary of the Treasury for that class of debt—amounts, in the whole, to the sum of $6,487,500, a fraction less than $6,500,000. The revenue debt of Texas, according to the report of Mr. Corwin, and the present Attorney General, Mr. Cushing, will amount, at the same period, to wit: October 1, 1855, to the sum of $11,983,157, being within a fraction of $12,000,000—leaving an excess of revenue debt over the reserved fund in the Treasury, with the interest and premium upon it, of, say $5,500,000.

One or two general remarks in regard to the liability of this Government for any portion of this debt. It has been held by some of our statesmen that, at the period of annexation, the United States became liable for the whole debt of Texas, upon the ground that by that act she became absorbed in this Union. I have not been able to bring my mind to this conclusion. I recognize the general principle, that when one country is amalgamated, so to speak, with another, the obligations of the separate countries become the obligations of the collective State; and perhaps the rights of the separate countries become the rights of the collective State; because the country so absorbed does not retain the independent power to contract engagements, and to lay taxes to discharge them. Under our peculiar system of Government, the case is very different. Texas only lost her sovereignty for certain purposes prescribed by our Constitution, but for all other purposes she retained it. She still retains the power to contract obligations. She still retains the power to lay taxes for the discharge of obligations so incurred. I hold, therefore, that we are not bound to pay any portion of the debt of Texas, on the ground alone of her annexation to this country.

As my time is so brief, I must simply indicate lines of thought without pursuing them.

But there is a part of the Texas debt which must be decided by other principles. I allude to that portion for the payment of which she pledged her revenues from customs. I believe the general principle is recognized that a State may, for the purpose of lending additional sanction and solemnity to her obligations, hypothecate or pledge either land or any other resource which she possesses, and in such case, when there is afterwards conquest or cession of the land or other things hypothecated or pledged, they pass, to use a legal term, *cum onere*. I believe history is full of examples upon this point. I remember a case where the King of Spain hypothecated certain territory for a sum of money which he had borrowed. Afterwards that territory was conquered in war by the States General of Holland; and the most distinguished publicists of Europe held that the States General held it subject to the lien; that they took only the right of Spain, and held it subject to the payment of the debt for which it had been hypothecated.

In another instance I find, that when the King of Prussia had acquired a certain territory by conquest and cession, he entered into an obligation to pay the debts of certain British subjects, for the security of which the territory had been hypothecated. It was held by distinguished public men, that even if he had not entered into a

* Since this speech was made Mr. Seward has been reelected.

treaty, he would still have been liable to pay the debts, upon the ground that the conqueror has no rights except those which belonged to the enemy, and that was a right to the territory, subject to the lien upon it.

If these positions are true in regard to conquest and cession, they are equally true in regard to peaceful annexation, by means of which the party annexing absorbs the sources of revenue pledged for the payment of debts, whether those sources are foreign imports or lands.

To apply briefly these principles, the State of Texas issued her bonds in order to raise money at a period when her political fortunes were almost desperate; and, for the purpose of giving additional sanction to them, she pledged to a class of her creditors the most valuable source of income she had—her revenues from foreign imports, and investments in her stock were made chiefly upon the faith of this pledge.

When she became annexed to this Government we absorbed those revenues, and they have ever since been flowing into our Treasury, and will continue so to flow as long as this Union continues. Texas is still sovereign within her sphere, still able to contract debts and to lay taxes for the purpose of discharging those debts; but she is no longer sovereign within the sphere of her custom-houses, for they belong to this Government, and Texas cannot apply the revenue derived from them to the payment of the debts for which they were pledged.

Now, it may be said that for a large part of her revenue debt she pledged not only her revenues from customs, but her lands and other resources, and that the creditors are first bound to look to the land and other resources before they come upon the customs. I presume it will hardly be contended that when two things of value have been pledged by a Republic for certain debts, it would be proper for the United States to interpose between the Republic and her creditors, and compel the latter to abandon the highest and most valuable security, and look to the lesser and inferior security.

But if it be supposed that the revenues in our hands should be applied in part only to pay the debts, which they, with other things, were hypothecated to secure, then I take the position that her revenues from customs, in our hands, ought to bear their equitable portion of the debts for which they, with lands and other resources, were pledged.

Now, in modern times, and among commercial nations, the revenues from customs form the most valuable resource for raising money for the payment of debts. It was so in the case of Texas. Her public lands were of but little value for the payment of her debts. Her customs were a constantly augmenting source of revenue; and had she not been annexed to this Union—an act by which much of her commerce was changed from foreign to coastwise and interior trade—her revenues from that source would have continued to increase in a much greater ratio than they have done since her annexation.

I conclude, therefore, that her customs were her most valuable source of revenue; and they ought to bear in our hands, for the discharge of her revenue debt, that proportion which their value bears to the other things which were pledged at the same time.

This being the case let us state the account. I have already stated that there will be in the Treasury, including interest and six per cent. premium, on the 1st of October, 1855, $6,487,000; and that the revenue debt of Texas, according to the decision of the Secretary of the Treasury, approved by President Fillmore, and the opinion of the present Attorney General, will, at the same period, amount to $11,983,000, leaving an excess of revenue debt, after paying for the land ceded by Texas, the amount we agreed to pay by the boundary act, the sum of, say $5,500,000. We have taken her revenue from customs; and now, what proportion of this $5,500,000 ought these revenues, in our hands, equitably to bear? I undertake to say, that there is no gentleman who has made himself familiar with the availability of the Texas lands for the payment of debts, but will agree that these revenues were the chief source of value. We have said in the bill that $2,000,000 is the equitable portion which these revenues, in our hands, ought to bear. That leaves $3,500,000 as the portion to be borne by other sources. I state, without fear of contradiction, that the value of the customs of Texas, in proportion to the value of other sources of revenue which were pledged, is greater than the proportion of two to three and a half.

But I must pass from this branch of the subject to another. Whatever may have been the original position which this country should have taken in regard to her liability for any portion of the Texas debt, I hold that she has admitted, by her own legislation, that she is liable for the revenue debt of Texas. I was not here and had nothing to do with that legislation, but I take it as I find it. I cannot construe the legislation of this country in any other way than as an admission of her liability for the revenue debt of Texas. To put it in the weakest form of statement, our legislation involves admissions; which make it eminently desirable that we should extricate ourselves by a fair compromise.

Let me recur, for a moment, to the history of this transaction.

On page 28 of the documents published with the bill, you find the joint resolution for annexing Texas to the United States, approved March 1, 1845. Among other things the resolution provides, that when Texas is admitted as a State "into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense, belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States."

Recollect that this was our first transaction with Texas. She was then about being annexed to this Union. We were about to absorb her revenues. We were fully aware of the fact that those revenues were pledged for a particular class of debts. We made a stipulation with Texas, to which, however, her creditors were not parties, that she should retain all the vacant and unappropriated lands lying within her limits, to be applied to the payment of these debts and liabilities. We undertook to say that the Government of the United States should in no way be responsible for these debts; but that was a stipulation between us and Texas only, which could not affect our moral and equitable obligations to her creditors. To see the extreme anxiety of the Government of the United States on this point, (a sort of instinct of liability,) we have only to observe the great exactitude which marks the terms of this stipulation —Texas "shall also retain all the vacant and unappropriated lands lying within her limits, *to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct.*"

That is the first legislative act, or contract, with Texas touching this subject. She took the land, but has not discharged those debts. I desire to say, in passing, that I have no reflections to make on the State of Texas. I am regarding this question as one between the United States and those revenue creditors. I have nothing to say, either in approval or condemnation of the course of that State.

Well, sir, what was the next legislative act? It was what is known as the boundary act, approved September 9, 1850. Besides relinquishing her forts, arsenals, and other public property, Texas agreed to surrender her claim to certain territory in controversy between her and New Mexico, for which the United States stipulated to pay her, in consideration of said establishment of boundaries and cession of claims, the sum of $10,000,000.

Mr. CLINGMAN. With the gentleman's permission, I would inquire whether he can inform the committee how much land Texas sold us under the boundary act of 1850, of that portion which was never claimed as belonging to New Mexico—I mean of the northern part of Texas, which is watered by the Canadian, and other streams, to which her title was indisputable? My own impression is, that some thirty or forty thousand acres were sold.

Mr. BRECKINRIDGE. I am obliged to the gentleman from North Carolina for calling my attention to that fact, which I might have omitted. I am not able to state the amount with accuracy, but I understand that it was enough to make a State of the first class.

Mr. SMYTH. The amount was sixty-six million acres.

Mr. BRECKINRIDGE. I thank the gentleman. Sixty-six million acres to which New Mexico never made any claim whatever.

Very well, then in consideration of these sixty-six million acres ceded, to which she had a perfect right, and in consideration further of her relinquishment of her claim to territory which New Mexico also claimed, we agreed to pay her $10,000,000. Did we pay her that $10,000,000? No, sir. We were to issue stock payable in fourteen years, and bearing five per cent. interest, payable semi-annually. The natural and proper course of one sovereign State dealing with another, would have been to have issued the stock and paid it over to Texas. What did we do? We issued $5,000,000 of stock and handed it over to Texas. For the other $5,000,000 we put the following upon the record:

"*Provided*, No more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas, *for which duties on imports were specially pledged*, shall first file at the Treasury of the United States releases of all claims against the United States for or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States."

In the first transaction which we had with Texas we were careful to stipulate, as between us and her, that we were not to be chargeable with these revenue debts; that they were to be paid by her from the proceeds of the vacant and unappropriated lands which she retained. A few years afterward when we came to buy more land—and the very land which we had previously stipulated should be applied to the payment—we stipulated, in order to protect ourselves against liability for these revenue debts, that we would not pay the sovereign State of Texas the money which we had agreed to pay her for her land until these revenue creditors released the United States from all liability for these debts. Why did we make that stipulation? Why, in dealing with the Commonwealth of Texas as a sovereign State, did we undertake to retain $5,000,000 of that money until we were relieved from certain obligations? Was she not competent to pay her own debts? Was she not competent to manage her own affairs? Sir, it was a legislative admission of our liability, and it cannot be construed in any other sense. It was a declaration of the Congress of the United States that they considered themselves liable in some form to settle with the revenue creditors of Texas. In order to guard ourselves against legal, moral, and equitable claims of these creditors we retained the money in the Treasury. It is perfectly notorious to every gentleman familiar with the debates in Congress at that time, that it was thought $5,000,000 would be sufficient to cover the whole revenue debt of Texas. If this sum had not been supposed to be ample, Congress would have retained the whole $10,000,000. It would have been well if this had been done.

Mr. Chairman, I find these stipulations and admissions upon the statute-books; and I hold, even if it be a question of doubt, as an original proposition, whether we are bound for the revenue debt, even if it be a question of doubt whether this legislation is an admission on the part of our Government that she stands in some sort of relation of obligation to these revenue creditors—I hold that the case presents a fair ground for compromise.

Mr. TAYLOR, of New York. I would inquire whether the first section of the bill provides for all of the revenue debts of Texas; so that its passage will finally settle the matter.

Mr. BRECKINRIDGE. Mr. Corwin excluded one or two items which Mr. Cushing allowed, and Mr. Cushing excluded one or two items which Mr. Corwin allowed; but by admitting the items that were allowed by both, I think you will include every dollar that can properly be termed her revenue debt.

Mr. TAYLOR. With the gentleman's permission, I will call his attention to the last paragraph in the nineteenth page of the public document upon this subject, in which, it seems to me, it is admitted by the present Attorney General, that the entire revenue debt of Texas is not included in the claims for which this bill provides.

Mr. BRECKINRIDGE. I think the gentleman from New York is mistaken. If he will examine those documents carefully I think he will find that there is very little difference between Mr. Cushing and Mr. Corwin, and that the items embraced in their united opinions, will cover the entire revenue debt of Texas.

Mr. TAYLOR. It seems to me, that Mr. Corwin does not construe the term "revenue debt," as Mr. Cushing does.

Mr. BRECKINRIDGE. Not in every particular, but, I think the sum of their opinions embraces it all.

Mr. HOUSTON. Will the gentleman from Kentucky state whether the amount provided for under this bill is not very much larger than the amount for which the revenues from customs were specially pledged by the State of Texas—and which amount the act of Congress in 1850, assumed, to a certain extent, to pay.

Mr. BRECKINRIDGE. If my friend from Alabama has examined the opinions of Mr. Corwin and Mr. Cushing, he has discovered that they construe the proviso to the boundary act of 1850, as embracing the whole revenue debt of Texas.

Mr. HOUSTON. I understand that. But the point I desire to bring to the attention of the committee is this: the term "special revenues" was used in the law of Texas by which a portion of her debt was created—for the balance, (or the most of it) of her debt, she pledged her revenues generally. The act of Congress of 1850 used the term "revenues from customs" and assumed to pay the amount for which such special pledge was given. By reference to the law of Texas, you will find that the amount for which the special pledge was made is less than $1,000,000. This bill proposes to pay $8,500,000. Now, if our obligations are based upon, and proceed from our act of 1850, in which the obligation went only to the extent of the amount for which Texas had made a special pledge of her revenues from customs; and if it be true that the amount for which Texas had made such pledge be under $1,000,000, then I would like to know upon what principle we are bound beyond our express obligation. The opinion of the Attorney General is that whenever the general revenues from customs were pledged, that amounts to a special pledge. And that I understand to be the point upon which this case turns. If we confine this bill to the obligations assumed by us, the $5,000,000 we owe Texas will considerably overpay the amount. If, however, the reasoning of the Attorney General be good, and a general pledge of *revenues* means (in the sense of the legislation of Texas and Congress) a "*special pledge of the revenues from customs*," then this bill does not propose to pay the full amount of our assumption by several millions of dollars.

Mr. BRECKINRIDGE. I will read a short extract from the opinion of the present Attorney General upon this point:

"It has been suggested that the pledge of *all the revenues* does not come up to the condition of the act of Congress, 'for which duties on imports were specially pledged.' I feel constrained, however, to agree fully with the reasoning of Mr. Corwin as to this point: *Omne massus in se minus continet*—the whole includes all the parts. If a pledge of all revenues be not a pledge of duties on imports, then it is no pledge of anything; for you may strike out from its purview each and every *species* comprehended in the *genus* 'revenue' by force of the same reasoning which strikes out duties on imports, and the effect would be to annul, and altogether defeat, the whole purpose of the lawgiver."

The gentleman will find, also, in the act of Texas, of January 14, 1840, the following words:

"That for the redemption of all loans negotiated by the authority of the Republic of Texas, independently of the reservation of the sinking fund, the proceeds of the sales of the public lands, its revenues and public faith are solemnly pledged."

This act is prospective as well as retrospective. By the legal import of these words it is an act of general, permanent legislation, and the Attorney General, in his opinion, to which I refer my friend from Alabama, goes on to demonstrate this with great clearness. Now, I hold it to be too clear for argument that a "*solemn pledge*" for a debt, of all revenues—in which the customs are included—is, by a fair construction, a special pledge of revenues from customs. This seems to me to be conclusive. But in addition, it may be remarked here, that, if by the annexation of Texas, and the absorption of her revenues from customs, this Government became liable for the whole, or an equitable proportion of the revenue debt, the language of the boundary act is immaterial.

Now, Mr. Chairman, I find that I have consumed so much time that I shall have to pass over very much that I had intended to say. But I desire to call the attention of the committee to the fact, that if we desire to dispose of this subject, some legislation is necessary. While this sum remains in our Treasury, the interest upon it will accumulate; and unless we appropriate an amount sufficient to command the assent of Texas and her revenue creditors, it is not improbable that we shall have to pay the whole of these claims. For, sir, after we shall have paid the $5,000,000 with interest, amounting, when the stock matures, to $8,500,000, these creditors will come here for the balance of these debts, amounting, I think, to some $3,500,000, with the accumulating interest. They will be pressed upon Congress continually, until, some day or other, they will be paid, as all large claims against the Government are which have anything plausible to sustain them, and especially in this case, when they have really, in my opinion, much justice to sustain them.

Now, sir, what are the means proposed? The first is the substitute proposed by the gentleman from Texas, [Mr. SMYTH,] which proposes that the Secretary of the Treasury shall issue to the State of Texas such portion of the stock mentioned in the proviso of the boundary act, as shall be equivalent in amount to the releases of the claims against the United States, which shall then be filed in the Treasury, as in said article is provided.

The effect of that provision is this: If Texas can get her creditors to release the Government of the United States from all claims against us, the Secretary of the Treasury shall then issue *pro rata* stock to the State of Texas. But, sir, there is, at the outset, this objection: It is a proposition that could never pass the two Houses of Congress. The same proposition was made in the Senate, and after having received full and elaborate consideration in that body, was voted down by an overwhelming majority. It could, therefore, never pass the Congress, and to propose such a measure would be equivalent to proposing no legislation at all.

In the next place, it would not be accepted by the revenue creditors. These creditors have now some claim upon the Government of the United States, which has been to some extent recognized. It is well known that the State of Texas has scaled her debts, some of them eighty-seven and a half cents, some seventy, some fifty, and some twenty cents in the dollar. Well, sir, do you suppose the Texas creditors will release their claims against the United States, to be turned over to the State of Texas, and to be scaled to twenty, thirty, or fifty cents in the dollar? So that it will result in no legislation whatever. Besides, what right have we to be dealing in this way with the State of Texas? Let us make a clean business of it, one way or the other. If we are liable to these creditors, let us make some suitable provision for them. If we are not liable, let us hand over to Texas the whole of the stock we agreed to give her for her cession of land, and allow her to settle her own debts in her own way.

The next proposition made is, that we shall pay out this stock to the creditors *pro rata*, without the assent of Texas. Sir, we cannot do that without the consent of Texas. In the first place, it would be a violation of the compact we made with Texas, when we settled the boundary with her in 1850. In the next place it would afford a broad ground for the assumption that the United States are liable for the whole amount of the debt. I think, therefore, that this plan is wholly impracticable.

The next proposition, and the most plausible one, is that we pay the sum in the Treasury, with interest and premium, amounting now to about $6,500,000, *pro rata* among the creditors, with the consent of Texas. That, Mr. Chairman and gentlemen of the committee, will not be accepted by Texas. Why? Because Texas, as I have already remarked, has scaled her revenue debt by classes, from eighty-seven and a half cents in the dollar, through successive classes, down to twenty cents in the dollar. She has, therefore, put upon record, and her honor is pledged to the fact, that to a portion of her revenue creditors she owes eighty-seven and a half cents in the dollar, to others seventy cents, to others thirty cents, and to others twenty cents. But a distribution of the $6,500,000 in the Treasury *pro rata* among those creditors would yield only about fifty-five cents in the dollar. She will never do it; obviously never do it. And, therefore, to appropriate $6,500,000, to be distributed *pro rata* among the creditors with her consent, would be to do nothing, to keep the money in the Treasury accumulating interest, and the whole subject festering here, and festering in Texas. I desire the committee to pay particular attention to this point, because I believe that is the only dangerous proposition that will be offered in connection with this bill. I ask gentlemen to consider, for one moment, whether Texas will ever agree that the United States, acting for her, shall distribute $6,500,000 among certain creditors, which yields a *pro rata* of fifty-five cents in the dollar only, when she, the State of Texas, has by law declared that she owes a considerable portion of those creditors more than fifty-five cents in the dollar, and some of them eighty-seven and a half cents? She will never do it. We ask her to allow us to pay for her the amount which she owes with a far less sum. She never can agree to it.

Well, suppose we take another course. Suppose we simply say: We have nothing to do with the debt of Texas, revenue or otherwise; we will repudiate our legislation of 1850; we wish we had paid her the whole $10,000,000 instead of only $5,000,000, and now we will issue the remaining $5,000,000 of stock with interest, and pass it over to the State of Texas absolutely, and without qualification or condition. What will be the result? Texas will take the $5,000,000 of stock; she will pay her revenue creditors at the scaled rates, amounting to less than $5,000,000, leaving about $7,000,000 of her revenue debt, according to the face of her obligations, undischarged, for which her creditors will pursue us constantly, and time without end, until it is settled. And at last, when we come to pay this claim, as come we will, at some future day, when so many eminent men in the country, and so much of the intelligent public opinion of the country holds that we are bound for this class of debts—and these claims always grow when the justice of them is sanctioned by an intelligent public opinion—at last you will have to pay the $7,000,000, with interest, of revenue debt left undischarged, after having paid to the State of Texas the $5,000,000 and interest which you have now in hand.

You paid her $5,000,000 in 1850, and reserved $5,000,000 to secure this Government against the claims of the revenue creditors. Now, by the addition of $2,000,000, as proposed in this bill, you can rid yourselves of the claim for a much greater amount, and close up the whole subject with both Texas and the creditors. But if you pay over the stock to Texas, your reserved fund is gone, $7,000,000 of revenue debt remains undischarged, and the subject is still undisposed of. And yet there are, rationally, but two alternatives—one is to pass the bill offered to you by the Committee of Ways and Means, and the other is to issue all the reserved stock to Texas, and say nothing more about it.

I have omitted saying anything in regard to the last section of this bill, because I have not had time, and I shall refrain from saying anything about it until I am up again, and, perhaps, I shall not consider it important to dwell much upon it then.

The only amendments of any importance which

the Committee of Ways and Means have made to the bill, as it came from the Senate, are: first, a provision for the release of both the United States and Texas; and next, a provision that the act shall not take effect until the Legislature of the State of Texas shall pass an act withdrawing and abandoning all claims against the United States, growing out of Indian depredations prior to the admission of the State into the Union.

I do not mean to say, Mr. Chairman, that I consider that Texas has a just claim against this Government, growing out of those Indian depredations. We did not put it in as a consideration, to any great extent, for the amount in this bill. But I do mean to say, that it is a claim which, like many others brought before Congress, and finally paid, is a plausible claim—a claim to some extent admitted by Executive officers of the Government in times past—a claim pressed with great urgency by a distinguished Senator from Texas, and which he believes to be just, and one of those claims which it is just as well, in making a settlement, to include, if it can be done, so as to leave no subject of dispute or controversy between the State and the Federal Government. For that reason, sir, it was inserted in the bill. The amount of the claim is $3,800,000.

Mr. Chairman, I believe that, as a matter of compromise—to put it upon the lowest ground—for the disposal of a subject which has been a perplexing and vexed one, and which, unless we pass some law of this sort, must continue to be a perplexing and a vexed one for years, I think that, as a matter of compromise, this bill is the best we can adopt. I believe that, in a financial point of view, it is the best for this Government, believing as I do, that, unless we adopt it, we shall not only have to pay the exact amount contained in this bill when the stock matures, but that we shall also have upon us this claim urged by Texas in regard to Indian depredations, and the balance of the revenue debt urged by the creditors, which now amounts to about $5,000,000, and is constantly increasing. I believe, therefore, that to close the subject, as this act will—Texas assenting and the creditors releasing, as they will do, worn out, as they are, by delay, and heart-sick from hope deferred—the passage of this bill is the best thing that the House can do. I hope, sir, that some disposition will be made of it to-day. I do not think it is asking too much of the committee to request that gentlemen, in view of the importance of the subject, and the pressure of public business, will continue the present sitting long enough to act upon all amendments that may be offered, and pass the bill in such form as the majority shall approve.

BRIG GENERAL ARMSTRONG.

SPEECH OF HON. J. A. PEARCE,

OF MARYLAND,

IN THE SENATE, *February* 9, 1855.

The question being on reconsidering the vote by which the bill for the relief of the claimants of the private armed brig General Armstrong was ordered to be engrossed for a third reading—

Mr. PEARCE said:

Before the question is taken, I desire to make a very few remarks. There has been such an extended argument on the subject, and the case has been discussed by so many gentlemen of great ability, that I do not think it necessary to go into an argument; but I desire to state very briefly to the Senate the reasons why I consider this claim utterly unfounded.

It has been said that the attack made by the British squadron in the port of Fayal upon the privateer General Armstrong, was a gross violation of national law. That, sir, is nothing new in British naval history. I think with that nation, as with some others, the question of right has frequently been subordinate to the question of power; and there are even more conspicuous instances than this of her violation of neutral rights. But the violation of a neutral jurisdiction does not of itself justify a demand of satisfaction against the neutral Power. Still less does it necessarily authorize a demand by the injured party against his own Government. This claim seems to me to be defended principally upon two grounds. First, it seems to be assumed that because Portugal is a sovereign Power we must necessarily deduce from that sovereignty her ability to cause satisfaction to be made for the injury which was committed by the forces of another Power within her waters; and, secondly, that our Government is liable, because we have been guilty of gross negligence in the management of the claim after it was put into the hands of the Government by the claimants. In regard to the last ground, I might perhaps say, too, that it includes the allegation that the Government of the United States have violated the rights of the claimants by submitting the claim, without their consent, to the arbitration of a neutral, friendly Power.

Now, sir, I suppose that when a citizen claims damages for an injury committed by a foreign Government, and puts his claim for prosecution into the hands of his own Government, he is not like an individual employing an attorney, who is subject to his instructions, and bound by them. The dignity of the Government, its duty and interests will not permit any such analogy. I suppose that, from the moment the claimant has put his demand into the hands of the Government, that Government is to conduct the claim according to its own judgment of the fitness of things. From that moment it ceases to be an individual proceeding, and assumes the character of nationality. The Government may press the claim by war if necessary, but everybody admits that it is not bound to do that. Every one agrees that the paramount duty of the Government to the great body of its citizens is superior to its obligation to the individual citizen. I think it is true that this same duty of the Government, to regard the paramount interest of the whole country, will authorize the employment of any means to adjust claims of this sort which the Government sees proper. It may abandon the claims, as was admitted by the Senator from Delaware, [Mr. CLAYTON,] in the course of the debate last Friday. If the Government may abandon the claims, rather than enter into a war for their prosecution, may not the Government undertake to refer them to arbitration? Does not the larger power include the less? If the Government is authorized to abandon it, may it not seek, after it has exhausted argument and reason with the Government on whom the claim exists, to have that claim enforced by appeal to the reason of another Power, that is to say, by arbitration? This is one of the recognized modes of settling international complaints, and I think that the Government has the right, necessarily, to settle a claim by any of these known modes.

Now, in this very case I understand that the claimants did actually acquiesce in the reference of this matter to the arbitration of the President of France; but the Senator from Delaware [Mr. BAYARD] says that our Government was guilty of gross negligence in not securing to the claimants the right of making an argument before the arbitrator.

Mr. SLIDELL. As I have already said, the friends of the bill will not pursue the discussion; and I, therefore, here desire merely to remark that I do not think any evidence can be found of any assent on the part of the claimants to the arbitration until after that submission had actually been made.

Mr. PEARCE. I do not mean to say to the contrary; but I recollect that Mr. Marcy, in his letter addressed to the Committee on Foreign Relations, stated that it was known at the Department of State that the parties interested acquiesced in the arbitration after the convention with Portugal had been made. But whether they acquiesced or not makes no difference, in the view which I have undeavored to present. Then it is assumed that there was gross negligence on the part of our Government, because the claimants were not permitted to submit an argument to the Prince President of France. The treaty stipulated that the claim should be submitted to the arbitrator upon the correspondence which had passed between Portugal and the United States upon this subject.

Mr. BAYARD. I look upon the Government and claimants more as being in the situation of a guardian and ward than as client and attorney. I did not intend to say that the refusal to submit the written arguments of the claimants by the Secretary of State, was, in itself, a ground for the liability of this Government; but that as the claimants were ultimately injured in the arbitration by an erroneous decision, caused by giving a construction to the treaty that was made, which violated one of the chief rights of the individual which ought always to be secured to him, therefore a responsibility arises. I say that a treaty made upon that basis, makes, as I think, a just claim upon the Government.

Mr. PEARCE. I admit, that, if the Government, in the conduct of the arbitration, did not in good faith use all the means in its power to submit the facts fairly to the arbitrator, it would be liable; but I say it is impossible to suppose that this Government has been guilty of such negligence. The facts which have been presented to us disclose no such state of things; but, on the contrary, they make the conclusion irresistible that there was no such negligence as is alleged. Why, sir, the claim arose during the war of 1812—I think in 1814. Very soon afterwards it was placed in the hands of the Government; and, from that day to the time of arbitration, there has been an extraordinary amount of correspondence between the claimants and the Government, and between this Government and the Government of Portugal. The papers are voluminous; all the facts are substantially, and, indeed, minutely set forth in that correspondence; and they also contain an abundance of argument. I do not believe that there has been a particle of argument presented in the Senate which is not contained in the papers in the case. In point of fact, the whole case has been presented as fairly and as fully to the arbitrator as if the claimants had been allowed an opportunity to present to him a written argument by their attorney or agent. It is impossible to resist this conclusion. There has scarcely ever been a case in which there was more minute detail of fact, or more careful elaboration of argument.

As to the decision of the arbitrator, I do not wish to speak much of that. I confess I am surprised at the ground upon which he puts his award. It does not seem to me to correspond with the state of facts in the papers, as presented to the Senate; and I will particularly mention the statement of facts made by the Governor of Fayal in relation to the proceedings of the British force on the occasion of that outrage. I think it clearly demonstrable from his letter that the attack was made by the British. Whether the first gun was fired by the privateer or not, the attack was made by the British. She was in the act of repelling an aggression when she discharged, if she did discharge, the first gun. For, though it is manifest that the first British boat which approached the privateer was only reconnoitering, it is equally clear that the first detachment of armed boats fired into was sent from the squadron with hostile intentions, and therefore the crew of the privateer were fully justified in firing before they were boarded. But I do not mean to impeach the integrity of the arbitrator when I say this.

Upon the whole, I am clear that there is no ground upon which we can rest any allegation of gross negligence, or negligence of any sort, against this Government. The Senator from Delaware seems to assume that, because Portugal was a sovereignty, it followed necessarily that she was under the liability either to make Great Britain grant satisfaction through her to the claimants for the outrage, or to make it herself. He assumes, also, her ability to compel Great Britain to make such satisfaction. Now, I think one of these is a presumption of fact too violent to be made; and the other a legal assumption not warranted by any general principles, or by any authority from the law of nations on this subject, which, as in all other cases, when there is no conventional arrangement, is the law of reason, resting upon moral right and those obvious considerations which make it the duty of one Government to do, or omit to do, some particular thing. In fact, sir, Portugal had not the ability to compel the British Government to make satisfaction. She did, indeed, do that which it was both her right and her duty to do. She appealed in the strongest language, through her Secretary of State, to the British Government, complaining of this violation of neutrality, and the injury done to her friend within the waters of

her jurisdiction, and she called upon the British Government to make satisfaction; but her call was unheeded. What more could she do? She did everything that was in her power to do. She used all reasonable means for the purpose of obtaining satisfaction from the British Government, and she failed to obtain it. It seems to me that but one resort was left, and that was an appeal to arms; but, sir, nobody can suppose that a Power thus situated is bound to make an appeal to arms, unless that appeal to arms would secure the satisfaction demanded; and everybody must know that, in point of fact, an appeal to arms against Great Britain by Portugal, would be one of the greatest possible absurdities. One of the smallest and weakest kingdoms in Europe, owing her very existence to British alliance, it would have been a battle of pigmies with giants. She could not, in that way, obtain the satisfaction which she had failed to obtain by the strongest appeals of argument, and thus she could accomplish nothing by it, and was not bound to resort to it. The case is precisely the same in regard to the Government prosecuting a suit of its own citizens. When we are about to enforce a claim of our own citizens, we do not go to war, unless we think we can enforce it by war, and then only when the cost will not be excessive. We feel ourselves bound to look at the paramount interests of the whole country, and not to risk them in a contest, especially in an unequal contest, in order to enforce satisfaction for the claim of the individual citizen. So it was with Portugal.

I find the law upon this subject laid down, I think very clearly, in Wheaton's Elements of International law. He says:

"Though it is the duty of the captor's country to make restitution of the property thus captured within the territorial jurisdiction of the neutral State, yet it is a technical rule of the prize courts to restore to the individual claimant, in such a case, only on the application of the neutral Government, whose territory has been thus violated."

Then he gives the reason for it:

"This rule is founded upon the principle that the neutral State alone has been injured by the capture, and that the hostile claimant has no right to appear for the purpose of suggesting the invalidity of the capture."

Then he states there are certain cases in which treaties have been entered into by the United States with foreign Governments on this subject. One was made as early as 1785 with Prussia, another with Holland; and another with France. A similar treaty was made in 1794 with Great Britain; and one of the provisions contained in that treaty is as follows:

"Neither of the said parties shall permit the ships or goods belonging to the citizens or subjects of the other, to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers, of their territories, by ships of war, or others, having commissions from any Prince, Republic, or State whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels."

That was in the treaty of 1794, but he states that—

"Previously to this treaty with Great Britain, the United States were bound by treaties with three of the belligerent nations, (France, Prussia, and Holland,) to protect and defend, 'by all the means in their power' the vessels and effects of those nations in their ports or waters, or on the seas near their shores, and to recover and restore the same to the right owner when taken from them. But they were not bound to make compensation if *all the means in their power* were used, and failed in their effect."

He adds, too, that though when the war in Europe commenced, this treaty of 1795 with Great Britain had not been made; the President of the United States, (General Washington,) was of opinion that the United States were bound to apply the principle which we adopted in the treaties with France, Prussia, and Holland; in other words, that the provisions in the treaties with those Powers were nothing more than an expression of that which the law of nations established before those treaties were made. The treaties made the obligation more definite and certain; but we were under an obligation even before the treaty with Great Britain, by the law of nations, to prevent such damage to their ships if possible, and if we could not prevent it we were bound to use all the means in our power to procure compensation; but we were not bound to make compensation if those means which were in our power failed.

There are three ways of settling such a difficulty; in the first instance a resort to argument, with the Power on whom the claim is made; then arbitration; then war; and if there is any other means following war, I do not know what it is. I repeat, we are not bound to make compensation if the means which are in our power for procuring it fail. That is the principle which I hold to be clearly the law of nations, for it is the law of common sense and right reason. Although occasionally something unreasonable may have crept into the public law, and have become customary, yet, in general, we may say that it is the law of moral right applied to international affairs; and it seems to me perfectly clear that a nation that uses all the means in its power to obtain satisfaction from another, is of course exonerated from any liability to make compensation out of its own Treasury.

I think that is this case; I think that Portugal used all the means in her power to procure satisfaction. She made demands on the British Government, which, if that Government had not been steeled against justice and propriety, would not, it seems to me, have been denied. But, sir, it would have been ridiculous for Portugal to go to war with Great Britain to enforce this demand. And it would be as reasonable to demand satisfaction of such a Power after she had vainly tried the appeal to arms as to insist upon it because she had wisely and properly declined that appeal.

I hold that in neither of the two views which I have mentioned is this Government bound to make compensation. The Senator from Michigan has intimated that he will vote for this bill, because it might hereafter be a great encouragement to our privateers in such maritime wars as we may hereafter engage in. Well sir, that is a little extravagant, it seems to me; and I may say in reply to it, that we have already shown our sense of the good conduct, and the gallant defense made by the captain and crew of the Armstrong. We have already given them that encouragement; because Congress, in 1834, passed an act appropriating $10,000 to be divided among the officers and crew of the privateer, as if it were prize money, and for no other conceivable purpose than as a reward for their gallantry. If the honorable Senator thinks that this will be encouragement to privateers, I think we have certainly done all we can, in reason, be called upon to do. I am not willing to make this enormous gratuity, for gratuity it is, and nothing else.

Mr. BELL. Will the honorable Senator from Maryland state whether that grant of $10,000 was not for prize money; whether it had any relation whatever to any supposed claim upon the Government for the loss of the property?

Mr. PEARCE. I suppose, Mr. President, that it was a gratuity bestowed upon the officers and crew of the vessel, for their gallantry upon this occasion; and the term "prize money," which is used, I think, in the law, was merely used to indicate the rule by which it should be distributed, because there was no prize in the case to be allowed for, the privateer being herself destroyed by the British.

Mr. BELL. Is there anything in connection with it which shows that it was in consideration of their gallantry?

Mr. PEARCE. That is so, as I understand it, for I have not looked into it lately—indeed I take it second hand from the statement of the Senator from Maine, [Mr. Fessenden.]

TEXAS DEBT.

SPEECH OF HON. GEO. W. SMYTH,

OF TEXAS,

In the House of Representatives,

February 6, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. SMYTH, of Texas, said:

Mr. Chairman: The public debt of Texas, like a similar debt of this Government, had its origin in her revolutionary struggle. The first advances made to her, were in the form of loans, or sometimes in that of donations from patriotic individuals, influenced by a strong desire to assist a people struggling for liberty against the power of a despot. All these claims, without exception, have been recognized at the full amount expressed on the face of the liability in which they were liquidated, with the stipulated interest, wherever they could be ascertained. Most, if not all, of this species of liability, bearing the enormous interest of ten per centum per annum, have long since doubled the original amounts.

At an early period of her history, however, she was compelled to issue her promissory notes, as a circulating medium, answering in every respect to the bills of credit issued by this Government under similar circumstances. These promissory notes, when first issued by the treasury department, were received at par in the ordinary transactions of business, and were considered on an equal footing with the immense amount of paper currency with which the country was then flooded. At first the Government was able to use these bills at par; but soon they commenced depreciating, and continued to go down, until, in 1841, they were only worth from twelve to sixteen cents on the dollar.

The principal portion of the debt of Texas now, consists of these promissory notes, or bills of credit, and other liabilities occupying exactly the same foundation; that is, of certificates of stock, or bonds issued in redemption of these very promissory notes and other claims audited at promissory note prices. Of less than ten millions of dollars of debt reported by the comptroller in 1846, nearly six millions were of this species of liability. That amount of debt continued to increase by a rapid accumulation of interest, until, in 1850, it amounted to about twelve millions and a half of dollars, ($12,435,982 68.)

These promissory notes, or bills of credit, though containing on their face a pledge of the public faith, were, in fact, bought and sold in the market as any other species of merchandise, at their current value. In these transactions there was no *specific pledge* of faith either given or received, and the *implied pledge* could only extend to the *actual value* at which these bills were advanced by the one and received by the other party. To illustrate this: an agent of the Government was sent to New Orleans to lay in twenty thousand dollars worth of supplies for the navy, for example. For this purpose he took with him a hundred thousand dollars of the promissory notes. These he probably sold to a broker for twenty thousand dollars, in the currency of the country; or, if the merchant chose to take the hundred thousand dollars in promissory notes directly in exchange for twenty thousand dollars' worth of supplies, he did so, knowing well their value in the market, and that he could immediately sell them to a broker for his twenty thousand dollars.

In the year 1841, the Government frequently issued these bills in payment of its officers, at the same rate of depreciation. Thus a judge whose salary was $1,750 per annum, would receive $12,150 in the promissory notes in lieu of the $1,750, the notes being rated, in the transaction, at seven dollars of the latter for one dollar in specie.

In all these transactions neither the merchant, the broker, or the officer, looked to anything contained in the face of the bills for security, but relied entirely on their market value, and his ability to dispose of them in such a manner as completely to indemnify himself. I repeat, that in all these transactions no faith was pledged beyond the general obligation of returning to every man the just value of what we receive from him; and beyond this, none could possibly be violated.

The same view was taken by the Government of the United States with regard to her bills of credit and loan-office certificates. In a circular letter addressed by the Congress—I mean the old Continental Congress—to the people of the United States, on the 13th of September, 1779, they use this language:

"So circumstanced, you had no other resource but the natural value and wealth of your fertile country. Bills were issued on the credit of this bank, *and your faith was pledged* for their redemption."—*Journals of Congress, vol. v., p. 342.*

Here is a distinct assertion, on the part of Congress, that the *national faith was pledged*. But on the 16th of April, 1781, we find this resolution issuing from the same body:

"That in settling depreciation accounts, the resolution of Congress of the 28th of June last be considered as the *scale*."—*Journals of Congress, vol. vii., p. 86.*

Here we have the origin of that odious word *scale*, and by an easy derivation the word *scaling*, in its connection with public debt, from the sages of the Revolution—men to whom we are wont to look back for examples of purity and patriotism. I acknowledge that I had formerly some antipathy to this word *scale;* I thought a better expression might have been adopted—that of equitable adjustment, for example. But, seeing the high authority from which the expression emanated, I am reconciled to the word as well as to the idea.

But having referred to the *scale* of depreciation established by the resolution of Congress of the 28th of June, 1780, let us see what that resolution is. After reciting a preamble, that resolution proceeds, as follows:

"*Resolved*, That the principal of all loans that have been made to these United States, shall finally be discharged by *paying the full current value of the bills when loaned*, which payments shall be made in Spanish milled dollars, or the current exchange thereof in other money, at the time of payment.

"That the value of the bills when loaned shall be ascertained for the purpose above mentioned, by computing thereon a progressive rule of depreciation, commencing with the 1st day of September, 1777, and continuing to the 18th day of March, 1780, in geometrical proportion to the time, from period to period, as hereafter stated, assuming the depreciation at the several periods to be as follows:

"On the 1st day of March, 1778, one dollar and three quarters of the said bills for one Spanish milled dollar; on the 1st day of September, 1778, as four of the former for one of the latter; on the 1st day of March, 1779, as eighteen of the former for one of the latter; on the 18th day of March, 1780, as forty of the former for one of the latter.

"That the principal of all certificates that have been taken out since the 18th day of March last, shall be discharged at the rate of one Spanish milled dollar, or the current exchange thereof in other money, at the time of payment, for forty dollars of said bills of credit received on loan.

"That the principal of all certificates that shall hereafter be taken out, until the further order of Congress, be discharged at the same rate, and in the same manner as those that have been taken out since the 18th day of March last.

"That the interest on all loan-office certificates, at the rate of six per cent. per annum, computed on the principal ascertained as aforesaid, shall be discharged annually in like manner as the principal, until the whole shall be paid, &c.

"*Ordered*, That the Board of Treasury prepare the proper tables for the direction of the commissions of the Continental loan offices in the several States, in paying off the principal and interest of loans, agreably to the foregoing resolutions."—*Journals of Congress, vol. vi., pp.* 100 *and* 101.

The resolution of the 28th of June having referred to loan-office certificates, it may not be amiss to explain what these loan-office certificates were. By a resolution of the 3d of October, 1776, these loan offices were created, and it was provided that a commissioner should be appointed by each State, and an office opened in each for the purpose of receiving loans to the Government of their own bills of credit. The great object of Congress was to withdraw as large an amount of their bills from circulation as possible, in order to sustain the credit of the remaining portion. For this purpose the holders of these bills were invited to come forward and loan them to the Government and receive for them these "loan-office certificates" bearing an interest of four per cent per annum.

Now, by far the greater portion of that part of the public debt of Texas, to which I have alluded, is exactly similar to these loan office certificates and bills of credit of the United States. The funded debt of Texas, evidenced by a certificate of stock bearing ten per cent. interest—principal and interest in 1846, amounting to $2,193,365. Her eight per cent. bonds, evidenced by a certificate of stock, or bonds, bearing an interest of eight per cent. per annum, amounting, principal and interest in 1846, to $1,135,400; and her promissory notes outstanding amounting to $2,674,447, making an aggregate of $5,993,212. I repeat, that most of this part of our public debt stands upon precisely the same foundation as the loan-office certificates and bills of credit issued by the Government of the United States. The object of Texas in opening books and inviting the holders of her bills to fund them, and receive in exchange a different species of security, bearing interest at eight and ten per cent., was to withdraw as large an amount of those bills from circulation as possible, and thereby sustain the credit of those which still continued to be used as a circulating medium—the same motive which had induced the United States to cause commissioners to be appointed in the different States, and invite the holders of her bills to loan them to the Government at a given rate of interest.

Mr. Chairman, having alluded to the loan-office certificates, created by the resolution of the 3d of October, 1776, in order to show the similarity between these certificates and the portion of the public debt of Texas, to which I have referred as her "funded debt," and her "eight per cent. bonds," I will read the resolution itself. Here it is.

"*Resolved* That five millions of *Continental dollars* be immediately borrowed for the use of the United States, at the annual interest of four per cent. per annum.

"That the *faith of the United States be pledged* to the lenders for the payment of the sums to be borrowed, and the interest arising thereon, and that certificates be given to the lenders in the form following, viz:

"The United States of America acknowledge the receipt of —— dollars from ——, which they promise to pay to the said ——, or bearer, on the —— day of ——, with interest annually, at the rate of four per cent. per annum, agreeably to the resolution of the United States, passed the 3d day of October, 1776. Witness the hand of the Treasurer, this —— day of ——, A. D.

"Countersigned by the commissioners of one of the loan offices hereafter mentioned.

"That, for the convenience of the lenders, a loan office be established in each of the United States, and a commissioner to superintend such office be appointed by the said States respectively, which are to be responsible for the faithful discharge of their duty in the said offices.

"That the business of said commissioners shall be to deliver certificates for all such sums of money as shall be brought into their respective offices agreeably to these resolutions."—*Journals of Congress, vol.* 2, *p.* 898.

According to this resolution, these commissioners were authorized to borrow five millions of *Continental dollars*—that is, their own bills only, and not the issues of the States. But the following resolution, of the 19th November, 1778, is still more explicit:

"*Resolved*, That the Commissioners of the Continental loan-offices of the United States be respectively directed to receive for loan-office certificates *such bills of credit only as have been or may be emitted by Congress*, any resolution to the contrary notwithstanding."—*Journals of Congress, vol.* 4. *p.* 667.

The form of loan-office certificate given in the resolution of the 3d of October, 1776, carries on its face as solemn an obligation *to pay*, as the bonds of Texas, or any other bonds, and yet these are the very same loan-office certificates that, by the resolution of the 28th June, 1780, were required to be *scaled* at the rate of *forty for one.*

Mr. Chairman, I do not allude to this subject in order to disparage this Government; far from it. She has been our great exemplar in everything. To her we have looked up. She has furnished the model of our *scaling system*, as well as every other part of our system. We are under obligations to her for it, and are not disposed to rob her of whatever credit may be due for the introduction of that system.

Having, to some extent, reviewed the action of the old Congress on their public debt, I desire to call the attention of the committee to the action of the Convention which framed the Federal Constitution, on the same subject. In the debates in the Convention on the 23d of August, 1787, we find the following:

"The first clause of article seven, section one, being so amended as to read: 'The Legislature shall fulfill the engagements and discharge the debts of the United States, and shall have the power to lay and collect taxes, duties, imposts and excises,' was agreed to."—*Madison Papers, vol.* 3, *p.* 1412.

On the 24th of August the Convention voted a reconsideration of this proposition, by a vote of seven in the affirmative to two in the negative.—*Madison Papers, vol.* 3, *p.* 1416.

"*August* 25.—The first clause of article seven, section one, being reconsidered,

"Colonel Mason objected to the term *shall* fulfill the engagements and discharge the debts, &c., as too strong. It may be impossible to comply with it. The creditors should be kept in the same plight. They will in one respect be necessarily and properly in a better. The Government will be more able to pay them. The use of the term *shall* will beget speculations, and increase the pestilential practice of stock-jobbing. There was a great distinction between original creditors and those who purchased fraudulently of the ignorant and distressed. He did not mean to include those who have bought stock in the open market. He was sensible of the difficulty of drawing the line in this case, but he did not wish to preclude the attempt. Even fair purchasers, at *four, five, six, eight for one*, did not stand on the same footing with the first holders, supposing them not to be blamable. The interest they received, even in paper, is equal to their purchase money. What he particularly wished was, to leave the door open for buying up the securities, which he thought would be precluded by the term "*shall*," as requiring *nominal payment*, and which was not inconsistent with his ideas of public faith. He was afraid, also, the world "*shall*" might extend to all the *old Continental paper.*"—*Madison papers, vol.* 3, *pp.* 1424 *and* 1425.

Mr. Randolph offered, as a substitute, the clause as it now stands in the Constitution, that, "All debts contracted, and engagements entered into, by or under the authority of Congress, shall be as valid against the United States under this Constitution, as under the Confederation." This substitute was adopted by a vote of ten in the affirmative to one in the negative. With the avowed object of doing away with the positive nature of the provision expressed by the phrase "*shall* fulfill the engagements and pay the debts," &c., as originally adopted.

The whole debate on this part of the Constitution shows that the object of the convention was so to shape this clause in relation to the public debt as to leave the future Government at liberty to adopt whatever system for its adjustment might seem to them just to the creditors and to the country.

What Mr. Mason "particularly wished was, to leave the door open for buying up the securities;" as was actually done by the act of the 8th of May, 1792, as we shall presently see. This plan of buying up the public securities "was not inconsistent with his ideas "of public faith." He was afraid, also, that the word "*shall*" might extend to all the *old* "*Continental paper.*" And yet, "*this old Continental paper*" was the same, concerning which Congress said, in 1779: "So circumstanced, you had no other resource but the natural value and wealth of your fertile country. Bills were issued on the credit of this bank, and *your faith was pledged for their redemption.*" The very same bills which were, by the act of 1790, *scaled* at the rate of a hundred for one.

Mr. Chairman, having reviewed the action of the former Government, and the Federal Convention, in relation to their bills of credit and loan-office certificates, we are now prepared to understand the act of the 4th of August, 1790, "making provision for the payment of the debt of the United States." The system adopted by that act was but a continuation of that which had been previously adopted by the Continental Congress in the resolutions of the 3d of October, 1776, and 28th of June, 1780, with some slight modifications. The third section with its preamble reads as follows:

"And whereas it is desirable to adapt the nature of the provision to be made for the domestic debt to the present circumstances of the United States, as far as it shall be found practicable, consistently with good faith and the rights of the creditors, which can only be done by a voluntary loan on their part:

"SEC. 3. *Be it therefore further enacted*, That a loan to the full amount of the said domestic debt be, and the same is hereby, proposed; and that books for receiving subscriptions to the said loan be opened at the Treasury of the United States, and by a commissioner to be appointed in each of the said States, on the first day of October next, to continue open until the last day of September following, inclusively: and that the sums that shall be subscribed thereto be payable in *certificates* issued for the said debt, according to their *specie value*, and computing the interest upon such as bear interest to the last day of December next; which said certificates shall be of these several descriptions, viz:

"Those issued by the Register of the Treasury.

"Those issued by the commissioners of loans in the several States, including certificates given pursuant to the act of Congress of the second of January, one thousand seven hundred and seventy-nine, for bills of credit of the several emissions of the twentieth of May, one thousand seven hundred and seventy-seven, and the eleventh of April, one thousand seven hundred and seventy-eight.

"Those issued by the commissioners for the adjustment of the accounts of the quartermaster, commissary, hospital, clothing, and marine departments.

"Those issued by the commissioners for the adjustment of accounts in the respective States.

"Those issued by the late and present paymaster general, or commissioner of army accounts.

"Those issued for the payment of interest, commonly called indents of interest.

"And the bills of credit issued by the authority of the United States in Congress assembled, at the rate of one *hundred dollars in the said bills for one dollar in specie.*

("SEC. 6.) "That a commissioner be appointed for each State, to reside therein, whose duty it shall be to superintend the subscriptions to the said loan; to open books for the same; to receive the certificates which shall be presented in payment thereof to liquidate the *specie value* of such of them as shall not have been before liquidated; to issue the certificates above mentioned in lieu thereof."—*United States Statutes at Large, vol.* 1, *pp.* 139, 140, *and* 141.

A portion of the tenth section reads as follows:

"But as some of the certificates now in circulation have not heretofore been liquidated to *specie value*,"

It then goes on to provide for the calling in of these certificates, and proceeds thus:

"That those of them who do not possess certificates issued by the Register of the Treasury, for the registered debt, should produce, previous to the 1st of June next, their respective certificates, either at the Treasury of the United States, or to some one of the commissioners to be appointed as aforesaid, to the end that the same may be canceled, and other certificates issued in lieu thereof, which new certificates shall specify the *specie amount* of those in exchange for which they are given, and shall be otherwise of the like tenor with those hereafter issued by the said Register of the Treasury."

It is clear from this act, that a portion of the debts of the United States had been *scaled* to their *specie value*, and that those which had not been thus *scaled* were required to be so. It is also clear, from the whole tenor of the act, that it was but a continuation of the Continental *scaling system*.

I have said that, in adopting this system for the equitable adjustment of our public debt, we had, as in everything else, followed the example of this Government. But we have followed it in kind only, not in degree; for while this Government has scaled some of her liabilities as low as one hundred dollars in her bills for one dollar in specie, the lowest of ours have only been scaled to five for one.

The act of the 8th of May, 1792, exhibits, however, a phase of the national debt which we have not imitated. That act authorized her commissioners to go into the market with her surplus revenue, and purchase her liabilities—already reduced to their specie value—"at the lowest price at which the same can be obtained by open purchase." (United States Statues, vol. 1., page 283.) Such is the language of the law. I do not allude to this, however, in a censorious spirit; I only allude to it as connected with the history of a revolutionary debt.

But to return to the revolutionary debt of Texas. I will now, Mr. Chairman, give a general, but brief explanation of the *scaling system* (as it has been called) adopted by Texas for the equitable adjustment of her public debt. The rule adopted, in few words, is this: *To pay to the holders of her liabilities the full amount of the considerations which she received for them when she issued them with the stipulated interest.*

In order to show the early period at which this system was adopted as the settled policy of the country, though not yet passed into a law, I will read a paragraph from a report made by a committee of the House of Representatives of the first Legislature of Texas, of which the Hon. Volney E. Howard was chairman. It reads thus:

"The fact that the debt of Texas was contracted during a revolutionary struggle, constitutes no reason, in the opinion of the committee, why we should not pay it in honesty and good faith. They, nevertheless, think that she should be bound to return to the public creditors only what, according to a just average, they paid for her securities, with the rate of interest stipulated on the land or other evidence of debt; they have endeavored to place their scheme of classification on the broad basis of paying back, with interest, to every man every dollar advanced in her service, or invested on the faith of her securities."

The committee accompanied this report with a bill, in which they recommend a system of classification of the public debt, upon the same general principle as that which was finally passed into a law in 1848. The classification is contained in the first section. The second section is as follows:

"That should the United States purchase the public domain of the State, the proceeds of such purchase are hereby inviolately pledged for the payment of the same respectively found due to her public creditors *under the foregoing classification.*"

Here is a solemn declaration, published to the world as early as 1846, of the terms upon which Texas would settle and pay her public debt, and that, too, looking directly to a sale of her public domain.

Some persons seem to have imagined that Texas adopted her system of classification after the passage of the compromise measures of 1850. Such, however, has been shown not to be the fact. Her system was published to the world in 1846. It passed into all the solemnities of a law in 1848; and before the compromise acts of 1850 had become laws, a large amount of her securities had been surrendered, and new certificates issued for their specie value.

If Texas had even been disposed, out of a chivalrous regard for the letter of her engagements, to recognize and pay all her securities at the full value expressed on their face, how could she have done this without manifest injustice to far the most meritorious part of her creditors—those who had stepped forward in the darkest hour of her struggle, and hazarded their means in her defense, under the influence of a generous impulse, without hope or reward?

At the passage of the compromise acts of 1850, the nominal amount of the public debt of Texas was about twelve millions and a half of dollars; the whole amount of indemnity offered to her by that act was only ten millions. What, under the circumstances, should Texas have done? Ought she to have placed the most meritorious class of her creditors on the same common level with those who had received her bills at the Treasury at six or eight for one, or the still less meritorious class who had gone into the market and purchased her liabilities at a mere nominal price? Every consideration of justice, every sentiment of gratitude, forbade it; but yet, this was the inevitable result of acknowledging all those liabilities without discrimination, at their nominal value. The rule adopted by Texas was probably the only one, under the circumstances, which would do justice to all without working injustice to any of her creditors. It did full justice and no more, to those who had generously advanced their means in her cause at par. It did full justice to those who had received those bills or other evidences of debt at a discount. And it did much more than justice to those who had gone into the market and bought up her securities on speculation, at a mere nominal price.

There is one other view which I wish to present on this subject. Many persons who presented their claims to the accounting officers of our government for settlement, before the government was willing to acknowledge any depreciation in her bills, were settled with at specie rates, and paid off in those bills at par. These persons were frequently compelled to sell those bills at two, three, or four for one. The party now comes forward, and says: "You owed me ten thousand dollars. You paid me in your "*red backs*," which were only worth to me twenty-five hundred dollars. I now demand the remaining seven thousand five hundred dollars, with interest to the present date, which, in all equity and good conscience, you still owe me." In one instance—if ma I not greatly in error—Texas has settled and paid a claim of large amount under circumstances similar to those just stated, and other claims of similar character have been presented; and, upon every principle of equity, they have a better claim than the present holders of her bills. But can Texas satisfy the demands of both? Can she pay the face value of her securities to their present holders, and yet make up the losses to the parties to whom they were originally issued? I do not pretend to say that Texas has adopted, or will adopt, the instance to which I have alluded as a general rule by which she will settle and pay similar claims, but such claimants certainly now have the weight of precedent on their side.

Those who step forward and advance their means in a revolutionary struggle, in aid of a people contending for their rights, and in vindication of the great principles of civil and religious liberty, are supposed to do something under the influence of a generous sympathy—something from a patriotic regard to the great principles involved. It would be unjust to them to suppose that they are actuated by a mere sordid calculation of interest; that they advance their means on the same sort of calculation as men buy a lottery ticket, or stake their money upon a game of chance, with the hope of realizing, if successful, five or ten times the amount of the investment. We desire to look upon such public creditors as entitled not only to the gratitude of the people immediately interested, but of the friends of liberty and liberal institutions everywhere. But such sentiment of gratitude is alone compatible, in my opinion, with a disposition to accept the ample indemnity which Texas has offered to her creditors.

Mr. Chairman, Texas, in all her movements—in every phase of her history—has looked up to but one great model, and that model has been this Government. In revolutionizing from the Government which attempted to hold her in perpetual vassalage and colonial dependence; in striking off the fetters with which the Mexican despot sought to bind her, she followed the example of this Government. Her declaration of independence was fashioned in the same mould as your own. Her constitution of the Republic was an imitation of that of the United States—I might almost say a servile imitation; because she imitated the Constitution of the United States in points in which her situation was entirely unlike, and where, consequently, her constitution should have been essentially different. During and after the revolution her public debt grew up in the same manner. It ran the same course of depreciation, and she has adopted the same general principles for its equitable adjustment which were furnished her by the illustrious example of this Government.

As I have already had occasion to remark, I have not run the parallel between the systems of classification of the United States and Texas, for the purpose of disparaging this Government, but for a very different purpose. The adoption of a system by the sages of the Revolution, which system was perpetuated by the great and patriotic men who put this Government in motion under the Federal Constitution, is *prima facie* evidence that the system itself is right; and if right in the Government of the United States, a system founded on the same principles, could not be wrong in the Government of Texas.

But, the laws enacted by both Governments in relation to their public debt, stand on much higher ground. They are but the reënactments of the great principles of equity—the laws of nature in relation to right and wrong. Those laws which teach us to return to all men the full value of what we receive at their hands, and to expect nothing more in return from others. All other rules of action between man and man, or citizen and Government, are fast yielding before the advancing light of Christian civilization. They are but the relics of a barbarous commercial policy, which has grown up in insular countries, like England and Venice, circumscribed to a mere speck on the ocean, and dependent upon commerce for subsistence; but they are altogether unsuited to a people whose empire spreads from sea to sea, and whose controlling interest is agriculture.

Even in England they are fast receding before the advancing civilization of the age. In proof of this position, what is the doctrine now held with regard to penal bonds? Does any man now think of collecting the penalty expressed in the face of a penal bond? Yet, in its language it purports to be a positive contract, and the form of the instrument shows that, at some period, it might have been collected. Take, as another example, the doctrine now held on the subject of mortgage. This is another instance in which the language used conveys the idea of a positive contract, vesting the fee in the mortgagee, subject only to defeasance upon the performance of the condition. But will a court of equity now enforce it in that sense? Imprisonment for debt is another relic of the commercial policy of a barbarous age, which must recede as civilization advances.

Judge Story, speaking of the jurisdiction of courts of equity, says:

"This jurisdiction was afterwards greatly enlarged in its operation, and applied to all cases, where relief is sought against the penalty of a bond, upon the ground that it is *unjust for the party to avail himself of the penalty, when an offer of full indemnity is tendered.*"—*Story's Equity, vol.* 1, *p.* 106.

This fully expresses the great principle of equity on which our system of adjusting our public debt is predicated. We have "tendered full indemnity to our creditors." He proceeds:

"The same principle governs in the case of mortgages, where courts of equity constantly allow a redemption, although there is a forfeiture at law."

I design now, Mr. Chairman, to review some other portions of the public debt of Texas. A part of her bonds, or certificates of stock, bearing ten per cent. interest, have been scaled to seventy cents on the dollar. This was done on the general principle already stated; but I wish to examine this question, and see what such bonds, if they were United States bonds, would actually be worth in the market. These bonds have run on interest at least sixteen years. A thousand dollars of these bonds, at seventy cents on the dollar, would be reduced to seven hundred dollars. Now, what

would a United States bond for seven hundred dollars, drawing ten per cent. interest, and having sixteen years to run, be worth in the market? You will find, upon making the computation, that seven hundred dollars, with the interest at ten per cent. for sixteen years added, will yield the sum of one thousand eight hundred and twenty dollars; while a thousand dollars at five per cent., having the same period to run, will yield only one thousand eight hundred dollars; so that seven hundred dollars in bonds of the former kind would yield more, and would sell for more in the market, than a thousand dollars of the latter; and yet, the latter would be worth in the market more than ten per cent. premium. And when we make this offer to our creditors, is not "*full indemnity tendered,*" independently of the equitable consideration upon which these claims have been adjusted?

I would now ask attention to another claim; the claim of Mr. Dawson, for naval vessels furnished to the Republic of Texas. I would not be understood as aiming to detract, in the slightest degree, from the merit of this gentleman, as one of our most patriotic public creditors; but I once had occasion to examine this claim, and nothing is more evident to my mind than that the price of these vessels, originally, was $280,000. A second bond, however, for the same amount was deposited, and was to be forfeited if not paid against a specified time. The money was not paid, and both bonds were taken for the debt, thus making it, nominally, $560,000.

Now, I ask, in what does this case differ in principle from the case of an ordinary penal bond, where the penalty is double the amount of the original consideration? I can perceive no difference but in form; the cases are intrinsically the same; and yet, does any man in this age expect to collect the penalty expressed on the face of a bond? This claim has likewise been drawing interest at the rate of ten per centum, and has long since doubled the original sum. This claim Texas, in her classification, reduced to fifty cents on the dollar taking both bonds into consideration; that is, she has reduced it to the original price of the vessels, $280,000, with the accumulated interest at ten per centum. Was not this tendering full indemnity?

Some benevolent persons, who, in their tender mercies, have undertaken to keep the conscience of Texas, have also feared lest her interest should suffer. They think she will never have credit unless the nominal amount of her debt should be paid. Has the United States Government any credit? The same prediction was made with regard to her, and for the same reasons. (American State Papers, vol. 1, Finance, p. 79.) How has the prediction been verified? Has she never been able to recover from the effect of her *scaling system?* Whenever Texas has received *par* for her securities, she has never hesitated to acknowledge the full amount expressed on their face, with the stipulated interest, though bearing the enormous rate of ten per cent. Could Shylock himself desire more than this?

The course pursued by Texas in the liquidation of her public debt, so far from injuring her credit, should place her on as high ground as any State in this Confederacy. I desire to see the credit of my State forever bright, but the best way to keep it so, is to follow the advice of the Father of his country, in his parting admonition to the American people, and "*use it sparingly.*" Our State constitution now prohibits the Legislature from contracting debt, exceeding, in the aggregate, $100,000; and I trust that feature in our organic law may long remain unchanged. I have no fears for the credit of my State.

There is another circumstance connected with our public debt which I do not wish to pass over without explanation. To the first article of the boundary act, there is this proviso:

"That no more than five millions of said stock shall be issued until the creditors of the State holding bonds, and other certificates of stock of Texas, for which duties on imports were specially pledged, shall first file, at the Treasury of the United States, releases of all claims against the United States for or on account of said bonds, or certificates, in such form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States."—*United States Statutes at Large, vol. 9, p. 447.*

Texas, in the arrangement of her public debt, divided it into three general classes. The first class, comprehending all that portion of her debt which had been audited, and which comprised much the larger portion of her debt. The second class including all that class of claims which had not been audited, but which were sustained by sufficient legal vouchers to authorize them to be audited. And the third class, embracing those which were believed to be just claims against the Government, but were not sustained by sufficient vouchers to authorize the accounting officers of the Government to audit them.

The former Administration so construed this proviso as to make it cover almost the entire first class debt; in fact, a majority of the entire debt; leaving, however, a small part of the first class, and the entire second and third classes, without the limits of the proviso. The entire debt, at its specie value, was estimated at about seven millions of dollars. What then could Texas do? The $5,000,000 received was insufficient to pay the entire debt. If she commenced paying indiscriminately, the entire sum would be exhausted, and a part of her debt would, necessarily, remain unpaid. That portion of her debt covered by the proviso was amply cared for. Five millions of dollars had been locked up in the Treasury of the United States for the special security of that class of her creditors. In the dilemma thus forced upon her, she adopted the alternative of paying that portion of her debt not embraced in the proviso; leaving the other part, for the security of which so great pains had been taken, to be paid out of the reserved $5,000,000, after the restriction should have been removed, and the bonds delivered to the State.

Under the operation of this general rule some innocent parties have suffered; and this consequence Texas deeply deplores. But as to those who hung around the walls of this Capitol, and succeeded in fastening the proviso upon the boundary act, they have no right to complain, and they have none of our sympathies. They have eaten the fruit of the tree which their own hands have planted, and they are welcome to it.

And, here, in conclusion, I would remark, Mr. Chairman, that the human imagination cannot conceive of a thing more absurd than this proviso, under the construction placed upon it by the last Administration. Under that construction the proviso is made to embrace the promissory notes or bills of credit of Texas, for the last five doller bill of which a release must be filed before the restriction is removed; but, as many of these bills are doubtless lost or destroyed, the performance of this condition is impossible. Even under the construction of the present Administration, the holder of the smallest item of her certificates of stock may tie up the entire five millions for an indefinite period, to the great detriment of all others.

DIPLOMATIC AND CONSULAR SYSTEM.

SPEECH OF HON. J. R. CHANDLER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1855.

On the bill to remodel the Diplomatic and Consular system of the United States.

Mr. CHANDLER said:

Mr. SPEAKER: In my opinion, no bill has reached your table which bears with it more important provisions than that which is now under consideration in this House—that for remodeling the diplomatic and consular system of this country. It reaches to the regulation of our affairs abroad; not merely to the political relations of the country, but it touches every salient point of a nation where a ship may reach; where one bundle of merchandise may tempt the cupidity of a trader, and where any of our own nation may reside. The bill, in the first place, contemplates a reformation of the diplomatic affairs of our country, and of the agencies of our country. It reaches to the salary and to the conduct of those who represent our country abroad; and it calls upon them to be the representatives of that country to the Court or near the Government to which they are accredited. Hitherto, Mr. Speaker, the term "Minister near the Court of ——" has hardly been expressive of the geographical position which our Ministers have occupied. Many of them have been more near to the antipodes than to the courts to which they were accredited; and while they have been traveling all over the world—a species of peripatetic ministers—they have been credited, not only at the Government where they were, but credited at the State Department, for amounts of money which by no calculation could they ever have earned.

Mr. Speaker, in looking over the notes of the honorable gentleman who is my colleague on the Committee on Foreign Affairs, [Mr. PERKINS,] I was struck with some very remarkable facts which are worthy of consideration, not merely that some of the Ministers who are appointed with a salary of from $5,000 to $9,000 a year have been in the habit of remaining in this country for one, two, three, and four months after their appointment, and one remarkable instance occurred where thirteen months elapsed before the Minister left this country for the place to which he had been accredited. And then they have the whole distance to travel, and perhaps, in some instances—though I do not know that—they have to stop in Paris to learn the French language before they go on. This is, perhaps, rather a caricature of the system, but the whole of it is a caricature on diplomatic relations, and it needs changing—needs changing very much.

But, Mr. Speaker, my desire is to express, as I feel it, a much greater anxiety for the consular relations of our country, and for those who represent our country in that capacity. It is of the utmost consequence that those who represent the commercial interests of this country, and who direct those interests, as many of them do, should be under certain kinds of regulations, by which they could be made amenable not only to our customs and manners, but to certain laws which must govern American citizens wherever they are. We have abroad, in our commercial marine, about one hundred and forty thousand seamen, who are unrepresented on this floor, who are unrepresented in our ports at home, and who have to seek abroad, in many instances, succor, assistance, and advice, from men whose fault it may be to entrap them into difficulties, and to tax them to get out of them.

Instances might be cited where these seamen, paid off at a foreign port, with pockets filled with the results of their hard labors, becoming, as the gentleman upon the other side of the House expressed it a few days since, somewhat elated in consequence of frequent visits to corner shops, have manifested considerable excitement upon seeing the beautiful flag of their nation flying over the consular house, and for the simple patriotic ebullition of the moment, have been frequently arrested by the very consul who should have protected them, and made to pay fines which go to enrich the consul, whose only excuse is, that if he does not get from them their money, somebody else will. I desire to draw the especial attention of the House to this evil, and to state that it is for the purpose of correcting this, among other evils, that this bill has been carefully drawn, and is now pressed upon the House for adoption.

It is impossible, Mr. Speaker, for one who has not traveled abroad, and been thrown, more or less, into contact with our consuls, or felt upon himself the injurious effects of our present system to appreciate as they should be appreciated, the reforms proposed by the bill before the House.

I would speak a few words, however, in behalf of the poor sailor, who has no representation on this floor, and who is exposed, from the nature of his pursuit and the thoughtlessness of his character, to grevious wrongs both abroad and at home.

We express a great deal of sympathy for this class of men, and well we may, for they are the heroes of our victories on the ocean, both of war and peace. In battle they have maintained the honor of our flag, and in commerce have borne it into every sea. It has, therefore, been the policy of the Government to guard, with peculiar care, the rights of these men. We build marine hospitals for their comfort at home, when old age or disease shall have overtaken them, and ever since the last war we have been paying annual amounts running up from ten thousand to one hun-

dred and twenty-five thousand dollars the past year, for the return of such as may have been left destitute abroad. We have made laws causing our sea-captains to give bond for the humane treatment, and the safe return of all American sailors that they take abroad with them; and our courts and juries look, with a kind eye, to their interest. And yet all the good intention, and all this effort at practical protection to the seaman in our legislation is neutralized, by defects in our consular system. The consul who is to be a judge between them and the captain in their difficulties abroad, is secured in the interest of the captain. He is feared, more for his power to punish, than looked to for his protection. The bad captain can easily obtain from him a certificate of the propriety of his conduct, while the good captain avoids him to escape imposition. Thus, nothing is more common than to hear, among our sea-faring men, the consul abroad spoken of in the light of a tax-gatherer, whom it is their interest to avoid. Their fees, by a most impolitic rule, are measured by the usual, notarial port, and other charges of the country to which they are sent. By this means we are actually paying our consuls abroad to influence foreign Governments to tax our commerce in as many ways and to as large an amount as possible.

We have five millions of tonnage abroad, upon the ocean, which should look to the consulates of this country as so many points of security against wrong. In the vast millions of varied products which it bears from our shores to remote localities all round the globe, every domestic and industrial interest in this country is closely connected.

A bill, therefore, sir, which attempts to reform abuses in our consular system, to substitute positive law for discretion, make definite the fees charged; and to curtail abuses, which eat up the profits of our shipping and commercial interest, cannot be, and should not be, considered other than as a great national measure.

In illustration of the character of the charges made by consuls abroad, I append a list of those for extension of protests at differents points. They run from six dollars, or eight dollars, to forty dollars, for the same act, and, I am assured, in some instances of extortion have exceeded one hundred dollars. As the only existing rule governing the amount is the judgment of the consul as to the extent of his own labor, and the customs of the port where he is, it will be seen at once that the merchant can be imposed on, without any means of detecting it, by preclusion between the captain and the consul. Under the bill, as the fee does not go to the consul, and the extension of the protest itself, is not, necessarily, a consular duty, there can be no such imposition.

Mr. Speaker, I have been abroad; I have lived for most of my life in one of our largest commercial cities; and my pursuits have brought me into close relations with those engaged in foreign commerce. I have been for several years a member of this House, serving on various committees, always interested in legislation affecting our commerce; and I have been and am now a member of the Committee on Foreign Affairs, and therefore felt it a duty to look into what our foreign relations makes for the commerce and peace of this country; and I do not believe that there have often been bills before the House whose passage would be more for the interest of the whole country than the present one.

I know the difficulty of getting correct and full information on the subject of which this bill treats. Few members of the House have the leisure, if they had the inclination, to examine into it. All feel the necessity of some reform. Passed Congresses, previous Secretaries of State, different Chambers of Commerce, the whole newspaper press of the country, without, so far as I have seen, a single exception, all unite in urging some change. Under such circumstances, members who have not had time to look into this subject, and who are not disposed to plant themselves upon the judgment and suggestions of the Committee on Foreign Affairs, may very well vote for this bill under what seems to be the judgment and conviction of the whole country—that any change will be an improvement, and that no proposed system can, by any possibility, be worse than the present one. For myself, however, and for those who are disposed to vote for the present bill on the ground of its positive merits, I will repeat, that, after having thought much on the reform of our consular system; after having proposed to myself such a labor when I entered Congress; after having collected the material, and drawn up a bill for the purpose, I am satisfied the present bill is decidedly the best that, under existing circumstances, can be urged upon the House, with any prospect of success. I speak this after having examined with minuteness the details of the bill. That there are imperfections in it, I have no doubt; experience is necessary to perfect every system; and the great merit of the bill before the House is, that while some may question the amount of this or that salary, and the permission for this or that consul to trade, I have not met one man who does not say that the principles of the bill are plainly required by the public interest:—

It substitutes positive law for executive, and ministerial, and consular discretion. It establishes responsibility, and fixes it upon the immediate agent of any act. It makes open and plain to all, the nature and extent of the emoluments received by every one in the foreign service:—

It allows no pay for service in advance; insures the personal discharge of the duties of an office, and puts an end to that species of Executive favoritism, by which political partisans may be pensioned, to a greater degree than under the English Government, and more dangerously, because clandestinely, and under the show of patriotic impulse. It relieves the one hundred and forty thousand seamen of the country from taxation in every imaginable form, and secures to them, in the consul, a disinterested friend and counselor:—

It relieves the five millions of tonnage of the country of exposure in case of misfortune, shipwreck, or casualty abroad, to an enormous taxation in a variety of fees. It removes the discrimination now existing against small commercial adventures to contiguous ports in favor of large capitalists and distant trade. It gives our foreign agents abroad respect with the authorities of the country where they are located; frees them from the suspicion of selfish gain in the discharge of their duties, and thus secures them a moral influence over their countrymen abroad, far more potent for good than any mere legal authority with which we might arm them. The American traveling abroad will no more dread his consul, as a tax-gatherer, obstructing more than facilitating his power to travel without passport all over Europe. In fact, in peace and in war, the consul will exist, with a fixed salary and definite duties—an American in nationality, as well as in sentiment—and thus the rights of our citizens and the honor of the country will be better insured than can possibly be under any other system which does not limit our consulships to American citizens, with definite law for their guidance.

The bill has been framed with care, so that in accomplishing much, not to attempt other reforms not directly connected with our foreign machinery. The reorganization of the State Department itself, the classification of its clerks, the establishment of a consular bureau, and a provision for the publication of consular dispatches, may properly be embraced in another bill.

So, also, the bill does not change the special laws regulating the civil and criminal jurisdiction exercised under treaty stipulation by our consuls in China. These powers, however in their character exceptional, made so by the peculiar people with whom our consuls there have to deal. The bill also leaves the consulate in Japan and Borneo without a specified salary. Permission to establish these have been secured by recent treaties not yet carried into execution, and it was deemed advisable not to advise them, by the attempt to fix their salaries in this bill.

Trade in the East is rapidly increasing, and no doubt will receive, from another Congress, the attention its importance demands. The bill, however, puts on a good footing consuls at Zanzibar on the eastern coast of Africa, where the immense possessions of the Sultan of Zanzibar and Muscat have become of interest to the whole commercial world. As early as the year 1818, the Sultan, it may not be generally known, prohibited the exportation of slaves from the interior of Africa, through his coast possessions, and since 1850 has prohibited even their introduction into his possessions. His disposition has been favorable to this country, and his commerce at this time is subject of strife with the nations of Europe.

It should be remarked, while speaking of the charges of our consuls abroad, that most of the fees which they demand and receive are not sanctioned by any definite law, but are regulated according to the customs of the port at which they are situated. Now, if it should happen that these fees are exorbitant—as I am assured it does some times happen, as it, indeed, must be when the complaint is so general—it is evident that those who are taxed for these fees are not likely to have a remedy. The custom of the port is regulated by the body of consuls, not one of whom, if he receives his compensation in fees, is likely to violate the custom by any reduction of fees; a proper *esprit du corps* would prevent that, even if a regard for self was not operative. Surely this supplies a motive for a change in the system, and that motive, I think, must be operative on this House. But these heavy charges, and the pursuits of trade on the part of our consuls lead to another great evil. It throws the commerce of this country into foreign hands, and leads to most mortifying results. A very large portion of our business in foreign goods is done on foreign account. The manifestos are thus without consular certificates, and the revenue suffers by such a diversion of business. It is said that sixty per cent. of our foreign trade is thus thrown into foreign hands.

I feel that on this subject I am speaking for a large mercantile constituency, many of whom I know have suffered by a diversion of business, and felt the great inconvenience and loss in their mercantile pursuits, resulting from the advantage which foreigners derive from our consular system, and the consequences of its mal-arrangement. I speak, sir, thus, for America and for Americans, and ask for our country and our countrymen the benefits of our national legislation. We have too long been legislating for those who have no sympathy with us, no interest in our prosperity, and we delay to promote a trade that is truly American.

I have already referred to other evils of the consular system, especially those that result from the consul being himself a merchant—of the advantage which he has over the unofficial merchant in the market in which he is, and over the market to which he and his unfortunate rivals may send goods. Business men will understand all this, and they have not been backward in expressing their opinion, and urging a remedy. I believe this bill proposes the best remedy than can now be had. It takes nothing from my argument that I do not cite special instances, and refer to persons to sustain my remarks. It should be enough for this House to know that sad evils, as I have mentioned, may exist, that the present system is undeniably liable to such a misdirection, and American business and American men exposed to such abuses. The legislation that is for their interests, and the citizens far distant from our courts and our general laws, should be explicit and definite, and as little as possible should be left to a discretion that is liable to be warped by opposing interests. At home the executive, the legislative, and the courts of the country are all easily approached, and the misconduct of a public officer is at once resented by the sufferer, and punished by the appropriate tribunal. Abroad, petty annoyances, personal grievances, and official vexation may be felt and resented, but it cannot, for a long time, be exposed; rarely, if ever, punished. Eminently, then, it is our duty to throw around our citizens abroad the ægis of our protective laws, and to remove from the guardian of their rights and the avenger of their wrongs all temptations to neglect or injure their interests.

The evils to which I have referred are those of a time of peace, when malpractice may only extend to the interests immediately injured. That is, of course, bad enough. But it is far worse in a season of war. The consul, dependent upon his fees for compensation, may grow rich by a favorable concurrence of circumstances in peace; but in a season of war he, without the stimulus of fees, may neglect the duties which belong to the

office, or else use his consular powers in a way to involve our country in constant difficulty.

I may appeal to the experience of almost every gentleman now in this body, that Congress is, at every session, annoyed with application from Ministers, secretaries, charges, &c., for extra compensation, for duties devolved upon them by the absence of others; and though some of these claims may be unfounded, yet generally they are just; and thus our *diplomatic* expenses (especially) are swollen far beyond all estimate which, it seems, could be as readily and exactly made as any, even for the most trifling duties in advance. But such is the unsystematized state of this part of our public service that we are almost invariably paying two salaries for one service, and sometimes three. The amount paid, though many thousand dollars, is of far less consequence than the unpleasant and mortifying results to which the practice leads. And in the uncertainty of our legislation, we often omit the proper compensation of officers who have been charged with the affairs of a Minister in the absence of a Minister; nay, we refuse or neglect to repay the amount that the confiding secretary or consul advanced, and allow him to suffer from our delay, and to occupy the attitude of a petitioner for favors.

All these evils will be obviated by the bill before us. Duties are, in it, specifically defined, time and place noted, and the compensation fixed, and the liberty of the officer properly restrained. The bill secures to our foreign service, diplomatic and consular, a dignified character. It removes from the consul the chance of importation, which, though they have been deserved by some, have not been earned by others. Much as have been the wrongs committed by persons acting as our consuls in other countries, it is not denied that many officers of that grade have discharged their duties with fidelity, and have manifested that dignity of feeling, and that justice of conduct which becomes the representative of the interests of a great nation, and it is precisely from this class of officers that the information relative to the abuses to which the present system is exposed, has been derived.

I ought to mention one instance of an American gentleman who, for the last six years, has discharged the duties of a consulate of vast importance to the commercial interest of his country, and often of much moment to his traveling countrymen. He has shrunk from the imposition of fees as far as possible; and while he maintained the character of a gentleman and an officer, had to combat with some of the prejudices which the errors of others of his rank had created.

We must not lose sight of the fact that our country needs good officers, and that the character of a nation, and often its interests, are judged of by the man selected for its representative. But especially must the interests of individuals, which the nation proposes to protect by the establishment of consulates, be affected by the conduct of the officer employed.

Beside the advantage which our commerce must derive from the provision of this bill that forbids the consul to be engaged in commerce, another great benefit results in the equalizing of compensation.

The bill, I believe, is right in principle, and as nearly so in its details as it can be made under present circumstances. Time and experience may suggest improvements—and Congress will not fail to enact whatever is thus suggested. Meantime let us not allow the present opportunity to pass without correcting existing abuses.

I think, sir, it will be the best policy, at this late period of the session, and after the careful examination that I know has been given the subject, to pass the bill before the House without amendment. Its actual and positive advantages far outrun any doubtful improvement of which it is capable. It will be the germ, I have no doubt, of a system of foreign intercourse worthy of the country, and, in some degree, responsive to the character of our institutions.

Mr. Speaker, we are in the habit of smiling at the ridiculousness of the court-dress of England in an enlightened age. It is, however, sir, but the decoration of royalty, where royalty is a principle of Government. The English Government even in this, however, have not been more unwise than we have been. George the Third, pleased with the ordinary dress of his day, said "Let all who approach me, do so in this costume," and the dress of that period has since remained the court-dress of England. We, coming into existence as a nation with institutions directly opposed in principle to those of Great Britain, have discarded its idle trappings, which, at the most, would only have been laughed at in the street, but have retained her diplomatic and consular system, with all its cumbersome details and practical evils, down to the present day.

I trust the bill will pass. I cannot doubt the disposition of the House on the subject. I hope, then, that it will be soon sent to the other branch, and be as promptly and confidingly received there as, I believe, it will be passed here. We have other bills that must become laws, and will claim precedence. I hope, then, that no attempts to change any portion of the bill will here or elsewhere delay its passage.

Fees, Protest (now Collected.)—Fee charged for the extension of a protest, at several of the consulates in different countries.

England.	
Liverpool	£1 19s. 6d.
Glasgow	2 05
Cork	$10
Hong-Kong	16
Calcutta	32
Melbourne	35
Hobart Town	15
Gibralter	16
Cape of Good Hope	15
St. Helena	8
Halifax, N. S	20
Kingston, Jamaica	16
Nassau, N. P	18
Turks Island	24
Barbados	16
Bermuda	8
France.	
Bordeaux	$12
Havre	8
Marsailles	8
Guadaloupe, W. I	8a16
Martinique	16
Spain.	
Cadiz	$8
Malaga	8
Barcelona	6
Havana	17
Matanzas	25
Trinidad de Cuba	16
St. Jago de Cuba	16
Ponce	16
St. John's, P. R	8a24
Manilla	16
Portugal.	
Fayal, Azores	$2
Lisbon	4
Belgium.	
Antwerp	$16
Netherlands.	
Amsterdam	$16
Rotterdam	10
Paramaribo	14
St. Martin	8
Curacao	16
Denmark.	
St. Croix	$16
St. Thomas	16
Austria.	
Trieste	$5
Venice	3
Two Sicilies.	
Messina	$5a15
Palermo	5
Turkey.	
Smyrna	$4
China.	
Shanghai	$16
Sandwich Islands.	
Honolulu	$15
Society Islands.	
Tahiti	$25
New Zealand.	
Bay of Islands, (extending and engrossing)	$30
Feejee Islands, do	20
Hayti.	
Port au Prince	$16
Aux Cayes	16
Cape Haytien	16
City of St. Domingo	16
Mexico.	
Tampico	$14
Mazatlan	10
Acapulco	15
Central America.	
San Juan del Norte	$10
New Granada.	
Carthagena	$8
Panama	20a30
Aspinwall	16
Venezuela.	
Maracaibo	$16
La Guayra	16
Ecuador.	
Guayaquil	$6
Brazil.	
Maranham Island	$6
Pernambuco	15
Rio de Janeiro	10
Rio Grande	8
Bahia	10
Uruguay.	
Montevideo	$12
Buenos Ayres	16
Chili.	
Valparaiso	$17a25
Talcahuana	28
Peru.	
Callao	$10

INVALID PENSIONS.

SPEECH OF HON. R. E. FENTON,

OF NEW YORK,

In the House of Representatives,

February 9, 1855.

The House took up for consideration the bill making appropriations for the payment of Invalid Pensions for the year ending June 30, 1856.

The following amendment, previously offered by Mr. Fenton, was reported from the Committee of Ways and Means, with the recommendation that it be non-concurred in:

And be it further enacted, That any woman who was the wife or widow of an officer, non-commissioned officer, musician, private, seaman, or marine, who served in the Army or Navy of the United States in the revolutionary war, or in any subsequent war, and has since died in the land or naval service of the United States, shall also be entitled to the benefits of the pension laws, or of this act; but no woman shall receive a pension for any time during which her husband received one.

Mr. FENTON said:

Mr. Speaker: Having had the honor to submit the amendment to the invalid appropriation bill, which the Committee of Ways and Means have deemed proper to report upon adversely, I cannot but feel a deep interest in the disposition to be made of it by this House. I will not so far trespass upon the indulgence and patience of the House, already wearied by protracted debate upon various questions, when time for action is so short and therefore so precious, as to make an elaborate argument in defense of my proposition;—in fact, it needs it not, but I desire in a word, if possible, to relieve the amendment from the unfair and unjust prejudice heaped upon it by the gentleman from Alabama, [Mr. Houston,] and those of kindred views.

It is said it will take many millions to answer its requirements if adopted. Suppose it does; is this to be interposed as an argument against its passage? Has this declaration, even if true, in itself any force? I can well conceive how, in the early days of the Republic, with a depleted and bankrupt Treasury, the people depressed and borne down by protracted war, the Government should fail to pay the sums due those who had fought the battles for our Independence. But, sir, at this day, with an overflowing Treasury, and with a country illimitable in its resources, no such objection can be successfully interposed. This Congress cannot cover itself with a shield so transparent; it would subject us to the charge of parsimony and ingratitude.

I do not, however, admit the allegation. I am aware that no definite sum can be fixed upon. The nearest approximation is arrived at by him only who has given this subject the most extensive and searching investigation, and who, by his superior sagacity, is the better enabled to arrive at correct results. In the latter regard, I most respectfully yield to those gentlemen who entertain opinions adverse to my own; in the former, I join issue, and have to say to this House, after much attention, thought, and inquiry, that it will not take millions to subserve its requirements; ay, sir, it will not, in my opinion, require as much money for this as for the Senate (Fessenden) amendment, which, at the most exorbitant figure, is placed at $1,200,000; and yet I would do justice to the class of persons embraced in this proposition, if it exhausted the Treasury of the whole of that surplus now so prolific in corrupting legislation.

I propose to ingraft no new principle upon the legislation of the country in regard to our pension laws. I desire, rather, to amplify slightly the rule of construction at the Pension Bureau, and to remove largely the perplexity and intricacy which surround and run through the present laws and make it so difficult to obtain equal justice. The present laws extend to those widows only whose husbands have died in the Army, or after their return *from disease contracted while in the service*. Without adverting, for the purpose of argument, to the temptation placed before the applicant, which might lead in less honest minds to duplicity, fraud, and even perjury, in making the proofs, I may say it is often difficult to trace the original cause of disability or death, and hence the embarrassment the Commissioner of Pensions is subject to, in the discharge of his official duty, and in determining upon this class of cases.

To remove all unnecessary obstacles in the execution of the law, and liability to invade and violate its provisions, the amendment provides *that if a soldier dies in the service of his country, his widow shall be pensioned.*

It proposes, in addition, to remove the disability or barrier of marriage which is now interposed against those who have, or have had, second husbands. Our laws, in effect, offer a bounty to those widows of soldiers who disobey the laws of association, stifle the impulses of their nature, and prove indifferent to the usages of civilization; in other words, we say to her: providing you engage in matrimony, the stream of justice, benevolence, and charity, dispensed by this Government on account of the meritorious services of your husband in defense of his country, shall be dried at its source, the fountain shall swell with benificent tide no more; but continue in a state of widowhood, and the annual stipend shall be continued. Our laws proceed upon no such principle; it would be a reproach upon our institutions; and the practice of the Government so directly in contravention of every principle of justice and equity

in this regard, is what I would remedy. We give pensions to women, *not* because they were the wives, or are the widows, of the soldiers, but because their husbands lost their lives in the service of their country. The principle of giving pensions to the widows of those whose husbands have died in the service, is now applied to navy cases, but the second marriage barrier is interposed even against them. This amendment places the Army and Navy upon an equal footing.

I had intended to modify my amendment so as to direct payment to *those who received injuries while in the line of duty, from the date of their disability.* The whole number of Army invalid pensioners on the rolls as appears from the report of the Commissioner of Pensions, under date of October 10, 1854, was five thousand and six, and the number paid during the year ending with that date, four thousand four hundred and eighty-six.

The number of Navy invalids now on the rolls is four hundred and ninety-seven, and it is supposed they have mostly, if not wholly, been pensioned from the date of their wounds. In fact, sir, such was the practice of the Government in all cases—Army and Navy—down to 1820; and I have never believed that the construction given to the act of 1820, by the Commissioner of Pensions, under the operation of which these men were pensioned only from the completion of their proofs, was in conformity to the spirit of the law or the intention of the law-makers, and scarcely to be tolerated by the letter. Hon. Benjamin F. Butler, then Attorney General of the United States, in speaking of this matter, says:

"But I am distinctly informed by the Commissioner of Pensions that this was the only limitation imposed by the usage of the office, prior to the act of 15th May, 1820, on the payment of pensions for disabilities under the act of 1812; and where the party left the Army at the time he was disabled, the pension was considered as accruing from the date of the disability, no matter when the testimony was completed or produced."

It is not my purpose, however, to find fault with the construction of our pension laws; but I insist that those men who entered the service in the war of 1812 had a right to expect pensions from the date of their disabilities; in fact, sir, it was an implied obligation on the part of this Government towards its soldiers—a contract, to all intents and purposes, for all persons who entered the service under that law had good reason to expect that, if they should become disabled, they would be allowed pensions according to the nature of their disabilities, to commence from the time when they should cease to receive the pay and emoluments of the service. It was in view of the acts of 1780, 1790, 1802, and of January 11, 1812, to raise an additional military force, &c., as well as other regulations and laws never repealed, that many brave men presented their breasts to the enemy, and received the blow which was aimed at their country. Our soldiers had a right to expect, when they entered the service of the United States—as every man of fair sense understood our laws to determine and mean—that if he should become disabled while in the line of his duty in the public service, he should receive an allowance according to the degree of his disability, *for life, or during disability*, and such was the uniform practice prior to 1820, as before remarked; and while I disclaim the intention of reviewing the authority and correctness of Colonel Edwards's (then, and for nearly a quarter of a century, Commissioner of Pensions) construction of the act, I may be allowed, in conclusion upon this point, to say, the effect of that construction is *to repeal the laws of Congress*, and repudiate contracts which were made by the Government with the soldiers when they entered the service.

To return—of the four thousand, four hundred and eighty-six invalid pensioners, it is estimated, and I think with great correctness, that about one fourth have been paid from the date of their wounds, leaving to be provided for three thousand three hundred and sixty-four, and estimating the average amount due these men, at $500 each, which is a liberal computation, it will require to pay them, $1,682,000. But suppose it should require $2,000,000, the income of the Government for two weeks will pay them; an inconsiderable sum indeed, in comparison with our boundless resources, and the patriotic purpose to which it is applied.

Of the fifty-four thousand, eight hundred and thirty-three soldiers of the Revolution, who were pensioned by the acts of 1818, 1828, and 1832, only one thousand and sixty-nine remain, and these are rapidly passing away. The money which we have annually expended for this class of pensioners will more than pay the sums due the invalids of 1812. We have abundant means now in the Treasury, and we are bound, by every consideration of honor and justice, to act promptly in discharging a debt so sacred.

It is supposed by some that our pension list is quite large, but when it is considered that four hundred and seventy-one thousand six hundred and twenty-two men were engaged in the war of 1812, and two hundred and thirty-four thousand four hundred and ninety-five in the subsequent wars, including the Mexican—making a grand aggregate of seven hundred and six thousand one hundred and seventeen—it is a matter of wonder that the number of invalids is so small—apparently small, in comparison with the number of men who were in the service; so small, indeed, as to induce the belief that there are many meritorious soldiers who have failed to receive pensions, owing to the difficulty of obtaining the strict proof required at the Pension Office. Every Representative knows that cases are often presented to Congress, where the parties are unable to bring themselves within the existing laws. In fact, sir, my attention was first drawn to the investigation of this subject from the applications of many of my constituents, which I had the honor to present for the action of this body; and every step I take in the examination awakens fresh interest in the rights and equities of this misused and neglected class of our fellow-citizens, and renews my zeal and determination to do all in my power to cause this Congress to wash its hands of the deep injustice.

The soldiers' convention at Philadelphia, in 1854, and again in this city in 1855, passed strong resolutions urging Congress to pay invalid pensioners *from the date of their disability;* and the people expect their Representatives will extend, at least, this act of justice to the men who fought our battles, and shed their blood in defense of their country's rights and independence.

We have not been over scrupulous or cautious in passing acts when more money, and for more questionable purposes were involved; and, in some instances, when the peace and quiet of the country was jeoparded.

But to speak of expenditures. We paid $10,000,000 for a poor strip of Mexican territory, it has been asserted to accommodate a few men who seek to build, with the aid of Government, a railroad along our southern border, from the Gulf to the Pacific coast. One half that expenditure will satisfy a much larger number of persons who have, in time past, with their valor and blood acquired thrice, aye, ten times the domain, and brought it as a legacy to our common country.

We have authorized the outlay of millions more in building war steamers. Urged by considerations of economy, patriotism, and policy, should we not be prompt in paying these men, at an outlay not half as great? Then, sir, if our country is again unfortunately brought in hostile conflict with a foreign Power, the descendants of these patriots will fly to our country's standard, ready and able to push back the first tread of the invader. They will people our armies; build and man our navies; and make a more permanent and invulnerable defense, than can be had in coast and country encircled with walled fortifications, and seas covered with mounted gun-ships. The love and devotion of those whom the Government had justly and gratefully rewarded, would be for our country—its pride and greatness in peace, and its strength in war. Nor have we, in individual cases of service in the revolutionary war, or the war of 1812, shown a parsimony or undue degree of conservatism upon this subject. We appropriated for the payment of the heirs of Baron de Kalb $66,000, and at this I do not complain; I think it just and proper; but, while we are liberal in this direction, let us not fail to do simple justice to our own needy and worthy Army invalids, who fought perhaps in an humbler sphere, but with equal merit and valor.

I make no reference to our action, or the action of past Congresses in a complaining spirit, in paying those patriotic men (or their heirs) who came here from a foreign land, and heroically fought by the side of our brave people, in their struggle for independence. Such sacrifice and devotion to our infant struggle, which ended in the establishment of a form of Government most perfect, and adopting a system of institutions the most liberal and free of any on earth, and which we now in great fullness enjoy, should not go unrequited. A grateful people, and a just and generous Government should be active in discharging all its obligations and duties to those who fought the battles for its establishment, or for its perpetuation in after time, whether native or alien born.

And in alluding to this matter, sir, I am reminded of another topic, now attracting much public attention, and in reference to which I trust the House will indulge me in offering a few observations, although not germane to the subject I rose to discuss.

A new element has recently appeared mingling itself in our political contests, or perhaps I should say an old element reorganized and newly developed, under auspices that have lent to it a present importance that many reflecting minds are confident will hardly be sustained in the future.

I approach this subject not without hesitation, because of the mystery in which the Know-Nothing party have seen fit to envelope their purposes, and the machinery by which they accomplish their ends. Notwithstanding some of the results of their initiatory movements may be said to be salutary, their mode of warfare in concealing their forces in ambush, from whence they assail their opponents without exposing themselves, might lead to a suspicion of the correctness of their principles, and the patriotism of their designs. So far, however, as they have seen proper to proclaim the ends they have in view, there is much that deserves attention and examination.

There was a condition of the public mind, produced by leprous political organizations, and an anti-Democratic and mischievous policy of those in power, that seemed to invite a popular demonstration, which, if it did not strike the ancient order of things to the ground, should, at least, teach politicians a lesson which would lead to a correction of some of the existing abuses,—for long years practiced. To this state of the public mind may be attributed the rapid progress which this party has made from very small beginnings to a power that is not to be treated with ridicule or indifference, but which, on the contrary, is entitled to our candid consideration. In the late elections it has manifested a strength and vigor that characterizes the maturity of age, and an efficiency of organization which has confounded the counsels of party sages; and while it is true, the good and the evil of this world are often found mingled together in human affairs, it is truly unfortunate that an organization of such early manhood and strength, should be vulnerable to the charge of an illiberal and proscriptive spirit and tendency.

I freely admit the existence of evils growing out of the system of tactics adopted or practised by both political parties in their relations to our adopted citizens. Their prejudices, as a class, have too often been appealed to, and their suffrages secured by means alike discreditable and pernicious, and so far as this order may correct this and other evils of the old organizations, it has my approval and coöperation.

The purity of our elective franchise depends on the influences that control its exercise, and, therefore, all appeals to the cupidity, ambition, or prejudices of the electors should be discountenanced by every friend of our institutions. But surely these good ends can be accomplished by open means, without infringing upon the acknowledged rights of any of our citizens, or doing violence to sentiments which recognize the brotherhood of man.

The first general idea that has attracted my notice, said to be partially embraced in the designs of this party, is a restriction upon emigration to this country from other nations. That the emigration hither of the criminals and paupers of Europe, giving to us the dregs of a population which the reformatory laws and regulations of

despotic Governments have cast out, even of their jurisdiction as unwholesome, should be prohibited, cannot, I apprehend, admit of a serious doubt. The committee of which I have the honor of being a member, have had this subject under consideration, and have reported a bill carefully guarded, and of great stringency upon this subject, which if adopted, I confidently hope will remedy, to a considerable extent, the growing evil. On the other hand, that obstructions should be placed in the way of the intelligent, industrious, sober, and enterprising men, who seek a home in this proclaimed "land of the free and home of the oppressed" with the hope of bettering their condition, I cannot believe will be tolerated, on due reflection, by any liberal mind.

Let us inquire, Mr. Speaker, if it would not be better, more in accordance with the spirit and genius of our institutions, that while we guard so far as we may against the evils I have referred to, we should turn our attention with renewed interest to "Americanizing," if I may be allowed the use of the term, the foreign population now among us, and those who may hereafter come to our shores. This foreign element is already here, and its magnitude and importance will be increased. Causes beyond our control have long ago settled this question. The manner in which these people are to be received and treated, presents a grave and important question which we must meet. Will they be likely to forget their early habits and impressions, to regard our country and its laws with favor, and become the earnest promoters of its interests in peace, and the defenders of its safety in war, if we close our hearts and our sympathies against them, and treat them as a proscribed and suspected people? Will they not remain among us, aliens in sentiment and feeling, as well as in character and condition? Will not the unavoidable effect of an intolerant and exclusive policy be, to unite and combine the foreign population in a community of feeling and of interest, and place them beyond the influence of the sentiments that fill our own bosoms as American citizens, proud of our country, and solicitous of its welfare? In this condition, would they not form in our social and political economy an element of weakness, if not of danger? These, it seems to me, sir, are interesting inquiries, and demand the honest investigation and conscientious action of every one who may be in a position to influence the direction of public affairs.

The experience of the world may be safely consulted as a guide in this matter. The endless contests in almost every other country on earth, between classes and conditions, the oppressed and the free, the privileged and proscribed, furnish lessons of instruction and warning; they serve as beacon-lights to warn the thoughtless and indifferent of impending danger. Philanthropy, instead of self-interest, wisdom and not passion, should influence our reflections upon this subject; and, thus actuated, we need not fear that we shall go very far astray. The intelligent judgment of a great and noble people, in whose veins course the best blood of many races, will settle the question in accordance with the rights of all the parties, the dictates of enlightened civilization, the best interests of the country, and the spirit of the age.

But this is a subject, sir, with which, I apprehend, the Congress of the United States have little to do. We are authorized by the Constitution to provide "uniform naturalization laws," defining the time and the manner in which foreign born persons, emigrating to this country, shall become recognized citizens of the Republic. It is left wholly to the several States to determine what class of persons shall be allowed to exercise the elective franchise, and the terms upon which they may be eligible to office pertaining to State jurisdiction. In these respects the States are sovereign within that sphere, and beyond the control of the Federal Government. No "uniform rule" in State action can be established; each State will decide for itself, and each may differ in its regulations from the other. As long as the States make no claim to exercise the prerogative of making citizens of the United States, they do not encroach upon the acknowledged province of Congress.

I have regarded the mission of this country, Mr. Speaker, with somewhat different views than it would seem are cherished by the organization of which I have been speaking. We have claimed for ourselves the purpose of civilizing, christianizing, and elevating the human race. Is this to be accomplished, or accelerated, by adopting an exclusive or restrictive policy in relation to ourselves and our privileges and rights? by building walls and barriers against those who differ from us only in the tenets of religious faith, or in the accidental circumstance of the place of their nativity, which they cannot pass; and by closing our hearts and our sympathies against their deep anxiety and hope for a common brotherhood, and their earnest desire to share with us a common and glorious inheritance? Sir, these are questions that, to a true American, require no answer. The appropriate response, I apprehend, is already upon the lips of every gentleman who hears me, and will spring quick from the heart of a heaven-favored and magnanimous people. These men are our brethren, for our common Father "hath made, of one blood, all nations of men to dwell on all the face of the earth." Let us then, so far as practicable, elevate, disenthrall, and redeem those who are cast among us, from the vices and errors of their years in a foreign land, under Governments and with people less just and less favored than our own.

If this new movement shall design, or have the effect, to ignore or expel the anti-slavery sentiment of the North, its deep and justly indignant anathemas at the strides of the slave power, its condemnation of the late iniquitous legislation, which, if not resolutely and patriotically met and overthrown, is to carry slavery into the fair regions once dedicated to freedom, then truly may every lover of freedom deplore its triumph.

I have feared, sir, that it had congeniality in the South, because they discover in it the principle or element which sympathises and extends fostering aid to their schemes for not merely staying the tide of emigration to the new Territories, but of imposing disabilities upon emigrants which shall deprive them of power to turn into the channels of freedom their early legislation. If the question of freedom is to be in the least subordinated by this new party, then is a paramount reason furnished for opposing it, for no organization should be allowed for one moment to override the anti-slavery sentiment of the North, aroused and placed on the defensive through the late alarming encroachments of the slave power.

NEBRASKA AND KANSAS—ALIEN SUFFRAGE—SQUATTER SOVEREIGNTY—MISSOURI COMPROMISE.

SPEECH OF HON. SION H. ROGERS,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. ROGERS said:

Mr. CHAIRMAN: I regret that I feel that it is incumbent upon me to ask the indulgence of the House, and especially do I regret it when I propose to speak of the principles contained in a bill which passed at the last session of this Congress. It is, however, due to myself and expected of me by my constituents. I, with a few southern gentlemen, voted against the Nebraska and Kansas bill, in opposition to a large majority, composed of both political parties, from the South. For all those gentlemen I have the highest respect. Indeed, sir, for some of them in this and the other end of the Capitol, my attachment was so great, and my deference to their better judgment so potential, that for a time I was made to hesitate what course I should pursue. I tried to believe that they were right. I read their speeches, and conversed with a great many of them in the hope that I might be convinced of an error in my own judgment. But, sir, the more I examined the bill, the more conversation I had with the friends of the bill, the more thoroughly I became satisfied that the principles established in it were not the true principles which should be incorporated in our territorial bills, that it was pregnant with mischief to the South, and had in it the elements of discord which might lead to a dissolution of the Union. These were my honest convictions then, and the course of things since goes far to confirm me in the belief that those convictions were right. I have reason to believe that a great many southern gentlemen in this House, and the Senate, discharged what they conceived to be their duty in voting for the Nebraska and Kansas bill as honestly as I did mine in voting against it, and I concede that much to all: I claim no more for myself than what I cheerfully allow to others. It may be that they were right; time can and will show whether they were or not. I make no pretensions to infallibility for myself. When my judgment errs—and no man's is always right—I shall go wrong; for while, in public life, that shall be the great and sole director of my public acts. I need not say, that if I had consulted a selfish policy, that I would have voted differently. My Democratic friends would then have been estopped from opposing me, or assailing my course upon this question; and, whatever the results arising from the passage of the bill, I could have taken refuge under the covering of able and distinguished statesmen of my own party from my own section, and could have pointed to their course to excuse mine with my Whig friends. But, sir, I will never take such refuge; I would rather now, in the beginning of life, sacrifice every hope for political favor and preferment.

I voted with the friends of the bill upon all preliminary questions. I was willing to meet the issue, and let the majority pass it, after it had been so shaped as to force me to vote against it. I felt then, as I feel now, that when my constituents looked into the matter for themselves, when the practical operations of this bill were felt and seen, that my vote would be vindicated. With the most distinguished Whigs in my State against me on this question, and with not a press in the State openly defending my course, and with the great parade that it was a southern measure heralded over the whole South, I felt that I was in danger of being overwhelmed without a hearing. But, sir, there is an intuitive good sense amongst our people that rarely ever allows them to err in their judgment of men or measures. They may for a while be led by false lights. They may make up their judgment occasionally before a fair examination of the subject-matter; but a sober second thought will always correct that hasty judgment, and that sober second thought is sure to come.

In my own State, I find a great many of all classes and grades, agreeing with me upon this question and approving my course. I find a great many more of both political parties who condemn the bill as most injudicious and unwise in its inception, and a great many I find who entertain the opinion that it embodies the true doctrine. So far as I have heard, they all do me the justice to admit that I discharged honestly my duty as a Representative, according to my best judgment, in giving the vote I did. And, sir, I do them the justice to say that, although they differ with me, I know they entertain honestly the opinions they express. Then, sir, it is right and proper to examine the bill and see who is right. With that view, I have asked the indulgence of the House.

Bills have been introduced at every session of Congress for the last several years, proposing to organize a territorial government for Nebraska. For reasons which appear in the debates, which reasons it is not necessary for me to review here, all those bills were rejected. December 14, 1853, Mr. DODGE, of Iowa, introduced into the Senate a bill proposing the same thing, which bill was referred to the Committee on Territories, and January 4, 1854, a substitute was reported to the Senate, accompanied with a report by Mr. DOUGLAS. At that time the whole country was quiet, and in this Hall no disposition was manifested, by any member, that I saw or heard of, to agitate about slavery, except by the member from Ohio, [Mr. GIDDINGS,] whose singular and, as I think, unpatriotic vocation it is, and the distinguished member from New York, [Mr. SMITH,] whose speeches were tolerated because of the highly honorable and universally courteous manner of their distinguished and Christian, yet erratic, and, I think, misled author. The angry feelings arising out of the controversy of 1850 had become reconciled, and both the great political parties, influenced

by the almost universal feeling of the people of the whole country at their respective conventions, held in 1852, to nominate their candidates for President and Vice-President, declared that they would not further agitate the slavery question in Congress or out of it. The Democratic convention passed, among others, the following resolution:

"5. *Resolved*, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

The Whigs, at their convention, passed the following resolution:

"*Resolved*, That the series of acts of the Thirty-First Congress, commonly known as the compromise adjustment, (the act for the recovery of fugitives from labor included) are received and acquiesced in by the Whigs of the United States as a *final* settlement in principle and substance, of the subjects to which they relate: and, so far as these acts are concerned, we will maintain them, and insist on their strict enforcement until time and experience shall demonstrate the necessity of further legislation to guard against the invasion of laws on the one hand, and the abuse of their present efficiency to carry out the requirements of the Constitution; and we deprecate all further agitation of the questions thus settled, as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation, whenever, wherever, or however made; and we will maintain this settlement as essential to the nationality of the Whig party, and the integrity of the Union."

With those solemn resolves, made on those important occasions, the two great political parties went into the canvass, and all over the country pledged themselves to stand by their platforms, and in good faith to carry out their resolves. The election resulted in favor of the Democratic candidate; a large Democratic majority was returned to this House; and the "ball was opened," not with the discussion of the slavery question, but with a quarrel between factions of the Democratic party, about the spoils. We heard of nothing but the Hards and the Softs; the Hunkers and the Barnburners; the Old Line Democrats, &c. From the developments made in these discussions, it appeared that Abolitionists and Free-Soilers had been placed in lucrative and responsible positions.

From these developments it was circulated in the South—whether true or not I have not time now to argue—to the annoyance of southern Democrats that the Administration was seeking to "crush out" the true Democrats of the North, and to build up and sustain, by Executive patronage, the Buffalo or Van Buren wing of the party. In the South, the Administration was defended by the Democratic press, and by Democratic orators, upon the ground that old differences had been healed up, and that all stood upon the Baltimore platform, Hards and Softs, Barnburners, Hunkers, and all. This quarrel was confined almost entirely to politicians and office-seekers; or at least extended only to a few localities. The people were quiet; crimination and recrimination was no longer indulged in between the North and the South. In all sections a proper fraternal feeling was springing again into life. The Abolitionists were growing by degrees fewer and fewer every day, and in numbers, "beautifully less." In this condition of things it was that a bill to organize the territorial government for Nebraska was reported back to the Senate on the 4th of January, 1854, with the report which I have before alluded to. I desire to call the attention of the House and the country to this report. The Senate deemed it a document of great importance, for I find the following entry made on the report:

"*January* 4, 1854—Ordered to be printed, and that five thousand additional copies be printed for the use of the Senate."

In one respect, which I will notice hereafter, the report is not consistent with the bill which accompanied it. First, however, to the report, and I beg leave to read the whole of it:

"The Committee on Territories, to which was referred a bill for an act to establish the Territory of Nebraska, have given the same that serious and deliberate consideration which its great importance demands, and beg leave to report it back to the Senate, with various amendments, in the form of a substitute for the bill."

The report is headed with the declaration that the bill was one of great importance, and that it had had the "serious and deliberate consideration" of the committee. The report then goes on:

"The principal amendments which your committee deem it their duty to commend to the favorable action of the Senate, in a special report, are those in which the principles established by the compromise measures of 1850, so far as they are applicable to territorial organizations, are proposed to be affirmed and carried into practical operation within the limits of the new Territory.

"The wisdom of those measures is attested, not less by their salutary and beneficial effects, in allaying sectional agitation, and restoring peace and harmony to an irritated and distracted people, than by the cordial and almost universal approbation with which they have been received and sanctioned by the whole country. In the judgment of your committee, those measures were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but, in all time to come, avoid the perils of a similar agitation, by withdrawing the question of slavery from the Halls of Congress and the political arena, and committing it to the arbitrament of those who are immediately interested in, and alone responsible for, its consequences.

"With the view of conforming their action to what they regard the settled policy of the Government, sanctioned by the approving voice of the American people, your committee have deemed it their duty to incorporate and perpetuate in their territorial bill the principles and spirit of those measures. If any other considerations were necessary to render the propriety of this course imperative upon the committee, they may be found in the fact that the Nebraska country occupies the same relative position to the slavery question as did New Mexico and Utah, when those Territories were organized.

"It was a disputed point whether slavery was prohibited by law in the country acquired from Mexico. On the one hand, it was contended, as a legal proposition, that slavery, having been prohibited by the enactments of Mexico, according to the laws of nations, we received the country with all its local laws and domestic institutions attached to the soil, so far as they did not conflict with the Constitution of the United States; and that a law either protecting or prohibiting slavery, was not repugnant to that instrument, as was evidenced by the fact that one half of the States of the Union tolerated, while the other half prohibited, the institution of slavery. On the other hand, it was insisted, that, by virtue of the Constitution of the United States, every citizen had a right to remove to any Territory of the Union, and carry his property with him, under the protection of law, whether that property consisted in persons or things. The difficulties arising from this diversity of opinion were greatly aggravated by the fact that there were many persons, on both sides of the legal controversy, who were unwilling to abide the decision of the courts on the legal matters in dispute; thus, among those who claimed that the Mexican laws were still in force, and consequently that slavery was already prohibited in those Territories by valid enactment, there were many who insisted upon Congress making the matter certain, by enacting another prohibition. In like manner, some of those who argued that the Mexican laws had ceased to have any binding force, and that the Constitution tolerated and protected slave property in those Territories, were unwilling to trust the decision of the courts upon that point, and insisted that Congress should, by direct enactment, remove all legal obstacles to the introduction of slaves into those Territories.

"Such being the character of the controversy in respect to the territory acquired from Mexico, a similar question has arisen in regard to the right to hold slaves in the proposed Territory of Nebraska when the Indian laws shall be withdrawn, and the country thrown open to emigration and settlement. By the eighth section of 'an act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' approved March 6, 1820, it was provided:

"'That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30' north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid.'

"Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by valid enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen who hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the eighth section of the act preparatory to the admission of Missouri is null and void; while the prevailing sentiment in large portions of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution, and the extent of the protection afforded by it to slave property in the Territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.

"Your committee deem it fortunate for the peace of the country and the security of the Union, that the controversy then resulted in the adoption of the compromise measures which the two great political parties, with singular unanimity, have affirmed as a cardinal article of their faith, and proclaimed to the world as a final settlement of the controversy, and an end of the agitation. A due respect, therefore, for the avowed opinions of Senators, as well as a proper sense of patriotic duty, enjoins upon your committee the propriety and necessity of a strict adherence to the principles, and even a literal adoption of the enactments, of that adjustment in all their territorial bills, so far as the same are not locally inapplicable. Those enactments embrace, among other things less material to the matters under consideration, the following provisions:

"'When admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission.'

"'That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly.'

"'That the legislative power of said Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

"'Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States in the same manner, and under the same regulations, as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed $1,000, except only that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decisions of the said supreme court created by this act, or of any judge, or of the district courts created by this act, or of any judge thereof, upon any writ of *habeas corpus* involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the

said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of *habeas corpus* in all cases in which the same are granted by the Judges of the United States in the District of Columbia.'

"To which may be added the following proposition, affirmed by the act of 1850, known as the fugitive slave law:

"That the provisions of the 'Act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 2, 1793, and the provisions of the 'Act to amend, and supplementary to the aforesaid act,' approved September 18, 1850, shall extend to, and be in force in, all the organized Territories, as well as in the various States of the Union.

"From these provisions, it is apparent that the compromise measures of 1850 affirm and rest upon the following propositions:

"*First:* That all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, by the appropriate representatives, to be chosen by them for that purpose.

"*Second:* That 'all cases involving title to slaves,' and 'questions of personal freedom,' are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

"*Third:* That the provisions of the Constitution of the United States in respect to fugitives from service is to be carried into faithful execution in all 'the organized Territories,' the same as in the States.' The substitute for the bill, which your committee have prepared, and which is commended to the favorable action of the Senate, proposes to carry these propositions and principles into practical operation, in the precise language of the compromise measures of 1850."

This is the entire report, and now I will proceed to examine it. As I stated before, in one particular the report is inconsistent with the bill which accompanied it. On the first page of the printed report you will find this language:

"With the view of conforming their action to what they regard the settled policy of the Government, sanctioned by the approving voice of the American people, your committee have deemed it their duty to incorporate and perpetuate, in their territorial bill, the principles and spirit of those (the compromise) measures."

And on the third page you will find this language:

"A due respect, therefore, for the avowed opinions of Senators, as well as a proper sense of patriotic duty, enjoins upon your committee the propriety and necessity of a strict adherence to the principles, and even a literal adoption of the enactments of that adjustment in all their territorial bills, so far as the same are not locally inapplicable."

To ascertain whether these declarations were true or not, whether the committee did follow strictly the letter or the spirit of the measures of 1850, it will be necessary to compare the bill reported with the bills for the organization of governments for New Mexico and Utah.

In the bill for Utah, I find this section:

"Sec. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by the citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February 2, 1848."

Section six, in the bill organizing the government for New Mexico, is precisely the same as section five in the Utah bill, and the right of suffrage, and of holding office, is extended to the same class of persons in both. How is it with the substitute reported by the Senate committee? I will read the fifth section of the substitute, and see whether or not the "propriety and necessity of a strict adherence to the principles" of the measures of 1850, or "a literal adoption of the enactments of that adjustment," was proposed.

"Sec. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act."

There is a further proviso in this section relative to officers, seamen, &c., which it is not necessary for me to read, as it refers to persons in our Navy and Army, and which I will speak of further on in my remarks.

From these provisions it is clear, beyond dispute, that, by the measures of 1850, no person except an American citizen was entitled to the right of suffrage and of holding office in the Territories of Utah and New Mexico; and in the term American citizens are included only persons naturalized according to our general naturalization laws, persons native-born, and those who were recognized as citizens by the treaty with the Republic of Mexico, concluded February 2, 1848.

Whether that provision in the treaty was right or not I will not argue, because I may, and am willing to, concede that it was. But, sir, is no wisdom to be learned by experience? Under the necessities of the case imposed by the treaty, Mexican people were, in the bills of 1850, invested with the right of suffrage and of holding office. The treaty by which the Territories of New Mexico and Utah were acquired, declared that Mexicans transferred with the soil should have all the rights and privileges of American citizens. And, sir, what has been the result of admitting to citizenship a large number of foreigners, before they have passed through a proper and becoming pupilage? It can be shown by a reference to the proceedings in this Hall during the last session of this Congress. See Congressional Globe, vol. 28, part 1, page 128:

"Mr. Stanton, of Tennessee. I rise to what I consider a privileged question. I offer the following resolution for the adoption of the House:

"*Resolved*, That Señor Jose Manuel Gallegos, the sitting Delegate from the Territory of New Mexico, be allowed to introduce an interpreter on the floor of the House to enable him to understand its proceedings; and that said interpreter be paid ——— dollars per diem out of the contingent fund."

Mr. Orr objected to the resolution. Mr. Hunt inquired if it was introduced with the consent of the Delegate from New Mexico? Mr. Stanton said it was. The resolution was ruled out of order.

On page 492, of the same volume I find the following:

"Mr. Richardson. I ask the unanimous consent of the House to enable me to offer the following resolution:

"'*Resolved*, That the Hon. Jose M. Gallegos, Delegate from New Mexico, be allowed to introduce within the doors of the House of Representatives a person to act as his interpreter, in order that he may more effectually understand and participate in the proceedings of this body.'

"Mr. Wright, of Pennsylvania. I object to that resolution."

In explanation, among other things, Mr. Richardson said:

"Mr. Gallegos does not understand a word of the English language, which is the misfortune of his constituents; and this is not for his personal convenience, but for the convenience of the people he represents. I move to suspend the rules to enable me to offer the resolution.

"The question was then taken; and (two-thirds not voting in favor thereof) the rules were not suspended."

By the bills of 1850, no other foreign-born persons were entitled to the right of suffrage and of holding office except Mexicans, and no Mexicans except those who were transferred to our Government with the soil. And the necessity of investing that portion of the Mexican people with the rights and privileges of citizenship was imposed by the treaty of 1848, to which I have before alluded, and which was negotiated and concluded by Mr. Polk's Administration.

How was it, sir, with the substitute reported by the Senate's committee? The "right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act."

Under this provision, every nation upon the habitable globe might empty her population into our borders, and within a few days after their appearance among us they could be transferred to the Nebraska Territory and, as if by magic, would be invested with all the rights of an American-born citizen. Paupers, fugitives from justice, outlaws, and inmates of dungeons, when they become too numerous to be detained without being burdensome to their Governments, land upon American soil, declare their intentions to become citizens, take an oath to support the Constitution of the United States, and in a day, a week, or a month, are American citizens, with the right to vote, and the right to hold office. If American citizenship is to be so easily attained, I think we estimate too highly the birth-right of which we so much boast, and of which our fathers were so justly proud. Of foreigners who immigrate to our country there is a different class. Some of them are useful and good men, but with the good and useful we get the bad and wicked. The good and useful assist in enriching our great and growing nation; the bad and wicked fill our poor-houses and our prisons, disturb the good order of communities by riots and brawls, and pour into our midst a poisonous compound, dangerous to our national well being.

I think I have illustrated that there was a difference, and a very material one, between the bills of 1850, and the substitute prepared by the Senate committee. By referring to the sections of the bills which I have read, there is another difference which, I must confess, I can see no reason for. In the Mexican and Utah bills, the language is:

"That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory," &c.

In the substitute proposed by the Senate committee, the language is:

"That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory," &c.

Who shall be an actual resident of said Territory, and at what time? Why, unquestionably the language in the Nebraska bill means persons who shall be actual residents at the time of the holding of the first election in the Territory, while the language in the bill of 1850 authorizes only persons "who shall have been residents" of said Territories at the time of the passage of the acts to vote, and to hold office. Why was this difference made? Was it because there were no people in the Territory of Nebraska at the time of the passage of the bill except Indians? Whatever the reason was, let us see what might have been the effect of such a change. By this substitute as proposed, and by the Nebraska and Kansas bill, which is now a law, one who was an inmate of a dungeon, or of a poor-house, in Europe at the time of the passage of the bill, might have voted at the first elections in those Territories, and was eligible to a seat in their first Legislatures, which Legislatures have to determine for the future the qualifications of voters, and of those who shall hold office in those Territories. I do not say that such persons are in these Territories; I do not pretend that if they were there, they would ever hold any office of profit or trust; but, sir, I am speaking of what they might do under these bills. I think I have shown that the substitute reported by the Senate committee contained in it important and very objectionable features, which do not appear in the measures of 1850. Section five, in the substitute which I have been commenting upon, is identically the same as sections five and twenty-three of the Nebraska and Kansas bill, against which I voted.

At this point it is not unimportant to refer to some facts in connection with the immense immigration to this country and the character of a large number of the immigrants. For this purpose

I beg leave to extract some passages from a speech delivered in the Senate some days since, by the honorable Senator from Pennsylvania, Mr. COOPER:

"Senators are aware that a policy, which scarcely seeks concealment, prevails amongst several of the States of continental Europe, in virtue of which, convicted and unconvicted criminals and paupers are transported to the United States at the expense, and by the direction of their Governments." * * * * "There is scarcely an emigrant ship which arrives in our ports, that is not to some extent freighted with this kind of cargo. This has long been an evil; but latterly it has increased in magnitude, and to such an extent as to be justly regarded with alarm.

"But a month or two since, a single vessel landed in New York one hundred and fifty paupers, and fifteen or sixteen convicts, wearing, as the badges of their conviction, chains upon their limbs. More recently, another vessel, freighted with a similar cargo, was wrecked on Sable Island, from whence the passengers were carried to Halifax, and from Halifax were brought to New York, by the way of Boston. By an affidavit made by one of these passengers, it appears, that they are natives of Switzerland, who, being unable to support themselves at home, were sent hither at the expense of the municipality to which they belonged." * * * * "But it is not only thriftless paupers who are sent hither to add to the burden of our poor laws, and stand between native misfortune and the relief provided for it by charity. Felons, convicts deep dyed in crime, are sent to this country by their Governments. Lately the Sardinian Government shipped to New York, on board a national vessel, (the Degenes man of war) thirty-four convicted criminals." * * * * "It is a common practice in several of the States of continental Europe, to auction off to the lowest bidder, to the person who will bring them hither cheapest, their paupers; and, in some instances, the inmates of their prisons and penitentiaries. Agents of the great passenger line of packet ships are maintained in these States for the purpose of making arrangements with the municipal authorities of the various towns, for the removal of their paupers to Antwerp, Bremen, Havre, or other sea-port towns, with a view to their transportation to the United States. In England, or rather in Ireland, a similar policy is pursued; and Miss Dix, amiable, benevolent, and philanthropic as she has proved herself to be, by a life of devotion to the interests of suffering and unfortunate humanity, writes to her friends in this country from Ireland, where she is now sojurning, in terms of indignation, excited by witnessing the practices of the English Government in pouring upon our shores the polluted population of their hospitals, almshouses, and prisons." * * * "If a stop be not speedily put to this kind of immigration, the fountains of public morality will be corrupted, and the public safety compromised. Can it be otherwise, when those who are brought here are the vicious, the turbulent conspirators against order, pickpockets, thieves, burglars, and murderers? These people are the stuff of which mobs are made; they are the class which invade the purity of the ballot box, and interfere with the elective franchise. In the great cities of the Republic—in New York, Philadelphia, Boston, Baltimore, St. Louis, and New Orleans—the evils which have grown out of the admission of these classes of immigrants, have become gigantic—frightful. Not only have the irresolute and timid become alarmed at the magnitude of the mischief which threatens the public peace and endangers the public morals, but firm-minded and far-sighted statesmen have likewise seen and appreciated the imminence of the danger, and the necessity of prompt and energetic measures to arrest it." * * * *

"I now beg leave, briefly, to call attention to the state of pauperism and crime in the United States, as disclosed by the census, prison discipline societies, and other similar associations. And, first, I refer to pauperism as it existed in 1850:

"The foreign population of the United States in 1850, as compared to the native, was nearly as one to ten, there being 21,947,274 natives, and 2,244,602 foreigners. The whole number of paupers supported wholly, or partially, in the last mentioned year, was 134,792; and of this number, 68,583 were of foreign birth, leaving but 66,434 natives.

"In 1850 the number of paupers supported in the poor-houses of Massachusetts, and who received partial support out of doors, was 15,777: and of this number 6,530 were native, and 9,247 foreigners. In New York the whole number was 59,855; and of this 19,275 were natives, and 40,580 foreigners. In Pennsylvania the whole number was 11,551; and of this, 5,898 were natives, and 5,635 foreigners. In Rhode Island the whole number was 2,560; and of this, 1,115 were natives, and 1,445 foreigners.

"I shall pursue these statistics of pauperism no further, being compelled to turn to a calendar of crime absolutely sickening in its details; and I shall first call attention to the number of criminals who were convicted by the courts of several States, in 1850. In Connecticut, the whole number of convictions was 850; and of these 545 were natives, and 305 foreigners. In Illinois, the whole number convicted was 316; and of these 127 were natives, and 189 foreigners. In Maine, the whole number convicted was 744; and of these 284 were natives, and 460 foreigners. In Massachusetts, the whole number was 7,250; and of these, 3,336 were natives, and 3,884 foreigners. In Missouri, there were 908 convictions; and of these 242 were natives, and 666 foreigners. In New York, the number of convictions was 10,279; and of these 3,962 were natives, and 6,317 foreigners. In Pennsylvania, the number of convictions was 857; and of these 594 were natives, and 293 foreigners. In Vermont, the number convicted was 79; of whom, 34 were natives, and 45 foreigners.

"By a table, published in the compendium of the seventh census, giving the number of convicts in the prisons and penitentiaries of the several States, out of every ten thousand of the population the proportion of natives and foreigners in that number is as follows:

"In Maine, out of every ten thousand, five foreigners to one native; in Kentucky, six to one; in Mississippi ten to two; in New York, three to one; in Tennessee fifteen to two; in Vermont, eight to one; in South Carolina, twenty-eight to one; in Alabama, fifty to one; in Georgia, six to one; in Indiana, four to one, and an average in all the States is a fraction less than six to one.

"But it is in convictions for capital offenses that the proportion of foreign and native born becomes startling. It is true, I have found no extended data from which to make the comparison, but out of two hundred and twenty convictions which took place in about eighteen months, in seven States, viz.: In New York, Pennsylvania, Missouri, Louisiana, New Jersey, Massachusetts, and Maryland, there were one hundred and thirty-eight of foreigners to eighty-two of natives."

Are not these facts startling to every patriotic American? Is it not high time to abridge the political rights of foreigners, rather than to extend them? Or, at least, in view of such facts ought we not to hesitate before we invest aliens, who owe allegiance to other countries, and who would, in law, be our *enemies* in war, with the right to *vote*, and consequently the right to govern American citizens. If the Nebraska and Kansas bill, which passed Congress and which is now a law, had extended the right of suffrage and of holding office to American citizens *only*, I should have voted for it. I think this was known to all my colleagues during the pendency of the bill. I had other and grave objections to the bill, of which I will speak before I close my remarks, but I felt disposed to waive them, if by doing so I could coöperate with my southern colleagues upon this floor.

I propose to examine further these fifth and twenty-third sections of that bill, in connection with the proviso moved by the distinguished Senator from Delaware, [Mr. CLAYTON,] and which was in the bill as it originally passed the Senate.

On the 2d of March, Mr. CLAYTON moved to amend by striking out, in the provisions conferring the right of suffrage and of holding office, these words:

"And those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act"—

So that the proviso would read:

"*Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States."

The question being taken, the amendment was agreed to—yeas 23, nays 21; as follows:

"YEAS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Dixon, Evans, Fitzpatrick, Houston, Hunter, Johnson, Jones of Tennessee, Mason, Morton, Pratt, Sebastian, and Slidell—23.

"NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Douglass, Fessenden, Fish, Foot, Gwin, Hamlin, Jones of Iowa, Norris, Pettit, Seward, Shields, Smith, Stuart, Sumner, Toucey, Wade, Walker, and Williams—21."

By this vote it will be seen that every southern Senator who was present voted for the Clayton proviso, and every northern Senator voted against it, except Mr. BRODHEAD, of Pennsylvania. A short debate took place in the Senate when this proviso was introduced and adopted. The bill, with the proviso in it, was sent to this House, and referred to the Committee of the Whole on the State of the Union. After a long and angry debate, which will not soon be forgotten by the members of this House, or the country, on the 22d of May the distinguished gentleman from Georgia [Mr. STEPHENS] said:

"I rise to a privileged motion. I will state to the committee, and I want the attention of the committee to my object in making that motion; it is to cut off all amendments, and to have this bill reported to the House, that we may have a vote upon it.

"The 119th rule of this House is in these words:

"'A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, it shall be considered equivalent to its rejection.'

"Let this committee agree to my motion, and let this action be reported to the House. When we get into the House, the question will be upon agreeing to that report. If the friends of the bill vote that motion down we shall then have the bill before the House to vote upon, or to amend, as a majority may determine. When the majority has disagreed to the report, as I suppose they will, it will then be in order for the chairman of the Committee on Territories to offer his substitute, which all of us want to vote upon, as an amendment; the friends of the bill standing together, will then be brought to vote directly upon the measure, and in this way we shall get rid of these continued motions to amend." * * * "The friends of the bill, as it stands in the substitute, know that it now, as they intend to pass it, grants to the people of the Territories all the powers over the subject of slavery that we can grant them under the Constitution of the United States. The phraseology now is as full and clear as it can be made on this point. No amendment can make it clearer. In the bill they have all the power that they can have under the Constitution. They cannot ask more, and if they did we could not grant it."

At this stage of the progress of the bill, my colleague [Mr. PURYEAR] and myself, left the friends of the bill. The motion was upon striking out the enacting clause of the Senate bill, which was equivalent to its rejection. This vote was taken in committee, where the yeas and nays cannot be ordered. My colleague and myself both endeavored to get the floor, to state our reasons for the course we should pursue. I succeeded, but was called to order, and under the rules could not proceed. We both voted against striking out the enacting clause of the Senate's bill, which had in it Clayton's proviso. The bill was then reported to the House, as rejected by the committee. The question then was on agreeing with the report of the Committee of the Whole on the state of the Union. My colleague and myself voted in the affirmative. My vote was influenced by this consideration. It had been announced by the gentleman from Georgia, [Mr. STEPHENS,] that a majority of the House had determined to pass the substitute, in which was contained the alien suffrage clause, and which differed from the Senate's bill in that important feature. I was determined not to vote for any bill granting such powers over the subject of slavery in the Territories, unless Clayton's proviso was in it: and especially before there was any effort to save that proviso in the bill. It was avowed upon this floor, that the Senate's bill was not to be revived with a view of

passing it, or with a view of getting a vote upon the proviso, but solely for the purpose of getting before the House the substitute from which the Clayton proviso was excluded, and of forcing a vote upon it under such circumstances as to preclude the possibility of getting that proviso in it. That substitute was never read in the House until the previous question was called upon its adoption, and a motion to amend by inserting the Clayton proviso would have been out of order. The bill was sent back to the Senate, and the distinguished Senator from Maryland [Mr. Pearce] moved again the Clayton amendment. I desire, for a few minutes, to review the discussion which then took place. No discussion was had in this House upon it, because the amendment or proviso was retained until discussion was out of order, and a vote obliged to be had upon the substitute without it. Was that amendment right? Was it important? What I have said before in relation to the number of immigrants to this country, and the character of a large portion of them, goes very far to answer these questions. The Territories belong to the people of all the States of this Union. North Carolina has an interest in them as well as New Hampshire. And the people of North Carolina ask no further protection for their property in the Territories, than that which is guaranteed to them by the Constitution. In my humble opinion, they are unwilling to substitute for their constitutional rights that protection which may be found in alien suffrage and squatter sovereignty.

On offering the amendment Mr. Pearce said:

"Mr. President, my object in moving the amendment is obvious. I did not hear the debate in the Senate on the night when the amendment of the Senator from Delaware was adopted; but I take it for granted that the reason for that amendment was the conviction, on the part of the majority of the Senate, that the elective franchise should be conferred, within the Territories, upon citizens of the United States only. For my own part, I cannot conceive any reason why this privilege, which peculiarly belongs to citizenship, should be extended to those who are not citizens. It is a part of political sovereignty. It seems to be the essential duty of a citizen, but of no one else, to exercise that power. It is at war with the principles of all government, it seems to me, to confer upon those who are not citizens the power to control the Government through the right of suffrage. That right belongs only to those who are members of the body politic, and no foreigner can be so until he has, by naturalization, entered into the compact which constitutes him one of the political community."

The distinguished Senator then goes on to review the legislation of the country upon this subject, and shows that the right of suffrage, and of holding office, was limited in all the territorial bills, except for Oregon, Minnesota, and Washington, to citizens of the United States since the adoption of the Constitution, and prior to the adoption of the Constitution to citizens of some one of the States. In regard to the bills organizing governments for Oregon, Minnesota, and Washington, he says:

"The provision which extended the elective franchise to those who are not citizens, I think never entered into the consideration of any member of the Senate." * * "In regard to Oregon Territory, there was, erhaps, a peculiar reason why Congress should be more liberal than in regard to other Territories. I presume, however, that in regard to all of them, the provision was established in consequence of the attention of Congress being absorbed by subjects of much greater importance. Be that as it may, these three later precedents being the only cases of extending the franchise to those who are not citizens of the United States, and who have only declared their intention to become such, seems to be entitled, under the circumstances, to but little consideration; at all events, they should not overrule the precedents which I have mentioned in the Territories of Missouri, Mississippi, Arkansas, Iowa, Wisconsin, Utah and New Mexico.

"But I see this bill provides that, while the alien, who may have come into the Territory only the day before, may entitle himself, by a declaration of his intention to become a citizen, to exercise this privilege of citizenship, and vote in the organization of the government, or in the election of those who are to conduct it, no officer, soldier, seaman, or marine, or any other person in the Army or Navy of the United States, shall be allowed to vote or hold office in the country.

"Mr. Walker. I desire to correct the Senator. He shall not be entitled to vote by reason of being stationed there is the reason of it. He may be a resident and citizen elsewhere; and he is not to be allowed to vote by reason of being stationed in the Territory.

"Mr. Pearce. Then, a man who is stationed there by orders of his Government, shall not be allowed to vote because he is a citizen of some State of the Union; but the alien, who may go in the day before he declares his intention to become a citizen, shall be entitled to vote, though not a citizen. That is practically declaring that our naturalization laws shall have no force at all in this Territory, and placing the newly arrived foreign emigrant above the citizen of the United States. I can conceive of no higher exercise of the right of citizenship than that of voting, unless it be the right of being elected a Representative; yet you propose to bestow it upon one who may never proceed further than the declaration of his intention to become a citizen, though that declaration may never be carried out, and the party may never become a citizen at all."

In this debate, Mr. Brodhead said:

"I will only consider the section respecting the qualification of voters, which the honorable Senator from Maryland [Mr. Pearce] has moved to amend by striking out the clause authorizing unnaturalized citizens to vote. The section authorizes all free white persons above the age of twenty-one to vote at the first election, including foreigners who have not become citizens, but have declared their intention to become such, and excluding the officers and soldiers of the Army. So that a foreigner, unacquainted with our language or laws, not twenty-four hours in the Territory, and who has not been in our country ten days, can vote, without paying a tax; and General Scott, if he happened to be there commanding our troops, could not. The honorable Senator from Maryland has moved what is called the Clayton amendment, which restricts the right to vote to those who are citizens, either native-born or those who have become such under our naturalization laws, and as I voted for it when the bill was before the Senate upon another occasion, and have seen no reason for changing my vote, I will do so again. The right to vote, and take part in the Government, is a high privilege, and I hold it should only be exercised by those who have become citizens, and entitled to the rights and immunities, and who have incurred the obligations, of citizenship." * * * "The Constitution, in the eighth section, says, Congress may 'establish a uniform rule of naturalization.' Therefore, whenever Congress acts, it must make the rule uniform. Well, Congress has established a rule, by an act passed in 1801, requiring five years' residence before admission to citizenship; and now it is proposed to establish another rule for Nebraska. And what good reason can be given for it? Why should an alien have greater privileges in Nebraska than in Pennsylvania?" * * * "And how does an alien become a citizen in this country? only under the clause of the Constitution which I have cited, and the act of Congress passed in pursuance thereof. And can the right to vote properly appertain to another than a citizen? If foreigners can have and enjoy the rights and privileges of citizens, the highest one of which is to vote, why did not our forefathers 'establish a uniform rule of naturalization?' And why have so many aliens conformed to it?",

Mr. Brodhead concluded by saying: "I do not care who votes with me on this amendment. It is right. It is right and just to the aliens themselves. It is for the purpose of maintaining the Constitution and the rights of American citizens, and I will vote for it, be the consequences, to myself, what they may."

An honorable Senator from Indiana, Mr. Pettit, on the 24th of May, used this language:

"Mistake not yourselves, Senators, in supposing that every man who comes and resides here five years is better qualified to vote then, than others are the day they land. A great many of the men who come here, come well educated, well read, well informed, and, indeed, know all the details of our own history and of our own Government, better than many Senators here know them. Then, sir, as a question of safety and strength to ourselves, give them, at the earliest moment you can, an interest in the country, and they will be Americans indeed, they will be Americans in heart as well as name. But keep them for five or ten years, deprive them of an early enjoyment of political privileges, and you tend to alienate them, instead of attaching their affections to you, your people, and the country, and its Constitution. Safety and prudence to ourselves, and justice to them, alike demand this policy, in my judgment."

The Senator's premises, it may, perhaps, be unbecoming in me to question, because he has been in daily intercourse with Senators, and therefore may be supposed to have had better opportunities of knowing than I have had, what their qualifications are; yet I may be permitted, without offense, to say that I know no Senator of whom his remark is correct. If, however, his premises be true, his conclusions certainly are. If these foreign immigrants know "all the details of our own history and of our own Government, better than *many* Senators," the sooner they are admitted to the rights and privileges of citizenship the better Americans they are. Why, certainly they ought to be invested with such rights and privileges at the earliest possible period, even before they land upon our soil, and with great haste those Senators from purely *patriotic motives* should resign their seats, and invoke their respective Legislatures, for the country's sake, to fill them with these better informed gentlemen, so as to attach their affections to Senators, the people and the country, and its Constitution. If they are not patriotic enough voluntarily to give place to their betters, the people ought certainly to see to it, as "a question of safety and strength to ourselves," that they be made to do what patriotism requires. Kossuth, according to this theory, with his notions of what our foreign policy should be, would, I suppose, make a Senator more acceptable to the American people—a Senator to whose care they could more safely trust their interest—than many Senators chosen by the States to represent them, on account of their supposed qualifications. All this may be so; yet I hope some little incredulity may be pardoned to me. I have too much confidence in the capacity and patriotism of Senators who have had the misfortune to be born in our country, to believe them below foreigners in these qualifications. I may be behind the age. I am certainly a plain, unpretending man, and not much addicted to the fashionable progress which marks our day.

To show further the importance of the Clayton proviso, I will read from the speech made by Senator Bayard, on the evening the bill finally passed the Senate. He said:

"The House bill now before us has embodied in it a provision which makes it essentially different from the bill which passed the Senate, and the question now presented by the amendment offered by the honorable Senator from Maryland [Mr. Pearce] is, whether the principle involved in that amendment is of sufficient relative importance to induce those who are otherwise in favor of the bill, to hazard its rejection, or even to vote against it, if that amendment be not adopted.

"So great, Mr. President, in my opinion, is the importance of the amendment, that though I shall be unwilling to vote against the bill, from deference to the opinions of the many Senators, for whose judgment I entertain the most profound respect, and with whose views I am happy to find my own generally accord, and also because I cordially concur in support of the principles upon which the bill is based; yet, with my convictions, I cannot record my vote in favor of any bill which sanctions a principle so objectionable as that which will be disavowed and disapproved of by the adoption of this amendment.

"It is very evident that the relative importance, in his estimation, of the principles involved in the bill, and that which arises under the proposed amendment, must determine the vote of every

Senator who approves of the principle of the amendment, both on that amendment and also upon the passage of the bill itself, if the amendment be rejected. The indications of opinion already given, foreshadow but too clearly, I regret to say, the result which may be anticipated—the rejection of this amendment by a large majority, composed of both the friends and opponents of the bill." * * * "You cannot expect to draw from foreign writers on international law any rule as to the connection between the right of voting, and the right of citizenship. I presume, however, that few men will doubt that, in a republican Government, the right to vote should be of necessity an incident to citizenship. In other words, as I stated at first, the only true basis of a republican Government, where you have citizens, and where the power of the Government is reposed in the people at large, is, that the political power which belongs to the citizens in the mass of the country over which the Government exists, should be exercised by citizens alone, subject, of course, to all such restrictions upon the right of voting as the Legislature of the State may choose to impose. I question not that this political right of a citizen, like any other right, may be qualified and restrained by the Legislature of his State—I doubt not that, unless the State constitution forbids it, the State government may require additional qualifications for the exercise of the elective franchise. But I do say it is difficult to establish, consistently with republican institutions, and the principles of self-government in the people, the right of any man to exercise the elective franchise, who is not a citizen of the State or community in which he claims the right, and particularly under a Government like ours, where the exclusive jurisdiction of naturalization is vested in the Congress of the United States. What does self-government mean, if it does not mean that the people of the country, nation, or State, over which the Government exists shall govern by themselves; not be governed by others owing allegiance to another State or nation? No State in this Union will permit the citizen of another State to interfere in its Government; and yet this bill authorizes any citizen or subject of a foreign Power, whose allegiance you have not accepted, on a mere declaration that he intends to become a citizen, to exercise the highest right of a citizen, the political right of participation in the Government of the country, though he owes it no allegiance. This is not self-government, but the government of others; and unless the amendment be adopted, the bill, in effect, confers the right of citizenship without the existence of its duties and obligations.

"The honorable Senator from New York [Mr. SEWARD] assumed, in reference to this question, that the right of suffrage is an inherent right in man, wherever he may reside. That was his language, as I took it down at the time, and I believe I state it correctly. Why, what a monstrous doctrine is that! Destitute alike of authority or principle on which it may rest. Its pernicious effect is, that it tends to denationalize your country. The moment you admit the right of citizens of another country, or of those who are not citizens of ours, to assume equal political rights with our own citizens, you take a long step in the progress to denationalization. Sir, I am neither a cosmopolite or a socialist. I believe that the advancement of civilization requires that men should be arrayed in different nations under different forms of government. I believe that as firmly as I believe that the advancement of civilization, and the welfare and happiness of humanity, require the division of nations into families. Strike down the first and patriotism perishes, with all the elevated feelings, and elevating influences connected with love of country. Strike down the last, and you subvert all the virtues and sweet charities connected with domestic life, and leave man the victim of the intense selfishness of his nature. I am aware that there are men in this age, and in this country, too, some who advocate both doctrines, the disbandment entirely of all family organizations, and a far greater number who favor the doctrines of the cosmopolite. I hold no sympathy with any such doctrines, nor with their advocates.

"I do not believe that in this world, with the varying passions of men, and with the infirmities incident to man's nature and organization, men can ever be arranged under one Government, for their own welfare and happiness, unless it be the Government of their Creator. I consider that the division of mankind into nations is a part of the law of nature, and if you discard and obliterate that division, in so doing, by destroying that loyalty of sentiment and that feeling of patriotism which arises out of separate national existence, you strike at some of the most elevated and conservative principles of humanity. Well, sir, do you not strike at national existence? Do you not denationalize your country, when you enact that because the man who has come here to-day declares that he means to become a citizen, he shall exercise the same political privileges and rights as if he were a citizen? Why, sir, civil rights in the general are very much the same to the citizen and to the mere foreigner. It is political rights mainly (which are the sole guardians of civil rights,) that every well organized State necessarily confines to its own citizens." * * "Where, in a republican Government, ought political power to be vested? In the citizens of the country over which the Government exists. I defy gentlemen to establish any other principle, not inconsistent with a republican Government, and with the right of man to self-government, than this: that the political powers and political rights of a community are vested in the citizens of that community, and not in those owing allegiance to another State. I hold that to be not a question of policy, as has been enunciated upon this floor, but a question of principle, Mr. President—a question of principle, not lightly to be abandoned or violated." * * "Your naturalization law concedes the right of expatriation and of self-government, but it recognizes no such pernicious cosmopolitan principle as man's right to participate in the government of a country until his allegiance has been accepted by it; and before it accepts the allegiance of citizenship and confers its rights, it requires that the applicant should have lived long enough in the country to have become conversant with its institutions, and sufficiently imbued with their spirit to exercise the rights of a citizen with benefit to himself and the community at large."

The distinguished Senator then speaks of the character of institutions suited to the existence and growth of self-government, and I must be pardoned for reading another extract from this able and truly patriotic speech. He says:

"Why was it, when the separation took place between the colonies of this country and Great Britain, in 1776, that of all the colonies here, Canada alone, with an equal population, as regards density, with the others, with an antagonism of race to Great Britain, which had conquered it only a few years before, and between the population of which colony and that of England there were, from this antagonism of race, no kindly feelings: why was it, that Canada alone, of all the colonies of Great Britain on this continent, did not join in that revolution? It was because the inhabitants had been educated under different circumstances, under a centralizing power which left no room for habits of self-government among the people, which never trained the people to habits of self-defense, or yielded to them any participation in the conduct of their own Government." * "Every other colony in the country sternly resisted, though it might have received no material injury from the imposition of the tax. It was principally levied, in the first instance, on one colony alone, and there resistance first took place; but immediately every other colony, except Canada, united in support of the great principle involved in our revolutionary struggle."

The following extract I so heartily endorse that I cannot forego the pleasure of reading it, and sending it out with my remarks:

"The honorable Senator from Virginia [Mr. MASON] has said that he is willing to trust to the sober sense of the people to provide, after the first election, against the exercise of the elective franchise by other than citizens at subsequent elections. Sir, I cannot have that faith; and it is against experience. I do not see how you can expect, if you suffer the institutions of the Territories to be first formed on that principle by your own delegation of power to those who are not citizens, with the excessive advent to this country of a large mass of foreigners, who settle in the Territories, this practice will ever be changed. If you allow them at first, before they become citizens, to exercise the right of voting in your Territories by your authority, that practice will never be departed from Without the amendment, you allow them to do this, when, at the same time, if the country from which they came were at war with the United States, they would be alien enemies! The structure of this bill is such as to allow alien enemies to exercise the highest political right of a citizen.

"I consider the principle of this amendment absolutely necessary for the permanence of the institutions of this country, and, therefore, I can record my vote for no bill which authorizes a right of voting to others than citizens of the United States. I censure not the legislation of other States which have seen fit to adopt a different course, though I may question its constitutionality, its wisdom, and its ultimate effect. They decide for themselves, and in my State we decide for ourselves. But when you come to the question of recognition of such a right by Congress—in the organization of the Territories of the United States, with increased power in the people of these Territories for legislation—I am bound to look to that principle on which I suppose your institutions to have been originally based, and which I suppose to be a cardinal principle in every Government—established on the right of the people to govern themselves—a right which human experience has evidenced can only be beneficially exercised when the training, the habit of self-government, and the general diffusion of sound morals and education among the mass of the people, has given the capacity for the exercise of the right. Such I believe to be the condition of my country, and such I trust it will remain, and by no act of mine shall that condition be changed or endangered." * * * * * "If that amendment should fail, the question recurs; admitting, as I do, the importance of this bill, and its propriety in other respects, am I, according to the opinions which I have heard uttered by many of my friends around me, to treat this, which I consider to be a great principle, as a question of policy? I cannot do it. I believe it to be of far deeper importance than they do. I think it of at least as great importance as the passage of the bill. I do not mean to say that it is of as much importance as allaying all agitation in reference to slavery in this country. If the bill reached that result, I should pause before I would say I could not vote for it, even without the amendment. But this bill, at most, according to my views, can do nothing more than repeal an unwise, and, as I think, an unconstitutional law. At most, it can do but that, and give an indication that this Congress, as now constituted, holds that non-intervention in reference to the question of slavery ought to be the rule of the Federal Government, except in the two cases which have been specified in the Constitution. It expresses that opinion, but it does not establish that principle. The establishment of that principle must rest with the people of this Republic."

I beg leave to read from the speech of the distinguished Senator from Delaware, [Mr. CLAYTON,] which he delivered during the day before the night when the bill was finally passed by the Senate. It is a speech of great ability, and I regret that I cannot send out the whole of it with my remarks. After stating the circumstances under which the bill passed this House, and expressing his regret that the views of members had not been ascertained, because of the adroit management by which a vote on this important question had been avoided, and after further stating that the amendment could not again have a fair trial in the Senate, because two thirds of its conscientious and unalterable friends feared to trust the bill again in the hands of the Representatives upon this floor, he goes on to say:

"There are grave and weighty considerations arising out of this proposition. It presents no ordinary question. I may differ with honorable gentlemen in regard to the relative importance of the repeal of the Missouri compromise and the amendment; but, without undertaking to draw comparisons between the two, suffer me to say that few questions ever present themselves here

of more importance for the consideration of a statesman than this very amendment.

"Sir, the Territories to which this amendment is to be applied, are not like any other Territories over which we ever undertook to extend our laws. They are computed to embrace within their limits more than five hundred thousand square miles. Both together form a territory capable of holding the population of an immense empire, larger in area than twelve such States as New York. The principles which Congress shall establish for that Territory in the incipient stages of the governments there formed, will, probably, nay, almost certainly, be perpetuated; at least, we may expect they will last for ages to come. Whatever may be the principle adopted now on the subject of the suffrage of aliens; rely upon it, that same principle will govern in the establishment of a constitution both for Kansas and Nebraska, because, if aliens be allowed to vote under the territorial governments, they will assist in the formation of the constitution, and, of course, will provide for the votes of aliens under the State governments."

The distinguished Senator then goes on to state that it is unconstitutional to admit a State into the Union with a clause in her constitution allowing aliens to vote, and proceeds to prove it; before doing so, however, he speaks of the immense immigration to this country, and urges that as another reason which made the amendment one of vast importance. He stated that in one day, "within the last week," twelve thousand four hundred foreign immigrants were landed in the city of New York, that within ten days twenty thousand arrived at that single port, and that in one month, more entered the city of New York than the whole foreign immigration amounted to for any one year past. He then goes on:

"The computation in the statement to which I have referred is, that such is the extent of immigration, that during the current year, in all the ports of the United States, it will exceed seven hundred and fifty thousand, comprehending, if we are to adopt the principle of the bill as it comes from the House of Representatives, some two hundred thousand alien voters." * * * "Do you not see from these facts how important is the question upon which the Senate is called upon to decide? It is a question upon the decision of which, the happiness and the prosperity of countless millions in ages to come may depend. It is a question, perhaps, upon the decision of which the very stability and safety of our Union may depend. It is a question whose bearings and relations are greater and more extensive than I will attempt to depict or describe. Every intellectual and patriotic citizen may feel them, and understand them, without my dwelling upon them." * * *

"I ought to remind the Senate in this connection, that the right to vote is the right to govern, and that the utter fallacy of the boast so often made by the friends of this bill, that it confers on our people the right of self-government, is demonstrated by the very statement of the fact that aliens who will have no interest in the soil, and who may have just escaped from the prisons of Europe, or who do not understand the first principles of our Government, will have the power to vote, and by reason of that, the power to govern American citizens who may remove to that region. Of all the rights known to a true American, the right to vote is regarded as the most important to him as a freeman. He would forfeit his life rather than fail to defend and protect it. This is the true right of self-government in our Republic. Here is 'the fountain from which our current runs, or bears no life.' But if a stranger who has no interest here, and is utterly incapable of understanding our institutions when he first lands on our soil, is to be allowed to neutralize all the influence of an intelligent and true American citizen by 'killing his vote,' as the phrase is, the rights of that citizen are as effectually invaded, as if power was given to that foreigner to deprive him of his vote."

Mr. CLAYTON then puts this question: Whether the proposition in the bill, to allow aliens to vote in these Territories, which is refused in other Territories, be not absolutely unconstitutional; and ought not to be declared void, if the question could be, and were presented to the Supreme Court of the United States? He then proceeds to review the circumstances under which Michigan made her application to be admitted into the Union as a State in 1836, and the positions taken by distinguished statesmen with regard to it. Michigan had in her constitution a clause, allowing aliens to vote, and objection was made to her limits as defined for herself. It was necessary that her constitution should be revised by her convention; and Mr. Wright introduced a proposition, allowing in general terms, "the people" to vote in the election of delegates for that purpose. To that proposition, Mr. Porter, of Louisiana, who was pronounced "one of the first jurist of the country at that time," Mr. Clay, Mr. Calhoun, and other distinguished statesmen, objected. A debate sprung up, in which those distinguished statesmen participated, and from which I desire to read, before I conclude; but before doing so, I propose to state the argument of Mr. CLAYTON, as to the true construction of the Constitution of the United States upon this subject of alien suffrage. He first defines alien and citizen. He said:

"A citizen is not an alien, and an alien is not a citizen. A citizen may be defined to be any person residing in any State or Territory of the United States, who enjoys all the rights, privileges, and immunities of a man of full age, born and resident in those States or Territories. What is naturalization? It is sufficient for my purpose to define it as that process by which the Congress of the United States removes the disabilities of alienage. Now, what are the disabilities of alienage? In the first place, an alien cannot vote unless the power is specially conferred on him. In the next place, an alien is not entitled to, and cannot demand, protection from the Government. He is under no obligations to it, and he may make war upon it, without incurring the penalties of treason. These are all known and acknowledged disabilities of alienage. The disqualification of an alien to vote, does not arise merely from an act of Congress, or an act of a State Legislature. It exists as an incident to alienage here and everywhere. It must be removed by competent authority, and by positive enactment, before an alien can exercise the right of suffrage. It is inherent in the very nature of alienage that it cannot exercise a right by which it may govern others. There can be no just ideas of popular rights and national sovereignty, or national independence, where the notion prevails that an alien ought to vote. Give this right to foreigners, as is proposed by this bill, and you surrender all that distinguishes him from an American. Nay, you give these rights to strangers, with whom you may be at war to-morrow, while you refuse to your own citizens in one State, the right to vote in another. For, by the law of nearly every State in this Union, some qualification is required for a voter besides naturalization; and generally, among others, residence for a stated period is an indispensable prerequisite. But, by the provisions of this bill, any alien may vote in these Territories without previous residence, or paying a cent of tax to support the Government, which he is to control by his vote.

"Now, sir, naturalization being nothing more or less than the removal of the disabilities of alienage, Congress can pass a law for that purpose, provided it be 'uniform,' either for the removal of the whole of these disabilities in our law, or for the removal of any one, two, or three, or any other number, in separate bills or laws. That influence flows irresistibly from the previous position. Congress, therefore, has the power, under the Constitution of the United States, to provide that aliens may vote in all the States and Territories, subject in the States to such restrictions as a State may impose in the exercise of its reserved powers, on all voters. That would be naturalization *pro tanto;* that is, to that extent, it would remove the disability of alienage, and it would be constitutional, because it would be uniform."

The one idea that runs through this speech, and upon which the constitutional argument against alienage suffrage is based, is, that whenever Congress acts, it must act uniformly. It cannot naturalize or create a citizen for one State or Territory and refuse to the same person the rights and privileges of citizenship in another State or Territory. And if it attempts to remove any of the disabilities of an alien in one State or Territory, that act is unconstitutional because it is not uniform throughout the United States. I read again, Congress "cannot, by a direct law, allow an alien to vote in Virginia, and deny him the right to vote in Delaware. If this does follow, as I think it clearly does, then I undertake to say that Congress cannot grant exemption from any disability in Nebraska, and refuse it in the other Territories, and in the States of the Union, without violating that clause in the Constitution of the Union, which declares that Congress shall have power to make 'uniform' laws of naturalization. A law removing all the disabilities of alienage, and thus making them citizens in Nebraska, and yet, not extending that provision to the other Territories and States would be, I suppose, by every body, admitted to be unconstitutional. Then, is it not a fair and irresistable consequence, that if Congress only remove a part of the disabilities of alienage, or if it proceed but partially on *pro tanto*, to naturalize the aliens in Nebraska without extending the same privilege to other sections of the United States, it is decidedly and clearly unconstitutional."

I desire now to make some short extracts from the speech of Mr. CALHOUN, made in the debate to which I have before alluded, on the application of Michigan to be admitted into the Union as a State. A motion was made to recommit the bill to a committee, on account of objectionable features in it relating to suffrage and the boundaries of the proposed State. Mr. Wright moved to amend by allowing "the people" to vote for delegates to her convention. Mr. Clay moved to amend the amendment, so as to restrict the right of suffrage to "male citizens of the United States of twenty-one years of age." Mr. CALHOUN sustained Mr. Clay's amendment, and among other things said:

"The Constitution confers on Congress the authority to pass uniform laws of naturalization. This will not be questioned, nor will it be that the effect of naturalization is to remove alienage." * * * "To remove alienage is simply to put the foreigner in the condition of a native-born. To this extent the act of naturalization goes, and no further."

"The next position I assume is no less certain, that where Congress has exercised its authority by passing a uniform law of naturalization, (as it has) it excludes the right of exercising a similar authority on the part of the State. To suppose that the States could pass naturalization acts of their own, after Congress had passed a uniform law of naturalization, would be to make the provision in the Constitution nugatory. I do not deem it necessary to dwell on this point, as I understand my colleague as acquiescing in its correctness."

I propose to take one more extract from Mr. Calhoun's speech, which I think is conclusive, and has direct application to the constitutionality of the Nebraska and Kansas bill, as it passed Congress. If the position taken by that distinguished statesman is true, the bill as it now is on our statute-book, with the clause in it allowing aliens to vote, is unconstitutional. We have naturalization laws. They require five years residence. Until they are repealed, any other law making the residence longer or shorter, would be unconstitutional, and when repealed, any law which is not uniform throughout the United States would be equally unconstitutional. Mr. CALHOUN said:

"If it be meant by the people of Michigan, the qualified voters under her incipient constitution, (as stated by the Senator from New York,) then are we sanctioning the right of aliens to vote. Michigan has attempted to confer this right on that portion of her inhabitants. She has no authority to confer such right under the Constitution. I have conclusively shown that a State does not possess it, much less a Territory, which possesses no power, except, such as is conferred by Congress. Congress has conferred no such power on Michigan, nor indeed could confer it, as it has no authority under the Constitution over the subject, except to pass uniform laws of naturalization."

So I think I have clearly stated and fully shown, from authority of great weight, that the clause in

the Nebraska and Kansas bill allowing foreigners to vote, is not only against the spirit, but against the letter of the Constitution. Whenever Congress acts upon the subject of making citizens out of foreigners, its action must be uniform throughout the United States, and the United States, unquestionably, embraces the Territories as well as the States. With regard to suffrage there is but one difference between the States and the Territories. The States may require some further qualifications for the exercise of suffrage besides citizenship—they may require a residence for a period of time, paying taxes, &c. But the Territories can require no such additional qualifications. They can have no power over the subject except that which is given to them by Congress; and Congress cannot grant them a power which is not extended to all the States, because the Constitution requires the action of Congress upon the subject of naturalization to be uniform throughout the United States. Apart from the question of constitutionality, I might discuss this question further as one of policy. Suppose North Carolina could and were to allow foreigners to vote; in case of war what would be our condition? We might have in our midst persons exercising the right of suffrage who owed no allegiance to our country, but to the country with which we were at war, whose property would be liable to confiscation, and who had resting upon them none of the obligations of citizens. I will read one extract further from Mr. CLAYTON'S speech. He said:

"Mr. President, there is another clause in the same section of this bill, which, after the first election at which aliens are to vote, allows the local Legislature, whose constituents are called here the squatter sovereigns, to regulate the qualifications of all voters at future elections. Thus the power of naturalizing foreigners in these Territories in the same way, is transferred to a Territorial Legislature, when all confess that no State Legislature can exercise such a power."

I might produce additional authority from the speeches and writings of the most distinguished jurists, statesmen, and patriots of which our country can boast, to sustain my position against alien suffrage, including a great many of both political parties, but it would occupy too much time.

I propose now to consider two other objections to the bill, of less importance, as I conceive, than the first; but still of grave consideration—and being taken in connection with alien suffrage—of such overwhelming influence as to control my action in opposing a large majority from my own section of country. I will consider squatter sovereignty. It is difficult to disconnect squatter sovereignty, and alien suffrage, of which I have spoken at length, because the aliens may be a portion of those who are designated squatter sovereigns, and, I think, the most objectionable portion. I propose, however, to speak of the principle. A large and respectable party in this country has ever contended that Congress has no constitutional power to legislate upon the subject of slavery in the Territories. I believe that the most of my constituents once held that opinion. Whether Congress has such constitutional power or not, I will not argue. If Congress has not, the Nebraska and Kansas bill is clearly unconstitutional. It is admitted on all hands, that neither the people of the Territories, nor their Territorial Legislatures, have any political power which is not derived from Congress. In fact, they have no political existence until they are invested with it by Congress. That political existence, and all the powers attaching to it, must have their origin in a grant from Congress, which grant may be in language expressly or impliedly giving the power to act. Remember, I am speaking of political, and not civil rights.

Then, when we hear it said that the people of these Territories are left to act as they please while living under a territorial government, either to establish or prohibit slavery within their territorial limits, the meaning is nothing more nor less, nor can be anything more nor less, than that the people of the Territories are invested with such political authority, as to enable their Legislatures to act. That authority may be granted in express or implied terms. A mere declaration of the opinion of Congress, one way or another, will not confer such authority. The declaration must embrace in it a grant of power. Congress cannot delegate or grant an authority which it has not got, and cannot exercise itself. If the Territorial Legislatures for Kansas and Nebraska can exclude or establish slavery within their limits, where did they get their authority? Unquestionably, from Congress. Now, what follows from this? Either the Nebraska and Kansas bill is unconstitutional, or that large and respectable party—and among them a great many of my constituents—have been wrong in asserting the doctrine that Congress has no power to legislate upon the subject of slavery in the Territories. And another thing follows too, if the Missouri compromise was unconstitutional, so is the Nebraska and Kansas bill; for the only difference between them is this: In the case of the Missouri compromise, Congress exercised its power directly by its own act, while in the case of the Kansas and Nebraska bill, it delegated the power to act to the people of the Territories through their respective Legislatures.

My view of the subject is this: Whether Congress has the constitutional power to establish or exclude slavery from the Territories or not, it ought never to exercise such a power, neither ought it to delegate, or attempt to delegate, such power to any subordinate legislative assembly. The Territories belong to all the States of this Union; citizens of North Carolina have the same right to migrate to the Territories with their property as the citizens of Maine, and in the absence of legislation, I am well satisfied that the courts for the Territories, organized under the Constitution, would be bound to protect the citizen from North Carolina in his right to hold his property, whether that property be in slaves or not, just as much as they are bound to protect the citizen from Maine in his right to hold his property. The Constitution recognizes property in slaves; the courts can neither create property, nor abolish property; they can only determine the rights concerning it, under the Constitution and laws that exist.

Let the rights of persons in the Territories to hold their property, of what kind soever, be dependent, and rest solely upon their rights under the Constitution. The people of North Carolina, in my opinion, are willing to rely upon the protection which is given them by that instrument, whether they remain at home or move to the Territories. They ask nothing more, and that much they have a right to demand. During the progress of the discussion upon the Nebraska and Kansas bill, it was insisted by many Southern gentlemen that squatter sovereignty was not recognized in the bill, and that the question of slavery could not be determined by the people of the Territory until they formed their constitution, with the view of being admitted into the Union as a State. It is now conceded on all hands that such is not the fact. Mr. Cass, on the night the bill passed, congratulated the Senate and the country that the doctrine of his Nicholson letter had triumphed, and that the so much abused and despised principle, styled squatter sovereignty, had been sanctioned by an American Senate, with unparalleled unanimity. Can any man who heard the discussions, or read the newspapers in North Carolina, and, in fact, throughout the whole South, during the canvass of 1848, ever forget with what bitterness this doctrine was denounced? It was insisted by a great many of General Cass's friends that no such doctrine was contained in this famous letter, and his political friends and enemies denounced the doctrine itself. Yet, strange to say, those who now oppose this doctrine, who act consistently with their former action, who act consistently with the former action of almost the entire South, and I may say a large majority of the whole country, are denounced in almost as unmeasured terms as the doctrine itself then was.

During the pendency of the measures of 1850, this doctrine was discussed in connection with the Nicholson letter, and was condemned, I think, by every southern Senator who spoke upon the subject. Among those distinguished statesmen were the best men of both political parties. In that discussion Mr. CASS said:

"Mr. President, a letter of mine, which seems to have become somewhat historical, has been so often referred to in this discussion, and so many constructions have been put upon it, that I feel called upon to read a portion of it, that it may speak for itself." * * * "My friend from Louisiana [Mr. DOWNS] has remarked that the Senate has already been confounded with a number of explanations of that letter. Sir, I repeat again, what I said emphatically upon a former occasion, that, if any man misunderstands that letter, the fault is his, not mine." * * * "Speaking of the rights to establish territorial government, I say:

"'But certain it is that the principle of interference should not be carried beyond the necessary implication which produces it. It should be limited to the creation of proper governments for new countries acquired or settled, and to the necessary provision for their eventual admission into the Union, leaving, in the mean time, to the people inhabiting them to regulate their internal concerns in their own way.'

"Is there one man on this floor who has now any doubt as to the true interpretation of this letter? Now, that the excitement of an election has passed away, and we can all look coolly to things as they are, is there any man here, or elsewhere, who can put any other construction upon this letter, than that which its words plainly import, that, in the 'mean time,' during the pendency of the territorial governments, 'they should be allowed to manage their own concerns in their own way?' Does not slavery come within this category?"

This was the doctrine of the Nicholson letter as clearly announced in 1850. Was it so understood in 1848, in North Carolina, or in the South, while General Cass was up for the Presidency? I think not. But let us follow up this debate a little further. In that debate Mr. WEBSTER stated:

"But the whole question in this case, I understand to be just this: whether the establishment or exclusion of slavery shall be left to the people in the Territories to decide when they come to form a State government. Now, it is agreed on all hands that it is a matter of municipal law. We know that if slavery were introduced into the Territories, the moment the people formed a State government they could abolish it. On the other hand, if it were prohibited, the moment they formed a State government they could introduce it, if they saw fit. Nevertheless it is not upon that ground that I proceed, though I think it is a very proper ground. I conceive that the proper mode of proceeding is to leave this matter to State legislation, after the Territories shall have become States."

I give this extract from Mr. Webster's speech to show his view, as I understand it, upon this subject of squatter sovereignty. From this extract it appears that he was in favor of true non-intervention. Congress should not legislate upon the subject of slavery in the Territories, neither should it delegate such power to the Territorial Legislature. It might be properly insisted, that, when the constitution upon which admission into the Union was asked, was submitted to Congress, the question of slavery should be determined by that constitution, because the Territory was then about to be invested with sovereignty. But that was not the best mode of proceeding, according to his view. Let Congress be silent upon the subject of slavery in the Territories; let the Territorial Legislature be silent upon the subject, because it could only speak what it had been authorized to speak through Congress; and let the constitution, to be submitted to Congress by the Territory when she proposes to become a State, be silent upon the subject. If this could be so, all pretense for sectional agitation would be effectually removed from the Halls of Congress, and from the Territories also. Then the rights of persons and of property in the Territories would be determined by the courts authorized under the Constitution. And, as I understand it, that is the true doctrine of non-intervention. The Territorial Legislature can legislate upon no subject, unless it be through the intervention of Congress. And all persons, on all sides, admit such to be the case, except those who hold that the people of the Territories have an inherent and inalienable right to suffrage, and consequently the power to legislate; which tends, as I have shown in a former part of my remarks, directly to denationalization.

To understand this matter more thoroughly, and to see the positions assumed by parties and

men in 1850, with regard to the extent of authority which should be given to the people of the Territories over the subject of slavery during the pendency of their territorial existence, I beg leave to call attention more particularly to the measures proposed by the compromise committee of thirteen, the amendments proposed to those measures, the debate thereon, and the votes as recorded in the Senate Journal. The extracts which I have read from speeches made by Mr. Webster and General Cass are parts of the same debate.

The tenth section of the compromise bill, relating to Utah, as reported by the select committee of thirteen, is as follows:

"*And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil, nor in respect to African slavery," &c.

The twenty-seventh section of the same bill, having reference to the Territory of New Mexico, is in the same words. I will read a portion of that part of the report of the committee submitted to the Senate by Mr. Clay, which has reference to these sections:

"The bill for the establishment of the two Territories, it will be observed, omits the Wilmot proviso on the one hand, and, on the other, makes no provision for the introduction of slavery into any part of the new Territories. That proviso has been the fruitful source of distraction and agitation." * * * "It is high time that the wounds which it has inflicted should be healed up and closed; and that, to avoid in all future time the agitations which must be produced by the conflict of opinion on the slavery question, existing, as this institution does, in some of the States, and prohibited, as it is, in others, the true principle which ought to regulate the action of Congress in forming territorial governments for each newly acquired domain is, to refrain from all legislation on the subject in the Territory acquired so long as it retains the territorial form of government, leaving it to the people of such Territory, when they have attained to a condition which entitles them to admission as a State, to decide for themselves the question of the allowance or prohibition of domestic slavery. The committee believe that they express the anxious desire of an immense majority of the people of the United States, when they declare that it is high time that good feeling, harmony, and fraternal sentiments should be again revived, and that the Government should be able once more to proceed in its great operations to promote the happiness and prosperity of the country undisturbed by this distracting cause."

I propose now to read some amendments which were proposed and discussed, which will show clearly the position taken by the South, in 1850, upon this important question; and which shows that, whether I was right or wrong in voting against this Nebraska and Kansas bill, incumbered as it was with squatter sovereignty and alien suffrage, my position was sustained in 1850 by every southern Senator in Congress but one, both in the debates which took place then, and in the votes which were recorded to evidence their conclusions. I will first read the amendment offered by Mr. Pratt, as modified and adopted by Mr. Davis, the present Secretary of War, to the sections of the compromise bill which I have before read:

"Strike out the words 'in respect to,' and insert 'to introduce or exclude,' and after the word 'slavery,' to insert the following proviso:

"*Provided*, That nothing herein contained shall be construed to prevent said Territorial Legislature passing such laws as may be necessary for the protection of the rights of property of any kind which may have been, or may be hereafter, conformably to the Constitution and laws of the United States, held in, or introduced into, said Territory."

Upon this amendment, Mr. Clay said:

"Mr. President, the amendment proposed by the Senator from Mississippi is, that the restraining clause upon the power of the Legislature shall not be so exercised as to prohibit the protection necessary to any property in the Territory, according to the Constitution and laws of the United States. I believe I state substantially the effect of the amendment, although I am not prepared to give the words.

"Mr. Davis, of Mississippi. Yes, that is it.

"Mr. Clay. I have no particular objection to that amendment, because, if there be a local law abolishing slavery, and there be in the Constitution and laws of the United States authority given to carry slaves into the Territory, then those laws and that Constitution abrogate the local law. It is, in fact, a legislative assertion of what would result without any legislative enactment; for, if you were silent upon the subject of legislation either way, in point of fact, the provision in the Constitution and laws of the United States which authorizes the introduction of slaves into the ceded Territory, would, without any declaration in the bill, have the effect which I have stated, of abrogating the local law which forbids it." * * "Nor do I see, sir, that by implication, as has been asserted, it may be concluded that this amendment of the Senator from Mississippi will authorize, under the Constitution and laws of the United States, the introduction of slavery into the ceded Territory. I do not think that there is any such implication. I repeat, I think that it is adding nothing more than that which would result without the enactment of the provision offered by the Senator from Mississippi."

Mr. Davis's amendment was opposed by northern Senators, and, in reply to them, he said:

"It has very strangely been my fortune, through every modification of this amendment—and I have tried to modify it so as to meet the views of those who are willing to give us our constitutional rights—it has very strangely been my fortune, I say, when claiming that the territorial legislation shall not be restricted from giving to slave property the protection it is allowed to give to other property, to be constantly regarded as though I sought from Congress a declaration of what our rights are. I have not sought it; I would not take it. I never yet have consented, and never will, to allow Congress to measure the constitutional rights of the South. Why, sir, it would border upon fatuity, if one representing the minority of this Union should come forward to ask the exercise of such an authority here."

At this point I desire to say one thing. In the bill for Kansas and Nebraska, Congress did not declare what the constitutional rights of the South should be in those Territories; but it assumed the power to do so, and, by virtue of that power, delegated to the Territorial Legislature the authority to declare what they shall be, within their limits, for all time to come. If Congress has not the power to say what our constitutional rights are in the Territories, unquestionably it has not power to authorize the Territorial Legislature or the people of the Territories, to do so. Mr. Davis further said:

"A word now to the Senator from Illinois, [Mr. Douglas.] It is to his argument that I address myself. The difference between the Senator and myself consists in who are a people. The Senator says that the inhabitants of a Territory have a right to decide what their institutions shall be. When? By what authority? How many of them? Does the Senator tell me, as he said once before, from the authority of God? Then one man goes into a Territory, and establishes the fundamental law for all time to come. It would then be, unquestionably, the unanimous opinion of what that law should be; and are the citizens of the United States, joint owners of that Territory, to be excluded because one man chooses to exclude all others who might come there? That is the doctrine, carried out to its full extent. I claim that a people having sovereignty over a Territory have power to decide what their institutions shall be. That is the Democratic doctrine, as I have always understood it; and, under our Constitution, the inhabitants of the Territories acquire that right whenever the United States surrender the sovereignty to them by consenting that they shall become States of the Union, and they have no such right before. The difference, then, between the Senator from Illinois and myself is, the point at which the people do possess and may assert this right. It is not the inhabitants of the Territory, but the people as a political body, the people organized, who have the right; and, on becoming a State, by the authority of the United States, exercising sovereignty over the Territory, they may establish a fundamental law for all time to come.

"Then, again, the Senator states what, during the last presidential canvass, was his position in relation to the doctrine of non-intervention. I am sorry to hear him state it as he has."

Speaking of the amendment offered by Mr. Davis, Mr. Douglas uses this language:

"I am satisfied, sir, it gives no strength to the bill; I am satisfied even if it did give strength to it, that it ought not to be there, because it is a violation of principle—a violation of that principle upon which we have all rested our defense of the course we have taken upon this question. I do not see how those of us, who have taken the position which we have taken, (that of non-interference,) and have argued in favor of the right of the people to legislate for themselves on this question, can support such a provision without abandoning all the arguments which we urged in the presidential campaign in the year 1848, and the principles set forth by the honorable Senator from Michigan in that letter, which is known as the 'Nicholson letter.'"

What I read from Mr. Davis's speech a moment ago, is what he said in reply to the remarks of Mr. Douglas, from which I have just finished reading. Again, Mr. Davis said:

"I am glad to have the Senator in a more tangible position than when he resorted to Divine power for authority; he now locates it in Congress; and he now establishes the point at which the people of the Territories begin to assume to exercise these powers of legislation to be when they receive the power from Congress. Then the question comes back at once, what is the authority of Congress? Over what subjects can we legislate or confer authority on the people of the Territories to legislate? If Congress have power to decide what shall be property, to lay down the bounds and limits within which a certain species of property shall be held, beyond which it shall never pass, then, perhaps, it can confer the authority on the people of the Territory which is claimed, not otherwise."

At this point, I desire to make one suggestion, although it would properly come in later in my remarks. It has been said, time and again, and by those who hold the same construction of the Constitution upon this subject as Mr. Davis, that the Nebraska and Kansas bill should have been voted for, if for no other reason, because it repealed the Missouri restriction, which was unconstitutional. Now, if his positions are true, that Congress has no power to establish or exclude slavery from the Territories, nor any power to authorize the Territorial Legislature to legislate to that extent until they shall be invested with sovereignty as a State, is it not clear that the Nebraska and Kansas bill is unconstitutional also? for no one claims that the Territories by that bill are invested with sovereignty as a State. During their territorial existence they can exercise only such powers as Congress could exercise during the same condition of things upon matters involving the constitutional rights of the people of all the States, who own jointly these Territories. It is said that the Missouri compromise was unconstitutional, because it prohibited slavery north of 36° 30', in that Congress had no power to impose such a restriction, or to legislate upon the subject of slavery at all in the Territories, either to establish it or to exclude it. If Congress has not the power to impose such a restriction, unquestionably it has no power to delegate such authority to the people of the Territory as to enable them to impose such a restriction. I know it is said that Congress has not delegated such authority, but it has been silent upon the subject, and left the people of the Territory to manage their own concerns in their own way. That explanation will not do. It never has been insisted by any body that the Territorial Legislatures or the people of the Territories derived any power from but two sources—from Divine authority, and from Congress. No one that I know now claims that they derive any from the former, and if they do the preceding part of my remarks, I think, shows how utterly untenable such a doctrine is; and, as to the latter, if Congress does not grant the power, expressly or impliedly, it cannot be exercised. It matters not what the language is, unless it comprehends a grant of power none can be exercised. In my opinion, without arguing the constitutional question at all, the true doctrine

is, that neither Congress nor the Territorial Legislature should interfere for the prohibition or for the establishment of slavery in the Territories. While in a territorial state let rights be determined according to the spirit of the Constitution, and nothing else. And when the people of the Territories shall be invested with the rights of sovereignty, then they have the power to determine the question as to what shall be property for themselves as they please, and it is no body else's business.

But I will return to the debate, which I know will be heard with more interest, and carry with it more weight than any thing I can say. Mr. BUTLER said:

"Sir, I was going on to speak of the people having a right, independently of the Constitution, by which even Congress derives its power to make whatever laws they please for themselves. That is, indeed, a new idea. The principle which pervades all legislation upon this subject is, that a Territorial Legislature is given by Congress, subject to all the limitations imposed by Congress, and it has no powers except those which are given to it by Congress. In other words, it has power to legislate upon those subjects only which are specified in the grant. This, I am aware, is inconsistent with the broad notion that those squatters, the moment they put their feet upon the soil, are freeholders, and are entitled to exercise all the priviliges of citizens of a State."

I propose now to read from the speech of the late Vice President, Mr. KING. He took part in this debate, and among other things said:

"I, sir, am opposed to giving to the Territorial Legislatures any power either to prohibit or introduce it, (slavery.) I believe that the power does not exist on the part of Congress, and in that respect I differ with the Senator from Illinois *in toto*. Sir, his argument is a free-soil speech; it is the Wilmot proviso, so far as the argument goes, as to giving to the Congress of the United States the power of regulating every description of property which the citizens of the country possess who choose to emigrate there. The Senator went vastly beyond what I have heard before, because it was then confined to slavery." * * * "Sir, I never did agree with my friend from Michigan in regard to what is supposed to be the construction of the Nicholson letter. I never did believe that a Territorial Legislature possessed any power whatever; but such as is delegated to it by the Congress of the United States; and the power which it did possess simply related to the protection of persons and property, and the punishment of crime. Sir, what do you require of them? That they shall pass no law that is not to be submitted to Congress for its approbation, leaving them strictly to the control of the Congress of the United States in every act that they may pass. And yet gentlemen get up at this day and advocate, on the floor of the Senate, the monstrous doctrine that these Territorial Legislatures, consisting of a mere handful of men, should make laws to affect every description of property."

There are other portions of this debate which I would like to read, but it would extend my remarks to too great a length. I will, however, read a short extract from the speech of Mr. DICKINSON, of New York. At the conclusion of his remarks, he said:

"Now, sir, I wish to say, once for all, that it is not my intention, either directly or indirectly, to favor, by voice or vote, the extension of slavery, or the restriction of slavery, in the Territories by Congress, or any interference with the subject whatsoever. Nor am I influenced in this conclusion by the local laws of the Territory in question—either natural or artificial—the laws of nature or the laws of man; and, for all the purposes of present action, I will not inquire what they are in either respect. I will stand upon the true principles of non-intervention, in the broadest possible sense, for non-intervention's sake, to uphold the fundamental principles of freedom, and for no other reason; and will leave the people of the Territories and of the States to such rights and privileges as are theirs under the Constitution and laws of the United States, without addition to, or diminution from, such rights by the action of Congress."

The yeas and nays were taken upon Mr. Davis's amendment; and resulted as follows:

"YEAS—Messrs. Atchison, Badger, Bell, Berrien, Butler, Clay, Clemens, Davis of Mississippi, Dawson, Dickinson, Downs, Foot, Houston, Hunter, King, Mangum, Mason, Morton, Pearce, Pratt, Rusk, Sebastian, Soulé, Turney, and Underwood—25.

"NAYS—Messrs. Baldwin, Benton, Bradbury, Bright, Cass, Chase, Clarke, Cooper, Corwin, Davis of Massachusetts, Dayton, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Greene, Hale, Hamlin, Jones, Miller, Norris, Seward, Shields, Smith, Spruance, Sturgeon, Upham, Walker, Webster, and Whitcomb—30."

Mr. Berrien moved to strike out, in the sixth line of the tenth section, the words "in respect to," and insert the words "establishing or prohibiting," so that it would read:

"But no law shall be passed, interfering with the primary disposal of the soil, nor establishing or prohibiting African slavery."

The yeas and nays were ordered upon this amendment, and resulted as follows:

"YEAS—Messrs. Atchison, Badger, Bell, Berrien, Borland, Butler, Clay, Clemens, Davis of Mississippi, Dawson, Dickinson, Downs, Foote, Houston, Hunter, Jones, King, Mangum, Mason, Morton, Pearce, Pratt, Rusk, Sebastian, Soulé, Spruance, Sturgeon, Turney, Webster, and Yulee—30.

"NAYS—Messrs. Baldwin, Benton, Bradbury, Bright, Cass, Chase, Clark, Cooper, Corwin, Davis of Massachusetts, Dayton, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Greene, Hale, Hamlin, Miller, Norris, Seward, Shields, Smith, Underwood, Upham, Walker, and Whitcomb—27."

I desire to call attention to these votes. Upon the amendment offered by Mr. Davis only one northern man voted in the affirmative, Mr. Dickinson, of New York, and only one southern man in the negative, the honorable gentleman from Missouri, [Mr. Benton,] who is now a member of this House. On the amendment proposed by the distinguished Senator from Georgia, [Mr. Berrien,] five northern Senators voted in the affirmative, to wit: Messrs. Dickinson, Jones, Spruance, Sturgeon, and Webster; and two southern Senators in the negative, to wit: Messrs. Benton and Underwood. These votes may be found on pages 375 and 376 of Senate Journal, 1st session 31st Congress.

Here, then, was every southern Senator, in 1850—except in one instance, Mr. Benton, and in another, Mr. Benton and Mr. Underwood—voting for a proposition declaring that the Territorial Legislatures should not establish or prohibit slavery within their limits, for a proposition declaring that slavery in the Territories should be left to exist or not under the Constitution and laws of the United States, without any interference to that extent either by Congress or by the Territorial Legislature. As was announced by Mr. Dickinson, that was true non-intervention. Yet by some it is said that those who stood upon similar ground in 1854 are untrue to the South, and are disposed to surrender the rights of the South into the hands of Free-Soilers and Abolitionists. When I find myself standing upon the same ground as Berrien, Clay, Dickinson, Foote, King, Mangum, and others, the most distinguished statesmen and patriots that the South, or this whole country, can boast of, I care very little for the assertion, wholly unsustained by any fact, that I am untrue to the South, or that I have surrendered, or that I am disposed to surrender, her rights into the hands of her enemies. Until the names and the patriotism of these great statesmen shall have been forgotten, I feel that no harm can come to me, humble as I confess myself to be, from the empty declarations of those who may style themselves the champions of the South, and the only true conservators of her interests and rights.

I have thus far considered alien suffrage and squatter sovereignty as recognized in the Nebraska and Kansas bill. I am uncompromisingly opposed to both.

I will now briefly speak of another objection which I had to the bill. I believed, when this bill was introduced, as I believe now, that it was unwise and injudicious to propose such a bill in Congress. I believed then, as I believe now, that no good could come of agitating the slavery question, in Congress or out of it. The South never has gained anything by such agitation. The country never has been benefited by such agitation. It has tended, and ever will tend, to alienate the North from the South, and the South from the North, and engender a feeling of hostility one towards the other. As I stated before, at the beginning of the present Congress, we had but few Free-Soilers or Abolitionists amongst us. The kindliest feelings were entertained between members from all sections, and there was no disposition to reopen any question which would lead to the formation of sectional parties, or the creation of sectional animosities. The next Congress will not open with such relations existing between members from the two sections. Agitation will be renewed, and crimination and recrimination will be revived in this Hall, and in the country. And, I ask, who will be responsible for it? I answer what I believe to be true—those who originated and sustained the Kansas and Nebraska bill.

The motives of none will I assail; but, those who originated the bill stand in a very different position so far as responsibility goes, from those who supported it after it was introduced. There was a difference between making the issue voluntarily and in taking sides after the issue was made. I know that a great many who voted against the bill did it with reluctance; and I know equally well that a great many who voted for it, did so with reluctance; some, I may venture to say, almost against their positive convictions. Then what was the necessity for the reopening of this agitation? What northern gentlemen answer to this question, I cannot now go into; but their position is very different from that taken by southern gentlemen. Southern gentlemen answer that it was necessary to pass this bill in order to repeal "an odious and an unconstitutional" restriction upon the rights of the South, and they now add, in order to make a slave State of Kansas. The question then recurs, are they willing to incorporate into their territorial policy the doctrines of squatter sovereignty, and alien suffrage, and reopen agitation upon the slavery question to accomplish the first object, and to be enabled to run the risk of accomplishing the second? Their answer must be, that if we cannot get all we want we must compromise. We must take what we do not want, in order to procure what we do want. And these very same persons, strange to say, declaim most vociferously against all compromises. I think I have shown conclusively that, if the Missouri compromise was unconstitutional, the Kansas and Nebraska bill is unconstitutional, because they both assume that Congress has power to legislate upon the subject of slavery in the Territories.

But I propose to examine these two answers, and I am frank to say that they are the only two answers to the question which I have ever known many southern men to give. A great many from the North justify their vote for the bill upon the ground, and for the reason, that it established the doctrine of squatter sovereignty, and of alien suffrage. Some from both sections claim, I know, that they voted for the bill because it established the doctrine of non-intervention. But that will not do. I think I have shown that this bill not only does not establish the doctrine of non-intervention, but is itself positively intervention, in that it interposes its authority to enable the Territorial Legislature to determine the question of slavery, which authority the Territorial Legislature could not possess without express or implied authority from Congress.

What I have read from speeches made by the late and lamented Vice President King, by Mr. Dickinson, of New York, and others, I think sustains me in these positions.

But to proceed: It is said that it was necessary to pass this bill in order to repeal "an odious and an unconstitutional" restriction upon the rights of the South, and to place the South upon an equal footing in the Territories with the North. I am not going to defend the Missouri compromise, because, as an original proposition, I would not have been in favor of it. When did the necessity for the repeal of the Missouri compromise arise? It was passed in 1820, and the country went on in its progress to greatness undisturbed upon the subject until 1850. Then there was a convulsion; but once more all was quiet; and on the 4th of January, 1854, this fact was solemnly announced to the country, in a report from the Senate Committee on Territories. Referring to the measures of 1850, that report says:

"The wisdom of those measures is attested, not less by their salutary and beneficial effects in allaying sectional agitation, and restoring peace

and harmony to an irritated and distracted people, than by the cordial and almost universal approbation with which they have been received and sanctioned by the whole country. In the judgment of your committee those measures were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but, in all time to come, avoid the perils of a similar agitation, by withdrawing the question of slavery from the Halls of Congress and the political arena, and committing it to the arbitrament of those who were immediately interested in, and alone responsible for, its consequences."

It states that the principles and spirit of the measures of 1850 are incorporated in the bill reported, and then goes on:

"If any other considerations were necessary to render the propriety of this course imperative upon the committee, they may be found in the fact that the Nebraska country occupies the same relative position to the slavery question as did New Mexico and Utah, when those Territories were organized."

Now mark this position: The Nebraska Territory, which embraces what is now called Nebraska and Kansas, "occupies the same relative position to the slavery question as did New Mexico and Utah when those Territories were organized." That we may see whether or not the Senate committee, on the 4th of January, before the bill passed, thought there was any necessity for such repeal, I will read again parts of this same report, all of which I read at the beginning of my remarks. That committee, with great confidence, declared that the country saw no such necessity, but the contrary. To go on, however, with the report. Immediately after the clause which I have just read, is as follows:

"It was a disputed point, whether slavery was prohibited by law in the country acquired from Mexico. On the one hand, it was contended, as a legal proposition, that slavery having been prohibited by the enactments of Mexico, according to the laws of nations, we received the country with all its local laws and domestic institutions attached to the soil, so far as they did not conflict with the Constitution of the United States; and that a law, either protecting or prohibiting slavery, was not repugnant to that instrument, as was evidenced by the fact that one half of the States of the Union tolerated, while the other half prohibited, the institution of slavery.

"On the other hand it was insisted that, by virtue of the Constitution of the United States, every citizen had a right to remove to any Territory of the Union, and carry his property with him, under the protection of law, whether that property consisted in persons or things. The difficulties arising from this diversity of opinion, were greatly aggravated by the fact that there were many persons, on both sides of the legal controversy, who were unwilling to abide the decisions of the courts on the legal matters in dispute; thus, among those who claimed that the Mexican laws were still in force, and consequently that slavery was already prohibited in those Territories by valid enactment, there were many who insisted upon Congress making the matter certain by enacting another prohibition. In like manner, some of those who argued that the Mexican laws had ceased to have any binding force, and that the Constitution tolerated and protected slave property in those Territories, were unwilling to trust the decision of the courts upon that point, and insisted that Congress should, by direct enactment, remove all legal obstacles to the introduction of slaves into those Territories."

Who were the persons who were unwilling to trust the decision of the courts, but required a declaration by Congress one way or the other? They were unquestionably extremists, North and South. The report goes on:

"Such being the character of the controversy in respect to the Territory acquired from Mexico, a similar question has arisen in regard to the right to hold slaves in the proposed Territory of Nebraska, when the Indian laws shall be withdrawn, and the country thrown open to emigration and settlement. By the eighth section of "an act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," approved March 6, 1820, it was provided:

"'That in all that Territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30', north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.'

"Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by valid enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen who hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the eighth section of the act preparatory to the admission of Missouri is null and void; while the prevailing sentiment, in large portions of the Union, sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution, and the extent of the protection afforded by it to slave property in the Territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

So we see that on the 4th of January, 1854, according to this report—and five thousand extra copies were ordered to be printed by the Senate, I suppose for circulation—there was no necessity for a repeal of the Missouri compromise line, but, on the contrary, it was insisted that, for the preservation of peace and harmony, and to avoid the agitation, the sectional strife, and the fearful struggle of 1850, Congress ought not to make any act "affirming or repealing" the Missouri compromise, or declaratory of the constitutional powers of Congress over the subject of slavery in the Territories.

Let us see, for a moment, in what light this report was viewed by the organ of the Democratic party. In the Union newspaper of the 5th of January, 1854, the day after this report was made to the Senate, I find a short editorial, headed "Nebraska—Mr. Douglas's Report—The Compromise," which is as follows:

"The report submitted to the Senate on yesterday, by Mr. DOUGLAS, chairman of the Committee on Territories in the Senate, in regard to a territorial government for Nebraska, will be read with profound interest. This subject has been looked to with serious apprehension, in consequence of the supposition that it might fearfully revive the slavery agitation. Mr. DOUGLAS was fully impressed with the importance and delicacy of the issue involved, and has devoted the full power of his capacious mind to its investigation. He has arrived at conclusions which seem to us to be unassailable. He plants himself resolutely upon the compromise of 1850 as a final settlement—not final merely as to the Territories then in dispute, but final as to all future legislation for territorial governments. Adopting this as the basis of his action, he has applied the great pacific principles of the compromise measures of 1850 to the bill for organizing the Nebraska Territory. He goes further, and extends the provisions of the fugitive slave law to the Territories. The reasoning of Judge DOUGLAS strikes our mind as unanswerable, and we indulge the confident hope that the propositions submitted by him will be unhesitatingly affirmed by Congress. They present a practical test of the sincerity of the covenant entered into by the Democratic party at Baltimore. If the principle of the compromise, as brought forward in the Nebraska bill, are sustained by the united Democratic votes of Senators and Representatives, all doubt as to the final expulsion of the slavery question from the Democratic organization will be put to rest. We may then gladly proclaim the National Democracy a unit and repose confidently upon the conviction that the Federal Union is safe. We commend Mr. DOUGLAS's report, not only for the ability with which it is prepared, but for the sound, national, Union-loving sentiments with which it abounds. We shall publish the report in our next issue."

Such was the language of the National organ of the Democratic party, published in this city. Judge DOUGLAS argued against the repeal of the Missouri compromise in this report with all the weight of his "capacious mind," and "planted himself resolutely upon the compromise of 1850," and his conclusions are unassailable. The report is commended for its great ability, but more for "its sound national, Union-loving sentiments." With my Democratic friends, it seems to me, I could desire no better defense for my vote, even if I were disposed to place it upon the ground of opposition to the repeal of the Missouri act.

As promised on the 5th, the report was published in the Union of the 6th of January, 1854, and was introduced to the public by an editorial, which I will read. It is headed, "Mr. Douglas's Nebraska Bill," and is as follows:

"We are enabled to lay before our readers to-day the report of Senator DOUGLAS, accompanying the bill for organizing the Territory of Nebraska. Upon perusing this important document, our readers will readily comprehend why we attach so much importance to it. In upholding the policy of the present Administration with such efficiency as we could command, we have been forced to vindicate the President as well as ourselves against the charge of favoring Free-Soilism and disunionism. Our vindication of both has rested upon the assumption, which we have felt fully authorized to adopt, that the policy of the Administration recognizes none as orthodox Democrats who do not faithfully abide by the compromise of 1850 as a final settlement of the slavery issue. Upon this ground we have gone before the country, and upon the issue we have signally triumphed. The Nebraska bill is drawn upon the same principle, and presents an opportunity for a practical vindication of the policy of the Administration, which is destined to exert a prominent influence upon the political mind. But so important a document will command universal attention, and needs no commendation from us."

Then follows the report. The question will suggest itself at once to a person reading these editorials, does not the Nebraska and Kansas bill, which passed Congress, and which is now a law, embody the doctrines of this so much praised report? Are not the principles which it advocates incorporated in that bill? Let us see. The bill repeals the Missouri compromise, and opens the door for slavery agitation. The report argues against both, and the Union said all orthodox Democrats would stand by the report. The bill which I voted against has incorporated in it the doctrine of squatter sovereignty and alien suffrage. The report advocates neither, but declares for the principles of the compromise of 1850. The sweetest morsel is yet to come from the Union. I would like to take more than one more, but my remarks have already been extended to a greater length than I desired they should. January 16, Mr. DIXON, a Senator from Kentucky, gave notice of an amendment which he intended to offer to the bill, proposing to repeal the Mis-

souri compromise. Mr. SUMNER also gave notice of an amendment which he should offer. On the 20th of January an editorial appears in the Union headed "The Missouri Compromise." I wish I had time to read it all; it fills about one column. But I must satisfy myself with extracts. The editor says:

"We have expressed our cordial approval of the bill introduced by Mr. DOUGLAS, providing a territorial government for Nebraska. It will be remembered that the bill, as proposed to be amended by Mr. DOUGLAS, reënacts and applies to Nebraska the clause on slavery adopted in the compromise of 1850. That clause is silent as to the question of slavery during the territorial condition of the inhabitants, but expressly recognizes and asserts their right to come into the Union as a state, either with or without the institution of slavery, as they may determine in their constitution. Two propositions have been made in the Senate—one by Senator DIXON, a Whig, and the other by Senator SUMNER, an Abolitionist—which indicate that the bill, as proposed by Mr. DOUGLAS, is to be vigorously assailed. Mr. DIXON proposes to amend it by a clause expressly repealing the act of 1820, commonly known as the Missouri compromise. Mr. SUMNER proposes to amend it by expressly declaring that the Missouri compromise is to continue in force. Persons professing to speak the sentiments of General CASS, have persisted in declaring that he was not satisfied with Mr. DOUGLAS's bill, and that he would offer so to amend it as to declare the Missouri compromise repealed. We place no reliance upon these statements as to General CASS's position. It would only be necessary to remember his course on the slavery question in 1850, to know that a bill which reënacts the vital principles of the compromise of that year could not be otherwise than satisfactory to him." * * *

"But notwithstanding the real position of General CASS, it is still true that a Whig Senator and an Abolition Senator have proposed amendments which bring up the Missouri compromise." * * * "We accepted the acts of 1850 as they were passed, and approved their passage as a final compromise; and in the same spirit we have been content with the perpetuation of that compromise as proposed by Mr. DOUGLAS's Nebraska bill. We have never yielded to the Missouri compromise any other obligatory force than that which attaches to a solemn covenant entered into by two opposing parties for the preservation of amicable relations. To such considerations we have felt bound to yield as ready an acquiescence as if the compromise was the law of the land, not only in form, but in substance and reality. Viewed as a legal question, we should be constrained to pronounce it unsustained by constitutional authority; viewed as the evidence of a compromise of conflicting interests and opinions, we have been ready to waive the legal question, and to abide faithfully by its—the Missouri compromise—terms. If we have studied the southern sentiment correctly, this has been the view taken of the Missouri compromise in that division of the Union." * * "We have labored under the impression that these considerations were all fully and maturely weighed in the discussions of 1850, and that the compromise then adopted was designed as a permanent rule for future action. It was upon this view that we gave to Mr. DOUGLAS's bill our ready approval; and we still think that the peace and harmony of the country will be best secured by its adoption. We are free to express our strong aversion to the reopening of the slavery question; and we still believe that true reason dictates that this can be best avoided by standing firmly upon the compromise of 1850 as a final adjustment.

"We trust that we shall not be considered officious in noting the fact that the propositions in the Senate for the amendment of Mr. DOUGLAS's bill, have proceeded from members of the two parties which are irreconcilably opposed to Democratic ascendency. Although these propositions emanate from quarters apparently antagonistic to each other, yet it can do no harm for Democrats to bear in mind that their antagonism does not prevent them from harmonizing in antagonism to the Democratic party. It may not be out of place, also, in us, to bear in mind that our party has come nearer to making shipwreck of its fortunes upon the slavery question than upon all others." * * "We assert, with confidence, the claim that we are THE Union party; and we claim that by our action at Baltimore, in 1852, we clearly illustrated and established this claim. Whilst exulting in such reflections, it may be well for us to scrutinize, with care, the movements of those who are our uniform opponents. That Abolitionists would rejoice to see the fires of discord rekindled by a revival of the slavery agitation, no one can doubt. And those who have perused the extracts from Senator SUMNER's speech, which we lately published, will not be slow to suppose that agitation is his object in offering his amendment.

"On the other hand, there is nothing in the past history of the Whig party which ought to make it offensive in us to say, that of late years its only hopes of ascendency have been based upon the slavery agitation, in some one of its forms." * * * "When, therefore, a prominent Whig Senator, like Mr. DIXON, proposes to go beyond Judge DOUGLAS, and beyond the compromise of 1850, in showing his devotion to the rights of the South, it may not be out of order to remind our friends, that in the great issue of 1850, the body of Mr. DIXON's political friends, especially at the North, were not prepared to go even as far as the Nebraska bill goes! But Mr. DIXON's amendment may serve to stir up excitement on one side, while Mr. SUMNER's will effect the like object on the other; and as Whigism and Abolitionism have everything to gain and nothing to lose, the upshot may be that the agitation may inure to the benefit of the common opposition to the Democratic party. Prudence, patriotism, devotion to the Union, the interests of the Democratic party, all suggest that that public sentiment which now acquiesces cheerfully in the principles of the compromise of 1850, should not be inconsiderately disturbed. The triumphant election of President Pierce shows that on this basis the hearts and the judgments of the people are with the Democracy. We may venture to suggest, that it is well worthy of consideration, whether a faithful adherence to the creed which has been so triumphantly indorsed by the people does not require all good Democrats to hesitate, and reflect maturely upon any proposition which any member of our party can object to as an interpolation upon that creed. In a word, it would be wise in all Democrats to consider whether it would not be safest to 'let well enough alone.' To repeal the Missouri compromise, and, according to our view, would clear the principle of Congressional non-intervention of all embarrassment; but we doubt whether the good thus promised is so important that it would be wise to seek it through the agitation which necessarily stands in our path. Upon a calm review of the whole ground, we yet see no such reasons for disturbing the compromise of 1850 as could induce us to advocate either of the amendments proposed to Mr. DOUGLAS's bill."

I ask particular attention to this editorial of the Union. It appeared, as I before stated on the 20th of January, the same day Mr. DOUGLAS accepted the amendment of Mr. DIXON, repealing in express terms the Missouri act. After that time, the Union advocated that amendment, which but just before it denounced as a scheme concocted by Whigs and Abolitionists to reopen agitation, and to "disturb the compromise" of 1850. What reasons were there which influenced Mr. DOUGLAS, after the 4th of January, when his report was given to the Senate, which did not influence him on the 20th of the same month, when he accepted the amendment of Mr. DIXON? What necessity existed on the 20th of January, for a repeal of the Missouri compromise which did not exist on the 4th of the same month? What necessity was there on the 20th of January which did not exist on the 4th, for reopening the questions which involved "the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850." Mr. Chairman, I have neither seen nor heard any reason to show that a necessity existed on the 20th of January, 1854, which did not exist on the 4th, for a repeal of the Missouri compromise, or an abandonment of the principles of the measures of 1850? And the "Union" newspaper, the organ of the Democratic party up to the 20th of January, and in its issue of that date, opposed in strong terms both the repeal of the Missouri compromise, and an abandonment of those principles, and insisted that the Democratic party had pledged itself at Baltimore, to stand by those principles in good faith. The able report of Mr. DOUGLAS, makes these positions so clear that I might stop here. I will, however, read a short extract from the President's first annual message to this Congress, sent in but little over one month before it was proposed to abandon the principles of the measures of 1850, and to repeal the Missouri compromise, and again to reopen the grave issues, which were then settled. After declaring that it was not his purpose to give prominence to any question which might properly be regarded as set at rest, and speaking of the perils and dangers which we had passed through in 1850, and the repose and security which followed, he says:

"That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

If the positions taken by the Union newspaper up to January 20, 1854 were correct; if the doctrines contained in Mr. DOUGLAS's report, made on the 4th of the same month, and sustained with such great ability, were correct; if it were necessary to maintain that repose of which the President spoke in such emphatic language, it was wrong to pass the Nebraska and Kansas bill, which disturbed that repose, overturned those doctrines, and upset those positions.

I have endeavored to show, from high Democratic authority, how little necessity there was for a repeal of the Missouri compromise, and for the reopening of the agitation of the subject of slavery in the last Congress.

I will now briefly endeavor to show what hopes were then entertained by the friends of the Kansas and Nebraska bill of making a slave State of either Territory. I shall speak of the hopes and opinions of the friends of the bill at the time the bill was under discussion and to be voted for or against, because any new-born hopes or opinions upon the subject certainly could not have influenced any one for or against the measure before those hopes and opinions were entertained. I cannot more fairly treat this subject than by reading the views of gentlemen from their published speeches. Upon this point Mr. DOUGLAS said:

"I do not believe there is a man in Congress who thinks it could be permanently a slaveholding country. I have no idea that it could."

Mr. BUTLER said: "As far as I am concerned, I must say that I do not expect that this bill is to give us of the South anything, but merely to accommodate something like the sentiment of the South."

Mr. BADGER said: "I have no more idea of seeing a slave population in either of them than I have of seeing it in Massachusetts—not a whit."

Mr. HUNTER said: "Does any man believe you braska? I confess that, for a moment, I permitted will have a slaveholding State in Kansas or Nesuch an illusion to rest on my mind."

Mr. JAMES C. JONES said: "Mr. President, I was satisfied to let this question alone. As I told the honorable chairman of the Committee on Territories, and as I have expressed myself everywhere, when I have given my opinion upon this subject, I was content to let this matter stand as it was, because, in my judgment, there was nothing practical in it."

Mr. Chairman, I must be permitted to say here, that, although I had objections to the Kansas and Nebraska bill, which forced me to vote against it; yet, since it is the law of the land, I would vote against its repeal, if that question were to arise, and resist it with what little of ability I may have. As I said before, I am opposed, uncompromisingly, to alien suffrage and squatter sovereignty. Those two questions, and particularly the first, can be reached without repealing the Kansas and Nebraska bill, if American citizens will determine that Americans only shall govern in America. A proposition to repeal that bill would bring around again the scenes which we witnessed during the last session in this Hall, and which, in 1850, and in 1820, threatened the existence of the Union. I hope, sir, I may never be

instrumental in renewing such scenes, or bringing about such discord and strife. I would rather heal the wounds of the past, and close them up forever, than to reopen them to fester and gangrene until the parts can never reunite.

I have discharged, I admit, in an humble manner, a duty which I felt that I owed to my constituents as well as to myself. I have endeavored to enable them to understand the doctrines embodied in the Nebraska and Kansas bill, and to understand my views upon those doctrines. I may be assailed directly or indirectly, openly or covertly, by manly opposition or unmanly inuendo, but whatever course may be pursued towards me, shall not improperly influence my course towards others. I will, as I think I have done in my remarks, deal frankly with my constituents and all others as to my conduct and views. I blame no man for entertaining different views from my own upon this bill or any other subject. I have endeavored to sustain my position by fair argument. I hope those who differ with me in opinion will pursue the same course towards me. I would not, if I could, reach an adversary by appeals to prejudice.

Mr. Chairman, I will indulge in no declamation to satisfy my constituents or the country of my loyalty to the South or of my love to the Union. While the Union accomplishes the great ends for which it was created, I will stand by it. While the Constitution shall be preserved in its purity, and the rights of the States shall be observed, I will stand by the Constitution as the ægis of our safety. Should the Union fail to accomplish those ends, should sacrilegious hands be laid upon the Constitution, and aggressions be made upon the rights of the States, I will stand by my section and by my State in the last extremity.

COLLINS STEAMERS.

SPEECH OF HON. EDSON B. OLDS,

OF OHIO,

In the House of Representatives,

February 15, 1855.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the Ocean Mail Steamer Appropriation bill—

Mr. OLDS said:

Mr. Chairman: I propose the following amendment:

Strike out from the 7th to the 18th line, both inclusive, and insert the following:

For transportation of the mails from New York to Liverpool and back, $858,000; and that the *proviso* contained in the first section of the act entitled "An act to supply deficiencies in the appropriations for the services of the fiscal year ending the 30th of June, 1852, approved the 21st day of July, 1852, be and the same is hereby repealed:" *Provided*, That Edward K. Collins, and his associates, shall proceed, with all due diligence, to build another steamship in accordance with the terms of their contract, and have the same ready for the mail service in two years from and after the passage of this act. And if the said steamship is not ready within the time above mentioned, by reason of any neglect or want of diligence on their part, then the said Edward K. Collins, and his associates, shall carry the United States mails between New York and Liverpool, from the expiration of the said two years, every fortnight, free of any charge to the Government, until the new steamship shall have commenced the said mail service.

Mr. OLDS. It will be remembered, sir, that during the last session of this Congress, I reported from the Committee on the Post Office and Post Roads, a bill, not only containing the notice to Mr. Collins and his associates, that the extra compensation allowed them by the act of 1852 would, in future, be discontinued; but, also providing that the whole contract be rescinded, and that the mail service between New York and Liverpool be awarded by the Postmaster General to the lowest responsible bidder. That I might be able to defend the bill, which, as chairman of the committee I had introduced, I commenced and gave to our ocean mail steamer service a patient and thorough investigation. That investigation, sir, notwithstanding all my preconceived prejudice, has so far changed my views upon the subject, as to induce me, not only as an act of national policy, but also in justice to Mr. Collins and his associates, to propose the amendment I have indicated.

I design, Mr. Chairman, briefly as possible, to present to this committee such facts and figures as I have collected, relative to our ocean mail steamers; feeling, that although they may not change the opinion, or influence the vote of a single gentleman of this committee, that it is still due to myself that I should explain the process by which my own prejudices have been removed, and my preconceived opinions so radically changed.

Mr. Chairman, although as early as 1819 an American ship called the Savannah, propelled in part by steam and in part by wind, had made the trip from New York to Liverpool in twenty-six days, yet to Great Britain we are indebted for the origin of the system of ocean mail steamers. The Great Western, the first regular ocean mail steamer, was built in 1838. In April of that year she made her first passage from Liverpool to New York in fifteen days. The performance of the Great Western led to the establishment of the Cunard line, by the British Government, in 1839. Mr. Cunard contracted with that Government to carry the mails twice a month from Liverpool via Halifax to Boston, for the sum of £65,000, or $325,000 annually. This compensation was afterwards increased by the British Government to £85,000, or $425,000, Mr. Cunard then stipulating that the service should be performed in ships of twelve hundred tons, and four hundred and fifty horse power.

I refer to these historical facts, sir, in order to show that the British Government, in stipulating as to the size and power of the Cunard ships, designed having such vessels constructed, as upon any emergency might be converted into war steamers.

Upon the establishment of the Collins line of steamers by this Government, in 1849 and 1850, the English Government again increased the compensation of Mr. Cunard to £145,000 or $725,000. Mr. Cunard again agreeing to increase the size and power of his vessels, so as to make them still more efficient for war purposes.

The English Government did not make such large appropriations of money merely to sustain a mail service between that country and this. Viscount Canning, as chairman of a special committee, in his report to the British Parliament in 1853, says:

"The objects which appear to have led to the formation of these contracts, and to the large expenditure involved, were, to afford a rapid, frequent, and punctual communication with those distant ports *which feed the main arteries of British commerce* and with the most important of our foreign possessions; *to foster maritime enterprise; and to encourage the production of a superior class of vessels which would promote the convenience and wealth of the country in time of peace, and assist in defending its shores against hostile aggression.*

"*These expectations have not been disappointed.* The ocean has been traversed with a precision and regularity hitherto deemed impossible; commerce and civilization have been extended; the colonies have been brought more closely into connection with the Home Government; *and steamships have been constructed of a size and power that, without Government aid, could hardly, at least for many years, have been produced.*"

This extract from the report of Mr. Canning demonstrates the objects desired to be obtained by the British Government. England is the great maritime power of the world. Her statesmen, with that sagacity which has always characterized English legislators, early foresaw that nothing would so much enhance the commerce of that country as the fostering and protecting of her ocean steamers.

"These large expenditures," says the Viscount, "have encouraged and promoted the production of a superior class of vessels, such as will enhance the commercial wealth of England in time of peace, and become the means of defense in time of war."

"The vessels now under contract with the Government," says the Viscount, "are, however, for the most part, *required to maintain high rates of speed.* The contractors are also subject to a variety of conditions, designed partly to secure the efficiency of the postal service, and partly *to render their vessels available for other national purposes wholly unconnected with that service.* In return, they are in the receipt of subsidies largely in excess of the amount of revenue derived from the mails they carry, and those subsidies are guaranteed to them for terms of years varying from four to twelve, most of which have at the present time not less than seven or eight years to run."

Mr. Chairman, every succeeding step taken by the British Government relative to her ocean mail steamers demonstrates the more clearly that these large subsidies are not paid because they are demanded by her mail service, but because it was the true policy of that Government to have constructed steamers of "great power and speed," in order to render them "available for other national purposes wholly unconnected with her mail service."

As demonstrating the importance attached by the British Government to its steam marine, allow me, Mr. Chairman, to make another short extract from the report of Viscount Canning. The report says:

"We have now under contract with the admiralty sixty-three ocean mail steamers, every one of which may be converted into war steamers. The aggregate power of these steamers is twenty-nine thousand six hundred and twenty horse power; their tonnage is sixty-one thousand three hundred and forty-eight; *they annually steam one million five hundred and seventy-five thousand miles;* and the aggregate amount paid by the Government for mail service performed on these several routes is about $4,000,000."

This, sir, was the condition of the British steam mail marine two years ago. What the number of steamers, their power and magnitude, employed in the mail service of Great Britain at this time is, I have not the means of knowing. That the number has been greatly increased since that time, and that the subsidies now paid for this service greatly exceeds *four millions of dollars* I entertain no doubt. Viscount Canning says:

"All these vessels, in their contract with the admiralty, are to be good, substantial, steam vessels, of such construction and strength as to be fit and able to carry guns, of the largest caliber now used on board her Majesty's steam vessels of war."

Chambers's Miscellany, an Edinburgh work of great repute, in speaking of the magnitude and importance of the British mail steam marine, the liberal appropriations by which it is sustained by that Government, and the greatly increased commercial correspondence which it has created, says:

"The Indian mail which left Southampton in August last, filled one hundred and seventy-five chests, each capable of holding ten thousand letters, and at Malta one hundred and twenty smaller chests were added that had been brought through France. Making allowance for the newspapers contained in these, the number of letters must still have been enormous. All this writing and transmission of intelligence necessarily increases trade, and consequently brings additional supplies of articles to this country, the duties on which must more than make up the difference between the payments to the companies and the revenues to the post office. But on the higher considerations than those of mere profit and loss, we have no hesitation in saying that the blessings to the country of these lines of speedy communication would not be purchased dearly if not one farthing of the contract money were returned."

Now, Mr. Chairman, let it be borne in mind, that whilst the British Post Office Department yields a net revenue to that Government of nearly six millions of dollars, her ocean mail steamers require nearly two millions from the British treasury over and above the revenue they yield from postages, in order to sustain and keep them in successful operation, and then, sir, we shall understand and appreciate, in some degree, the importance attached by the British Government to her ocean mail steam marine, as a means of national defense, should that Government be assailed at home, or as potential and efficient auxiliaries to her navy, in the prosecution of a foreign war.

Great Britain has fostered and taken care of her ocean mail steamers, not because she ever expected them to be a source of revenue through her Post Office Department, but because she looked forward to the time when she might need their service as vessels of war. That time has now come. Great Britain has not been disappointed in her expectations. She is now realizing the benefit of the millions of pounds sterling she has lavished upon her ocean mail steamers. She has now withdrawn more than forty of these vessels from the mail service, has manned them with guns, and converted them into war steamers. From Mr. Cunard four of his seven steamers have been taken and sent to aid in the blockade of Sebastopol.

Sir, what has been so soon realized by Great Britain may soon be realized by the United States; that necessity which has compelled England to convert her ocean mail steamers into vessels of war, may soon be the necessity of this Government. Great Britain has wisely acted upon the

maxim that "in peace is the time to prepare for war." It is our province, and we should be unwise legislators did we not profit by the experience of that Government.

I have said, Mr. Chairman, that the British mail steamers cost that Government nearly $2,000,000 more than the revenue derived from them in the way of postages. The report of Viscount Canning furnishes us the following tabular statement of the debit and credit of each of the English ocean mail steam lines for the British fiscal year for 1852. It is as follows:

	Creditor.	*Debtor.*
North American	£120,863 9s. 4d.	£188,040
West Indian and Brazilian	85,409 13 6	270,090
Pacific	5,000 13 6	25,000
East Indian	127,896 8 0	199,600
Peninsular	11,957 3 0	20,500
Australian	29,191 12 0	26,000
Cape of Good Hope	14,300 13 0	53,000
West Coast of Africa	2,534 2 0	23,250
French	51,876 8 0	
Belgian	21,695 9 0	
Hamburg and Holland	8,944 15 0	17,000
Total	£479,600 5s. 4d.	£822,390

In other words they are paying	$4,111,950
And receiving in postages	2,398,000
Excess of expenditures over receipts	$1,713,950

From the above exhibit it will be seen, Mr. Chairman, that, whilst the Post Office Department yields a net revenue to that Government of nearly six millions of dollars, her mail steamer service costs *one million seven hundred and twelve thousand nine hundred and fifty dollars*, over and above the whole revenue derived from that service. In the foregoing exhibit the appropriation to the Cunard line is put down at £188,040, or $940,200 annually. But from a careful perusal of Viscount Canning's report, one can hardly fail in drawing the inference, that Mr. Cunard receives a large sum from the British Admiralty, over and above that which meets the public eye.

But I have said enough, sir, to satisfy every unprejudiced mind that the British ocean mail steam marine is sustained, at whatever cost and at all hazards, by the British treasury.

Mr. Chairman, whilst England, our great commercial rival, was thus, through her ocean mail steamers, extending her commerce and her influence into every ocean, and every sea, the Congress of the United States could not remain idle. British example aroused our Government to the importance of securing and maintaining an ocean steam marine, that should be commensurate with the commerce, as well as the political importance of the country.

The American Congress, whilst appropriating largely and liberally from the national treasury for the building of war steamers, as an important arm of the American Navy, did not fail to profit by the policy of Great Britain, and with commendable liberality contracted with the American ocean mail steam companies for the building and the employment in the mail service of the United States of such steamers, as at any time, in any emergency, might be converted into war steamers, and added to the United States Navy.

As the policy of our Government has always been adverse to a large standing army, relying rather upon the patriotic heart and the stalwart arm of the citizen soldier than the disciplined regular, so the Congress of the United States, rather than keep up a large standing Navy, deemed it more expedient to encourage the building of such steamers, to be used in the merchant and the mail service of the United States, as might upon any emergency, be converted into war steamers, and added to the naval service of the Government.

The experience of this Government in the war of 1812, as to the value and efficiency of American privateers, like the experience of the United States in the Mexican war, as to the efficiency and reliability of the citizen soldier, has done much to establish the confidence of Congress, as well as that of the people of the United States, in the steam mail marine and the merchant service, as auxiliaries of the American Navy in a time of war.

Mr. Chairman, the President, in his annual message to Congress on the 4th of December last, in speaking of the proposition of some of the European Powers to make the renunciation of privateering an article of international law, expresses clearly and forcibly the feelings of the American people, in their firm reliance upon the merchant and steam marine in time of war. The President says:

"The bare statement of th condition in which the United States would be placed, after having surrendered the right to resort to privateers, in the event of war with a belligernnt of naval supremacy, will show that this Government never could listen to such a proposition. The navy of the first maritime Power in Europe is at least ten times as large as that of the United States. The foreign commerce of the two countries is nearly equal, and about equally exposed to hostile depredations. In war between that Power and the United States, without resort on our part to our mercantile marine, the means of our enemy to inflict injury upon our commerce would be ten-fold greater than ours to retaliate. We could not extricate our country from this unequal condition, with such an enemy, unless we at once departed from our present peaceful policy, and became a great naval power. Nor would this country be better situated in war with one of the secondary naval Powers. Though the naval disparity would be less, the greater extent, and more exposed condition of our widespread commerce, would give any of them a like advantage over us.

"The proposition to enter into engagements to forego a resort to privateers, in case this country should be forced into war with a great naval Power, is not entitled to more favorable consideration than would be a proposition to agree not to accept the services of volunteers for operations on land. When the honor or rights of our country require it to assume a hostile attitude, it confidently relies on the patriotism of its citizens, not ordinarily devoted to the military profession, to augment the Army and the Navy, so as to make them fully adequate to the emergency which calls them into action."

Mr. Chairman, the Government of the United States can no more keep up such a Navy as that sustained by her great commercial rival than she can keep up a standing army equal to that of the Autocrat of all the Russias. The people and the Government of the United States must rely upon our mercantile, and our ocean mail steam marine, to protect our commerce upon the ocean, and defend, in case of a hostile aggression, our extended coasts both upon the Atlantic and Pacific.

It was, sir, in view of such a policy as this, that your ocean mail steam lines were originally established. Your every contract with these lines requires the construction of steamers of great size and power, not because such vessels are demanded for the mail service, but because you regard them as national vessels, auxiliary to the Navy of the United States. To this same end you have required these steamers to be constructed under the direction and supervision of the Secretary of the Navy. For the same purpose you have stipulated, in all these contracts, that the Government, at any moment, may take possession of these steamers and convert them into vessels of war.

As illustrating this position still further, I need only advert to the fact, that the appropriations for sustaining these steamers upon the two most important lines are not even made from the revenues of the Post Office Department, but from the national Treasury, the same as the other naval appropriations. The truth is, Mr. Chairman, that E. K. Collins & Co. in accordance with the design of Congress, have constructed steamers, not such as are demanded by the mail service—not such as can be profitable either in the mail or the merchant service, but such as can be converted at any time into war steamers—such as are capable, and such as have triumphantly competed with the best steam ships in the world.

Sir, ever since the establishment of the Collins line, there has been going on between the American line and the British line, a continued contest for the palm of victory. I need not tell this committee, that American skill, American enterprise, and American seamanship has been completely triumphant.

Mr. Chairman, the Congress of the United States has expended upon the steam vessels in our Navy, more than six millions of dollars. I will not dwell sir, upon the history and the exploits of these steamers. I would rather drop a tear to their memory, and let them sleep in peace; but justice to Mr. Collins and the noble steamers belonging to his line, would seem to demand a comparison, between our Government steamers, upon which we have lavished so many millions of dollars; and the Collins steamers, from which we are now called upon to withhold the extra pay heretofore given them, for the service they are so creditably rendering the country. This comparison has been made by other and abler hands, as I shall have occasion to demonstrate before concluding my remarks. I must, nevertheless, be permitted to say in this connection, that the Collins steamers have done more, for the American name, more to establish our prowess upon the ocean, than all your Government steamers put together.

Sir, you may ask ninety-nine out of every hundred of the citizens of the United States, and they can scarcely tell you the name of one of your Government steamers, unless connected with some memorable disaster, such as the bursting of the "peace maker" on board the Princeton, the utter worthlessness of the first government steamer Fulton, or the total destruction of the Missouri at Gibralter. But, ask them about the Collins steamers, and their memory brightens with the exploits of the Baltic, the Pacific and the Atlantic; and they are at once ready to sympathize with Collins and his associates over the unforeseen and unavoidable loss of the noble Arctic.

Go to England, sir, and, as my colleague [Mr. TAYLOR] informs me, from his personal observation, you can hear, in all conditions of life, and from all classes in community, of the Collins steamers—for the triumph of these noble vessels over the British Cunarders was as mortifying to the English nation, as it was glorious to the American people—but you will hear no comment, except in derision, upon our Government steamers. The fact is, Mr. Chairman, that every American citizen, whether at home or abroad, has reason to be proud, and may challenge the world to compare steamers with the Collins line; but the less he says of our Government steamers, the less cause he will have to be mortified by disparaging remarks. In short, sir, the beauty of model, the excellence in construction, and the unrivalled performance of the Collins steamers, has done more to establish the superiority of the American naval architecture, and maritime enterprise, than the whole Government Navy of the United States, which is now depleting our national Treasury at the tune of more than $10,000,000 a year.

I ask then, sir, shall we, in the face of such facts, suffer this line, for the want of this extra compensation, to go down? For go down it must and will, if this extra appropriation is withheld.

By large appropriations of money, you have induced American citizens to build steamers of great size, and power—steamers that are the pride and boast of the whole country. For, sir, I speak knowingly when I say that the Collins steamers are as much the pride of the farmers of the West, as they are of the merchants of New York.

By the former liberality of Congress, you have induced our enterprising citizens to enter into a contest with the enterprise of the Old World. To enter into a contest with the skill, the power, and the money of Great Britain. In that contest, American skill and enterprise has triumphed—signally and gloriously triumphed! Cunard, backed by the British admiralty, and supplied from the British treasury, has been compelled to yield the palm of victory to E. K. Collins and his associates. Although it was the Collins against the Cunard line, yet it was really a national contest. The whole American, as well as the whole British nation, felt it to be such. And for the first time in the world's history, Old England has been fairly, completely, and honorably outdone upon the ocean.

Sir, Congress felt this to be a national contest. When in 1852, they gave this extra compensation to Mr. Collins, Congress was then satisfied that Collins, without increased pay, could not sustain himself against British power and British money. Congress, upon a complete and full investigation, became satisfied that Collins and his associates were entitled to receive the extra compensation now sought to be withheld.

The bill granting that compensation, was fully investigated by the Finance Committee of the Senate, and the Committee on Ways and Means of the House. It received the recommendation of both these committees, and after a most patient and thorough investigation, and a protracted discussion, it passed both Houses of Congress, and received the approval of the President of the United States. It would, at this time, be a reflection upon the wisdom, the intelligence, and the patriotism of that Congress, its committees, and

the then President of the United States, to say that the extra compensation should never have been given.

Taking it, as admitted then, that in 1852 it was right and proper that Collins & Co. should be allowed extra compensation, the inquiry most naturally arises, what circumstance has arisen to make the extra compensation then allowed, impolitic or improper at this time?

Certainly the expense of navigating these vessels has not diminished; upon the contrary, the fuel consumed as well as seamen's wages, have largely increased since 1852. The average expense of the round trip of one of the Collins steamers, up to the time of the extra allowance given under the act of June, 1852, was $63,000. The average since that time has been increased to $75,000.

This increase is made up by the rise of fifty per cent. on the price of coal in England, and seventy-five per cent. increase on the same article in this country; thirty-three per cent. increase in seamen's wages; twenty-five per cent. increase in provisions; and thirty per cent. increase in repairs in machinery, consequent upon the increase in the speed in these steamers. The whole extra compensation amounts to $13,750 per voyage, out and in—$12,000 of which is used up in the increased expense of each voyage, consequent upon the circumstances just detailed, and over which neither Mr. Collins nor the Government have any control.

It cannot be claimed that this extra compensation should cease in consequence of the loss of the noble Arctic, so afflictive to Mr. Collins himself; so detrimental to the pecuniary interests of the company; so much deplored and mourned over by the whole American people, and which the amendment I propose requires to be replaced within a period of two years.

And here, sir, allow me to say, that from my personal knowledge of Mr. Collins, his enterprise, his experience, his patriotism, and his pride of character, if my amendment prevails, I predict that the Adriatic will not be excelled by any steamer that floats upon the ocean.

It cannot be that the discontinuance of this extra compensation is demanded in consequence of any default upon the part of Mr. Collins and his associates, in the faithful performance of this contract; for the Postmaster General, in his late report, makes special mention of the faithful, prompt, and efficient manner in which this line has performed its service. And in addition to this, it will be borne in mind that a special committee of this House, with power to send for persons and papers, through their chairman, the honorable Mr. MACE, at the last session of Congress, made a report highly creditable to the Collins line.

Neither can it be claimed, Mr. Chairman, that the extra compensation should be withheld on account of any falling off in the postage accruing from this line. For, sir, the postal revenue derived from it, has constantly and steadily increased.

That I might be able to speak intelligently and understandingly, I addressed a letter to the Postmaster General, asking information upon this point. The following is the response of the Auditor of the Post Office Department, sent me through the Postmaster General:

AUDITOR'S OFFICE, POST OFFICE DEPARTMENT, *January 9, 1855.*

SIR: I have the honor to furnish herewith the statements called for by your note of the 5th instant.

I am, very respectfully, yours, &c.

WM. F. PHILLIPS, *Auditor.*

HON. JAMES CAMPBELL, *Postmaster General.*

Revenue received by the United States under the Postal Treaty with Great Britain of the 15th of December, 1848.

For the year ending June 30, 1849:

	Am't of Postage.	U. S. portion.
Postages by Cunard line	$167,580 63	$34,912 63
" " Bremen line	54,330 88	47,530 77
Total to United States		$82,443 40
For the year ending June 30, 1850:		
Postages by Cunard line	$607,437 04	$126,570 20
" " Collins line	10,391 41	9,092 48
" " Bremen line	45,169 99	39,523 75
Total to United States		$175,186 43
For the year ending June 30, 1851:		
Postages by Cunard line	$537,037 61	$111,674 50
" " Collins line	205,841,71	180,111 49
" " Bremen line	93,959,17	82,214 27
" " Havre line	37,321 39	32,656 05
Closed mails, Collins line	-	3,934 20
" " Bremen line	-	91 64
" " Havre line	-	1,149 26
Newspapers, Collins line	-	4,485 56
" Bremen line	-	143 60
" Havre line	-	78 40
Total to United States		$416,538 97
For the year ending June 30, 1852:		
Postages by Cunard line	$565,572 97	$117,827 70
" " Collins line	228,867 61	200,259 15
" " Bremen line	77,219 87	67,567 40
" " Havre line	80,804 08	70,703 57
Closed mails, Collins line	-	11,931 18
" " Bremen line	-	205 04
" " Havre line	-	6,542 10
Newspapers, Collins line	-	5,619 48
" " Bremen line	-	171 70
" " Havre line	-	94 56
Total to United States		$480,921 88
For the year ending June 30, 1853:		
Postages by Cunard line	$578.033 39	$120,423 60
" " Collins line	233,273 09	204,113 96
" " Bremen line	57,051 97	49,920 48
" " Havre line	53,493 69	46,745 67
Closed mails, Collins line	-	30,679 58
" " Bremen line	-	5,305 46
" " Havre line	-	5,410 34
Newspapers, Collins line	-	6,118 90
" Bremen line	-	189 26
" Havre line	-	112 54
Total to United States		$469,019 79
For the year ending June 30, 1854:		
Postages by Cunard line	$589,160 65	$122,741 80
" " Collins line	265,407 75	232,231 78
" " Bremen line	61.770 07	54,048 81
" " Havre line	63,309 83	55,396 10
Closed mails, Collins line	-	33,599 80
" " Bremen line	-	5,909 32
" " Havre line	-	10,610 74
Newspapers, Collins line	-	8,909 58
" Bremen line	-	2,027 16
" Havre line	-	2,297 98
Total to United States		$527,703 07

RECAPITULATION.

	Total Postages on British Mails.	*Revenue to U. S. including Closed Mails, &c.*
By the several lines for 1849	$221,901 51	$82,443 40
" " " 1850	663,098 44	175,186 43
" " " 1851	874,159 83	416,538 97
" " " 1852	932,464 53	480.921 88
" " " 1853	901.782 07	469,019 79
" " " 1854	979,648 30	527,703 07
Total	$4,613,054 73	$2,151,813 54
By the Collins line for 1850	$10,391 41	$9,092 48
" " " 1851	205,841 71	188,531 25
" " " 1852	228,867 61	217,809 81
" " " 1853	233,273 09	240,912 44
" " " 1854	265,407 75	274,741 16
Total	$943,781 57	$931,087 14

NOTE.—The postal treaty with Great Britain was ratified at Washington on the 15th of February, 1849; and the Niagara—Cunard line—left Boston with a mail, under the treaty, on the 21st of the same month. The first steamer of the Collins line left New York on the 27th of April, 1850.

That the committee may fully understand the statement furnished by General Phillips, it may be as well that I should inform the House that, under our postal treaty with Great Britain, we pay that Government a percentage on all letters carried by the Collins steamers, and England pays us the same percentage on all letters carried by the Cunard line. This treaty is consequent upon the establishment of the Collins line; and, of course, would be abrogated upon the withdrawal of the line, unless a new mail service should be established. In consequence of this treaty, in estimating the revenues derived from the Collins line I deduct the percentage paid by our Government to Great Britain on the letters carried by the Collins steamers, and I add the percentage paid us by England upon the letters transmitted by the Cunard line. With this explanation, we may set down the total credits of the Collins line as follows:

For the year ending June 30, 1850	$135,662 68
For the year ending June 30, 1851	300,205 75
For the year ending June 30, 1852	335,637 51
For the year ending June 30, 1853	361,336 04
For the year ending June 39, 1854	397,481 96

The foregoing exhibits show a steadily increasing revenue from this line. In addition to the above, it should be borne in mind that every artifice, every stratagem has heretofore been employed by the British Government to induce, nay, almost to compel, the transmission, not only of the British, but of the continental correspondence through the mails carried by the Cunard steamers. So manifest has been this practice that it has been a frequent cause of complaint upon the part of our Government. The following extract from a letter addressed by Postmaster General Hubbard to Viscount Canning, dated February 24, 1853, will give some conception of the extent to which this practice affects the amount of letters carried by the Collins line. It is as follows:

"I have now before me a report, from the New York office, of the number of letters received at that office from Great Britain and Ireland, by twelve successive arrivals lately, (six on the Cunard, and six on the Collins line,) showing the following result:

By the Cunard line, six mails	131,827 letters.
By the Collins line, six mails	81,538 letters.
Difference in favor of the Cunard line	50,289 letters.

The British post office not only holds letters over for the Cunard line, but it has heretofore so arranged its schedule of time, as to bring all letters from the continent to that office just in time to meet the sailing of the Cunard steamers. But now, since four of those vessels have been withdrawn, and sent to aid in the blockade of Sebastopol, the weekly service of the Cunard line has been reduced to a semi-monthly service, and made to alternate with the Collins line. In consequence of this reduction of service, the game of withholding letters for the Cunard steamers cannot any longer be practiced to the extent complained of by Postmaster General Hubbard. Under our new mail arrangement, by which the Collins steamers alternate with the Cunarders, our revenues will be increased to an amount nearly equal to what is paid to the Collins line, including the extra compensation.

I have a statement, furnished by the Post Office Department, showing the amount of mailable matter transmitted through the Collins steamers each voyage, which has been made under our new arrangement with the British post office. It is as follows:

Received by steamer Pacific, 13th December, 1854:					
British Mail—Letter postage					$10,177 69
" " Paper "			98,242		578 52
2,028	ounces Prussian closed mails	at 40 c			811 20
129	papers "	"	at 2 c		2 58
3,458½	ounces Canada	"	at 40 c		1,383 40
16,284	papers	"	at 2 c		325 68
181	ounces California	"	at 40 c		72 40
495	papers	"	at 2 c		9 90
69	ounces Havana	"	at 40 c		27 60
50	papers	"	at 2 c		1 00
3	ounces Mexican	"	at 40 c		1 20
5	papers	"	at 2 c		10
Total revenue					$13,391 97
Sent by Pacific, 27th December, 1854:					
British Mail—Letter postage					$13,028 32
" " Paper "			53,217		1,081 76
6,294½	ounces Prussian closed mails	at 40 c			2,517 80
762	papers "	"	at 2 c		15 24
1,000	ounces east of Canada	"	at 40 c		400 00
5,000	papers "	"	at 2 c		100 00
200	ounces east of Calf'nia	"	at 40 c		80 00
200	papers "	"	at 2 c		4 00
Total revenue					$17,227 12
Received by Atlantic, 1st January, 1855:					
British Mail—Letter Postage					$10,279 81
" " Paper "			22,561		453 18
2,620	ounces Prussian closed mails	at 40 c			1,048 00
170	papers "	"	at 2 c		3 40
320½	ounces Canada	"	at 40 c		128 10
1,208	papers "	"	at 2 c		24 16
221	ounces California	"	at 40 c		88 40
494	papers "	"	at 2 c		9 88
72½	ounces Havana	"	at 40 c		29 00
49	papers "	"	at 2 c		98
16	ounces Mexican	"	at 40 c		6 40
13	papers "	"	at 2 c		26
Total revenue					$12 064 57
Sent by Atlantic, 10th January, 1855:					
British Mail—Letter postage					$11,845 03
" " Paper "			50,953		1,033 24
6,422	ounces Prussian closed mails	at 40 c			2,568 80
759	papers "	"	at 2 c		15 18
1,000	ounces Canada	"	at 40 c		400 00
5,000	papers "	"	at 2 c		100 00
227	ounces California	"	at 40 c		90 80
186	papers "	"	at 2 c		3 72
Total revenue					$16,056 77

Received by Baltic, 11th January, 1855:

British Mail—Letter postage				$9,145 52
" " Paper "			25,023	521 99
1,880	ounces Prussian closed mails,	at 40 c...		752 00
139	papers " "	at 2 c...		2 78
323	ounces Canada "	at 40 c...		131 20
1,383	papers "	at 2 c...		27 26
173	ounces California "	at 40 c...		69 20
322	papers " "	at 2 c...		6 44
534	ounces Havana "	at 40 c...		21 40
43	papers " "	at 2 c...		86
3	ounces Mexican "	at 40 c...		1 20
8	papers " "	at 2 c...		16
Total revenue				$10,679 22

By the foregoing statement it will be seen that the postage on the mailable matter carried by the Pacific her last voyage in and out, amounted to $30,613 13; that by the Atlantic her last voyage, amounted to $28,121 34; that by the Baltic's passage one way was $10,679 22. Supposing her passage out to be the same as the Atlantic's, and the round trip would be $27,906 34. The average of these voyages would be only $4,119 73 less than the full amount paid by the Government per voyage, including the extra compensation.

From this exhibit I hazard nothing in saying that for our present fiscal year, ending on the 30th of June next, the revenue from postages on mailable matter carried by the Collins line will exceed $500,000 and should the same arrangement be continued, the next fiscal year they will amount to more than $700.000.

I repeat, then, Mr. Chairman, that it cannot be claimed that this extra compensation should be withheld on account of any supposed falling off in the revenues derived from this line. It has, in this respect, more than realized the expectations of its warmest friends.

It cannot be said, Mr. Chairman, that this extra compensation should be withheld in consequence of any failure on the part of these steamers to make their contract time: for we have not only the testimony of the Postmaster General that Collins & Co. have faithfully performed their service, but I have the evidence to satisfy this committee that they have, at a large expense, more than performed their every engagement. By their contract these steamers are not bound to make any specified time. They are only required "*to be vessels of great speed.*" Now, sir, at the time this contract was made, thirteen or fourteen days in making the voyage from New York to Liverpool was considered "great speed." This time, then, would fully answer the requirements of the contract. I admit, sir, that it would not answer the wishes and expectations of the American people. But, nevertheless, it would be filling the stipulations "of the bond." Now, sir, Mr. Collins, as I shall soon demonstrate, can make the time in fourteen days, even with his present large steamers, and save money without the extra compensation. But, sir, the American people are a fast people. To use a backwoods phrase, they can "dive deeper, stay under longer, and come up dryer," than any other people on the face of the globe. Sir, we are like the Kentuckian, who said that "if he was riding a streak of lightning, he should want to whip up." We have "the fastest horses, the prettiest women, and the best shooting guns" in the world, and we must, also, have the fastest steamers. Nothing short of this will answer the expectations of the American people. The Collins steamers must beat the British steamers. Our people expected this of Mr. Collins, and he has not disappointed them.

The following schedule of time shows that the Collins steamers beat the Cunarders nearly two days on the voyage in and out:

I will not trouble the committee by giving the time of each voyage for the entire year of 1854. I have it before me; and any gentleman who desires to do so, may examine it for himself. I will content myself by giving the recapitulation:

Eastern Passages.	*D.*	*H.*	*M.*
Average time of Collins steamers	11	6	6
Average time of Cunard steamers	11	14	56
Average time of Bremen steamers, (to Southampton)	13	19	17
In favor of the Collins over the Cunard steamers	0	8	50
In favor of the Collins over the Bremen steamers	2	13	11

Western Passages.	*D.*	*H.*	*M.*
Average time of Collins steamers	12	9	35
Average time of Cunard steamers	13	15	40
Average time of Bremen steamers, (to Southampton)	15	11	45
In favor of the Collins over the Cunard steamers	1	13	5
In favor of the Collins over the Bremen steamers	3	9	10

Being a difference of nearly *two days* in favor of the *Collins line* over the *Cunarders*, and nearly *three and a half days ober the Bremen line.*

The time table, which I here exhibit, shows nearly two days gained upon the Cunard steamers on the round trip. I will not stop to demonstrate how much is gained to our commercial community in the way of interest consequent upon this saving in time. The amount, however, is very large.

Now, then, let it be remembered, Mr. Chairman, that the Postmaster General does not hesitate to tell us, that he considers it of great importance to the mail service that the time made by the Collins steamers should be continued. But does this committee understand that this extra time costs Mr. Collins more than all the extra pay we give him? Such, sir, is the fact. And if I can have the attention of the committee, I will satisfy every one that I am not mistaken.

In reply to a note of mine upon this point, Mr. Collins has furnished me his estimate of the extra expense consequent upon this extra speed. Inasmuch as his communication furnishes valuable information touching other points, I will read the whole of it. It it as follows:

WASHINGTON, *January* 19, 1855.

DEAR SIR: In answer to your interrogatories of yesterday, I have to reply as follows:

First. The additional cost of the Collins steamers, in making the passages in so much less time than the Cunarders—

400 tons of coal, at $7	$2,800 00
200 tons of freight from Liverpool, at $30	6,000 00
200 tons of freight to Liverpool, at $15	3,000 00
Additional repairs to engines, without estimating wear and tear of ship and machinery	5,000 00
	$16,800 00

Saving to the Cunard vessels of *the power of the Collins steamers*, going to Boston via Halifax, instead of New York—

200 tons freight from Liverpool, at $30	$6,000 00
200 tons freight to Liverpool, at $15	3,000 00
160 tons coal, at $7	1,120 00
	$10,000 00

In admitting that the British Government pay the Cunarders only (General Rusk will tell you otherwise) as follows

	$16,666 00
Saving going to Boston	10,120 00
	$26,786 00
Add additional cost, and make the Collins time,	16,800 00
	$43,586 00
Deduct from that the pay to the Collins line	33,000 00
	$10,120 00

Showing conclusively that the Collins line, by making the time they do, (which the Cunard steamers in all their endeavors cannot make,) that the Collins line should be paid $10,000 more, to be paid equal to the English steamers.

I am, very respectfully, yours,

E. K. COLLINS.

Hon. EDSON B. OLDS, *Chairman of the Committee on the Post Office and Post Roads.*

Mr. Chairman, previous to receiving the statement of Mr. Collins, I had addressed, through the Secretary of the Navy, a letter to Mr. Martin, the engineer-in-chief of the United States Navy, asking from him information relative to the increased expense of navigation by steam, consequent upon increase in speed. His reply fully sustains the statement given me by Mr. Collins, and must remove all doubt upon this point.

The following is Mr. Martin's reply:

OFFICE OF ENGINEER-IN-CHIEF,
WASHINGTON, D. C., *January* 12, 1855.

SIR: In obedience to your order of the 11th instant, accompanying the request of the Hon. E. B. OLDS, chairman of the Committee on the Post Office and Post Roads, I have the honor to answer the questions propounded as follows:

Question. What is your present occupation?

Answer. Engineer-in-chief of the United States Navy.

Question. How old are you?

Answer. Forty-one.

Question. How long have you been an engineer?

Answer. Twenty-four years since I first took charge as chief engineer.

Question. How long have you been employed as engineer at sea?

Answer. Since January, 1842, when I entered the Navy.

Question. How many years in the Government service?

Answer. Thirteen years, but not constantly employed at sea, but have been in some way connected with sea going vessels, it having been my only business.

Question. How long in the merchant service?

Answer. I was in the Collins mail steamers two years by Government permission.

Question. What vessels in the Government service, and how long on each?

Answer. Mississippi, at various times about three and a half years; Saranac, in construction, erecting, and running, two years and four months; General Taylor, one year; Polk two months; Michigan four months.

Question. What vessels in the merchant service, and how long on each?

Answer. Pacific one year, and Arctic one year.

Question. What quantity of coal per day will it require to propel the Collins steamers nine knots per hour?

Answer. With calm winds and smooth sea, they will average about thirty-two tons.

Question. How much coal will the Collins steamers consume in making the voyage between Liverpool and New York in the following time: in ten days, eleven days, in twelve days, in thirteen days, and in fourteen days?

Answer. With calm winds and smooth sea, taking the distance at 3,060 miles, ten days 850 tons, eleven days 704, twelve days 588, thirteen days 501, and fourteen days 443 tons.

Question. What difference per voyage do you suppose would take place in keeping the engines in repair on the Collins steamers in making ten days' passage, or one in fourteen days?

Answer. The expense would not exceed one fourth or twenty-five per cent. at fourteen, what it is for ten days' passages, with the same circumstances of weather.

Question. What gain is it to the Cunard steamers going to Boston from Liverpool by the way of Halifax instead of coming direct to New York?

Answer. The Asia, Africa, and Arabia, would burn on an average from one hundred and eighty to two hundred tons of coal between Halifax and New York, and as they take in a supply of coal at Halifax, they would leave Liverpool with that much less weight of coal on board, consequently could take that much more freight, which, with measurement goods, which they always carry from Liverpool, would be at least two hundred tons: the freight per ton, when I was on the ships, was £6 sterling per ton, making a difference in the freight of £1,200 sterling; the difference in coal between going to New York or Boston would be about sixty tons, which was worth in Liverpool last summer, whilst I was there, 26 shillings sterling per ton, making a difference on the cost of coals for the voyage, of £78 sterling, supposing the coals at Halifax to be of the same price as at Liverpool, making a difference in freight and coals of £1,278 sterling.

I am, respectfully, your obedient servant,

DANIEL B. MARTIN, *Engineer-in-Chief.*

Hon. J. C. DOBBIN,
Secretary United States Navy, Washington, D. C.

This statement of Mr. Martin, refers only to the voyage from Liverpool to New York. Since receiving it, I have had placed in my possession another communication from him, which gives the extra expense upon the voyage out—the two together, making the round trip. His second letter is as follows:

OFFICE OF ENGINEER-IN-CHIEF,
January 20, 1855.

SIR: In reply to your question, I would state that my report to the Secretary of the 12th instant, is for the difference of one voyage from Liverpool to the ports then named, and not for the return voyage, and as you inform me that the price of freight from this side is $15 per ton, and coal $7 per ton, therefore the difference in return freight will be two hundred tons at $15—$3,000; and sixty tons of coal at $7—$420; making $3,420 on the return voyage, to be added to my estimate in the letter above referred to *for a voyage to Liverpool and back.*

I am respectfully, your obedient servant,

DANIEL B. MARTIN,
Engineer-in-Chief United States Navy.

E. K. COLLINS, Esq., *Washington, D. C.*

By these two letters it will be seen that Mr. Martin sustains Mr. Collins fully as to the expense consequent upon the increased speed, and varies but slightly as to the increased expense consequent upon making New York the end of the voyage, instead of making the trip to Boston by the way of Halifax.

Mr. Collins estimates the latter expense at $10,120 the round trip, and Mr. Martin makes $9,810 the round trip. The difference in the two estimates being only $310.

By the statement of Mr. Collins, fully confirmed by the communications of Mr. Martin, it will be seen that the superior speed of the Collins over the Cunard line costs $16,800—the voyage in and out—and the difference in making New York, instead of Boston, the end of the voyage, costs the Collins line $9,810 the round trip, the two together amounting to $26,610 the voyage. This much, then, Mr. Collins could save by making the voyage the same as made by the Cunard line.

After this demonstration, I trust, Mr. Chairman, that we shall no more be told that, because Cunard transports the British mail at $16,686 the trip, Collins should be denied his extra pay. I think I cannot have failed in satisfying every one that, under the attending circumstances, Collins, with his extra pay, is $10,000 per voyage worse off than is Mr. Cunard, with the compensation allowed him by the British Government, even admitting that Mr. Cunard gets nothing extra from the secret-service money of the British admiralty.

As a still further evidence, sir, that the Collins line cannot be sustained if you withhold this extra compensation, I may here be permitted to state a fact. It is this: The Collins line, with all its extra compensation, has never yet been able to make a dividend upon its capital stock, and that, within a very few weeks, that stock has been sold in the market for sixty cents upon the dollar. With these facts before us, is not a vote to withhold the extra pay equivalent to a vote to strike down this service, and yield the palm of victory to Great Britain? We may, perhaps, be told, sir, that the striking down of this line is of no consequence; and that the building of an additional steamer is of no importance, inasmuch as these steamers can never be converted into war vessels. And in support of this denunciation, we shall be told that experienced naval officers have passed their judgment upon these vessels, and have pronounced them useless for war purposes.

I am aware, sir, that, on the 10th of March last, the Secretary of the Navy, in compliance with a resolution of this House, addressed us a letter giving his views as to the adaptability to war purposes, of the steamships employed in the ocean mail service of the United States. I am also aware that, in that communication, the honorable Secretary says that "it is impracticable to convert them into vessels of war, to be relied upon for efficient service as regular men of war."

This opinion of the Secretary of the Navy is based upon the judgment of various heads of bureaus in the Navy Department. Indeed, the Secretary of the Navy accompanies his communication with the various letters addressed to him by the naval officers in the different bureaus.

Mr. Chairman, inasmuch as the whole objection to this appropriation for the Collins line must rest upon the unfitness of these steamers for war purposes, I must be pardoned for introducing such testimony as will utterly upset the opinion thus expressed by the honorable Secretary. I do this, sir, in all kindness to the Secretary, believing that his opinion has been based upon the judgment of the "Old Fogies" in the various bureaus around him, rather than upon the judgment of scientific engineers and experienced naval officers.

Sir, it is notoriously the fact, that in no Department of this Government is such unmixed and unmitigated "old fogyism" to be found, as in the various bureaus connected with the Navy Department. This is so unquestionably the fact, that it is generally understood that any and all improvements in the models and construction of vessels which involve a departure from the preconceived notions of the heads of the various bureaus belonging to that Department, are sure to be condemned upon foregone conclusions.

Mr. Chairman, I could, did my time permit, pile up a volume of testimony, showing that every vessel, no matter how perfect her model, how superior her construction, how excellent her sailing qualities, if built in any other than a Government navy-yard, and under the superintendence of any other than some "Old Fogy" belonging to the Bureau of Construction, it would, as a matter of course, receive the condemnation of all belonging to that bureau. They condemn all private enterprise, because they consider themselves entitled to all this kind of Government patronage. Like the Ephesians of old, they make a "great uproar," believing "their craft in danger."

Mr. Chairman, in order to show that those who have manufactured the opinion of the Secretary of the Navy, relative to the Collins steamers, have been influenced by their prejudice, I must be permitted to produce the testimony of other naval officers and engineers, far more competent to judge, and who have formed their opinions from personal observation, and from having witnessed the performance of these steamers under all circumstances. The following is an extract from a letter of Commander W. F. Lynch, United States Navy, explorer of the Dead Sea, &c.—a passenger per steamer Arctic, from New York to Liverpool, November 13, 1852—dated in London, November 29, 1852:

"Our passage was retarded by prevalent head winds and a heavy head sea; but, while disappointed by the delay of a few hours, I could not withhold my admiration of the weatherly qualities of the ship. Whether the wind and sea were ahead, abeam, on the quarter, or astern, she neither lurched nor plunged, but cleaved through the waves and sped along, swaying from side to side with a graceful, easy motion. I examined her closely, and do, as far as I am capable of judging, consider that in strength and beauty of construction, in stability, combined with buoyancy, in dryness and in speed, she surpasses any other vessel, national or mercantile, I have ever known; and I have three times before crossed the Atlantic by steam, and twice commanded steamers."

Commodore Perry, in a letter to the Secretary of the Navy, dated February 18, 1852, in speaking of the Collins line of steamers, says:

"According to my calculations, the cost of the conversion of either the before-mentioned vessels, exclusive of armaments, repair of machinery, &c., would not, or certainly ought not to cost for each steamer over $20,000; and it could readily be done for this at any of our navy-yards. With respect to the description and weight of their respective armaments, I am clearly of the opinion that the first class steamers already named could easily carry four ten-inch Paixhan guns on pivots—two forward and two aft—of the weight of those in the Mississippi, and ten eight-inch Paixhan guns on the sides; and this armament would not incommode the vessels, and the weight less than the ice, which is usually forty tons, and stowed away in one mass."

* * * * * * *

"In the general operations of a maritime war, they could render good service, and especially would they be useful from their great speed as dispatch vessels, and for the transportation of troops, always capable of attack and defense, and of overhauling or escaping from an enemy.

"The Atlantic, Pacific, Baltic, and Arctic have all been built, inspected, and received by the Navy Department."

Commodore Perry, on his return from the Japan expedition, crossed the Atlantic ocean in the Baltic, one of the Collins steamers. From on board the Baltic he addressed a communication, on the subject of safety to steamers and passengers at sea, to Thomas B. Curtis, Esq., of Boston; from that communication permit me to read two or three extracts:

U. S. M. Steamship Baltic,
At Sea, *January* 8, 1845.

My dear Sir: A copy of your printed circular bearing date the 1st ultimo, has been placed in my hands, and as it is possible that my acquaintance with the construction and equipment of ocean steamers, and more particularly of those of the Navy, may enable me to offer some useful suggestions upon the points referred to in that communication, and being now a passenger in a sister ship of the unfortunate Arctic, I may venture the more confidently to express my opinions upon the subject, basing my remarks upon the character and qualities of this ship, and assuming that the Atlantic and Pacific are in all respects her equal.

I may premise, then, by saying that, with respect to perfection of vessel and engines, and the attention and skill with which both are managed, the excellence of the arrangements for the convenience and comfort of the passengers, nothing more could reasonably be desired, and it only remains to inquire whether any further precautionary measures ma. be adopted to give greater security to the lives of the passengers and crews.

The communication then contains the suggestions of the Commodore, as to the number and the manning of life-boats, and other means of safety, and concludes with the following notice of Collins himself:

From my knowledge of the character and enterprising spirit of Mr. Collins and his associate directors, I fell well assured that everything will be cheerfully done to satisfy the reasonable wishes of the community; indeed, there is no one more competent than Mr. Collins himself to decide upon measures tending to the greater safety of the ships under his management; and I should not now put forth any suggestions of my own, did I not suppose they would be kindly received.

The foregoing remarks, will, in all respects apply, and with greater force, to sail ships employed in carrying large numbers of passengers. I am, my dear, sir, with great regard, your friend and obedient servant, M. C. PERRY.

Thomas B. Curtis, Esq., *Boston.*

Sir, in addition to the above, permit me to say, that a friend, in whose statement I have the fullest confidence, informs me that, in a conversation, a few days since, with Commodore Perry, that gallant officer in speaking of the Collins steamer, the Baltic, remarked that, "with such alterations as he could make in that steamer, in order to fit her for war purposes, he would rather have her for his flag-ship than any other vessel that floats upon the ocean."

In addition to this testimony of Commodore Perry, Mr. Collins has placed in my hands a letter received by him from Commodore Stewart. This letter from "Old Ironsides," so completely refutes the prejudiced opinions of the old fogies at the head of the naval bureaus, that I must have it read by the Clerk.

The Clerk read as follows:

Philadelphia, *January* 18, 1855.

Dear Sir: In reply to your letter of the 16th instant, asking my opinion "as regards the importance of great speed for vessels of war," I beg to state that, in my judgment, there is no point more essential to vessels designed for war purposes, and intended for cruises on the high seas. In my opinion, it is the most important quality a cruiser can possess—a point so essential to her security from a superior force, or forces, of an enemy, that it cannot be too highly estimated. On the other hand, where a vessel of war possesses this advantage, it accords to her the ability of overtaking her enemies, and subduing those of such force as her speed and armament would warrant her in encountering.

The war of 1812, declared by the United States against Great Britain, exhibited examples of these characteristics not to be underrated, or how could it be possible for us to look back at that period of our history with the national satisfaction which we now feel, at the recollection of the hair breadth escapes of our vessels of war from superior forces, owing entirely to the possession of this superiority, so skillfully seconded by the seamanship of those who controlled and conducted them, and who subsequently were crowned with victories over the vessels of their enemies through this advantageous quality in their ships, supported by their batteries, and the bravery of their officers and men.

If a property so essential for enabling vessels, depending *upon the elements* for their powers of locomotion, and also to be successful in retreat *from* and victory *over* an enemy, does not constitute a consideration of the greatest importance, I should feel myself at a loss to imagine what other point could compensate for its absence, or render it one of secondary importance! Under this view of the subject, with regard to sailing vessels of war, its application to steamers seems *quite as necessary* to render them available and effective for similar purposes. Indeed it is of infinitely *more importance that they should possess it*, as they are wholly independent of the winds as a motive power, and through the possession of this quality, would become so much more nearly on a par with one another.

Your second question asks my views in "regard to the steamers constituting the Collins line, so far as knowledge will warrant an expression with regard to their build and sufficiency for carrying an armament for war purposes."

On this score I cannot but admit that they are so; and I think that their performance in so frequently crossing the Atlantic without any complaining, or the occurrence of any accident which could have been foreseen, or anticipated, and guarded against in their construction, will fully justify this admission.

With regard to your third and last question, relative to alterations, I will observe that, under my inexperienced views of war steamers, I should think not much ought to be required; the principal alterations deemed necessary by others which has been suggested, refers to the removal of the upper deck by razeing. As regards this alteration, it would, with me, depend entirely on the fact whether she was to be a light armed vessel, with a few heavy guns judiciously mounted, or a heavily-armed battering ship, with an open waist; this would much diminish her strength and accommodations, as well as to some risk to her safety, dryness, and speed. This will be an important point for consideration of those who may make the decision.

The qualities which these steamers now possess, are so clearly and ably set forth in Captain McKennon's letter, who speaks so confidently to the point, *as to leave no room for cavil or contradiction.* All that he said has been confirmed by others who are competent judges, and who, like him, speak from actual observation made during passages to or from Europe, in one or the other of the steamers composing the Collins line.

In so far as I feel authorized to speak, from experience afforded me by *holding a commission in the Navy of the United States for fifty-eight years*, and from having commanded in that time every species of vessels of war in our Navy, (steamers excepted,) I ought not to hesitate in saying, from this long intimacy with nautical affairs, that too much care cannot be observed under *all* or *any* circumstances, in the adaptation of *maritime* preparations to maritime ends.

I would here also state that, from the acquired experience in the adaptation of propellers to vessels of war, since you contracted with the Government of the United States for the services of your line of steamers, for postal purposes, that such motive power may be better calculated for heavy armed battering steamers; they will, however, lose, in that case, some important advantages which the side paddle wheels will accord to lighter armed vessels; these latter will have greater speed, better accommodations, and be safer and dryer vessels.

I remain respectfully, dear sir, your obedient servant,
CHARLES STEWART.

E. K. Collins, Esq.

Such, Mr. Chairman, is the testimony of these old commodores, who have spent their lives in the naval service of their country. Truly may it be said of them, that theirs has been—

"A life upon the ocean's wave,
A home upon the rolling deep."

They speak from experience; and, to my mind, completely upset the opinions of men who for twenty years, perhaps, have not been upon the ocean, but at the head of naval bureaus, cooped

up in an office sixteen feet square, in Washington city.

Mr. Chairman, in connection with the letter of "Old Ironsides," I must be permitted to call the attention of the committee to the testimony of Captain McKennon, of the British navy, of whom the commodore makes such honorable mention.

The article referred to by Commodore Stewart is in an English work, written by Captain McKennon, entitled "The Resources and Settlement of America." Captain McKennon was a passenger on board the Baltic, on her passage from New York to Liverpool, during the fall of 1852. In speaking of the Collins steamers, Captain McKennon said:

"I am only doing justice to these magnificent vessels in stating that they are, beyond any competition, the finest, the fastest, and the best sea boats in the world. I am sorry to be obliged to say this; but, as a naval officer, I feel bound in candor to admit their great superiority. Their extraordinary easiness in a sea cannot fail to excite the admiration of a sailor; and I never beheld anything like it. There was none of that violent plunging, that sudden check usually attending a large ship in a heavy head sea. The elongated bow dipped gently in when a vast, wall-sided and threatening swell appeared overwhelmingly to rush upon her. The whole forelength of the vessel appeared to sink gently down until almost level with the water, and as gradually to rise again after passing. Most wondrous of all, no sea ever came on board, and the foaming and angry waters appeared to glide harmlessly past her peak and narrow bows. The extraordinary difference in this respect to the *America* was most marked, as a very ordinary head sea would dash angrily, and with huge volumes, over *her* bows. I attribute these admirable qualities to two reasons: first, the long and gently graduated bow; and secondly, the lightness and buoyancy of the fore part of the vessel, when relieved from the bowsprit. This bowsprit, in the Cunard line, projects considerably from the bow, and its weight is greatly aggravated by the leverage caused by its projection. I am not aware of its exact weight, but it must be enormous, particularly at the extremity. The most experienced sailor would be very much deceived in forming a judgment of the sea-going qualities of the Cunard and Collins steamships from a mere, outside inspection; and I acknowledge that, at first, I could not conceive the Collins line to be so safe and easy in a sea as the Cunard line. From a considerable experience in all classes of steam vessels, besides the Cunard *America*, I advisedly assert that the *Baltic* is out and out, by long odds, the very best and easiest steamship I ever sailed in.

"I cannot refrain from calling the attention of steamship builders of England to the uselessness, and even absurdity of a heavy bowsprit upon a vessel that mainly depends upon her steam. It would be considered an absolute absurdity for either of these vessels to attempt to beat to windward. Before the wind, there is little doubt that the Collins would run the Cunard out of sight in a dozen hours. The vast and heavy bowsprit of the Cunard line is therefore an absolute excrescence; a bow-plunging, speed-stopping, money spending, and absurd acquiescence in old fashioned prejudices about appearance, and what the old school attempt to swamp all argument by condemning as *not ship-shape. Pshaw!* what confounded stuff! This *is* the sort of feeling that prevents improvements, and allows Brother Jonathan to build the finest sea-going steamers in the world, which the Collins liners undoubtedly are."

Captain McKennon thus describes, as witnessed by himself, the admirable performance of the Baltic during a most violent storm which she encountered during her outward trip:

"Let us ascend the bridge, between the paddle-boxes, and try to describe this sublime scene. A furious gale was raging, and wind and waves combined were hurled with gigantic force against the poor Baltic. To avoid rushing madly against the fierce watery barriers, the engines were slacked to nine revolutions, and the brave vessel still held her course at the rate of eight knots. Although the heavy spoondrift in a moment drenched everything exposed, still the ship held on with the most extraordinary ease. At intervals a mountain would appear approaching, giving the idea (often felt by the most experienced) of a gathering power in advance, that nothing could withstand. Onward it rolls, so high that, from your elevated position, the horizon is concealed; it is upon us with a crash—nothing can avoid the avalanche of water—the decks will be inundated fore and aft.

"Not at all, the noble ship rises gently, just sufficient to clear the crest of the surge; her bulwarks are even with the surface of rolling water, but not a drop comes in. Again and again did this happen; and although we were drenched to the skin by the spoondrift, we were fascinated by the wonderful triumph of the ship's course over the madly vexed waters, and remained in our exposed situation spell-bound at her easy performance over such rough and formid ble obstacles. Place a Cunard liner, or any vessel, in this position with the present lines of English ocean steamers, and they would ship tons and tons of water. The heavy bows, bowsprit and all, would plunge into the sea with a crash and bang that would shake and strain a ship to her center. On raising her forefoot from her watery bath, the bowsprit, enveloped with gear, would visibly bind with the jerk. This is the main difference between the ocean steamers of England and America, and we strongly advise the builders in England to wake up from their lethargy, half composed of prejudice. I tell them again plainly, however unpleasant to myself, *that there are no ocean steamers in England comparable with the Baltic.*"

Captain McKennon, in speaking of the performances of the Collins steamers, says:

"They cannot be rivaled by any English vessel at present. The whole thing is obvious to the meanest understanding, and may clearly be traced to the unequaled beauty of the model. The English engines are allowed by the Americans to be superior. Why, therefore, should we allow Brother Jonathan to beat us on our own element? The reason is plain enough, and patent to the whole world; and is summed up briefly in one sentence: *The British model is far inferior to the American.* I say this in sorrow and jealously; and investigate calmly and dispassionately this momentous question. When once inquiry is thoroughly aroused in England, I do not fear the result. If, however, obstinacy and pride are allowed to blind our shipbuilders, they will richly merit the fate that will inevitably befall them, namely, to be soundly beaten by American naval architects."

Sir, the contest between the Collins line and the Cunard line has been eminently a national contest, and this is the testimony of an Englishman, the testimony of an experienced British naval officer; and after reading it, what American would strike down these noble vessels? What American legislator would refuse such an appropriation as would enable Collins and his associates still to astonish "Old England" with the prowess of "Young America?" I repeat, Mr. Chairman, this is the testimony of one of the most experienced officers in the British navy—one worthy to receive the commendation of such a man as "Old Ironsides;" the testimony of one speaking, not to Mr. Collins, not to Americans, but to his own countrymen, the people, the ship-builders, the admiralty of England. It is, sir, an exhortation to John Bull to discard his prejudices, to overcome his "Old Fogyism," and profit by the skill manifested by "Young America," in the person of E. K. Collins. This advice of Captain McKennon, I feel well assured, Mr. Chairman, might be made serviceable to the "Old Fogies" in the naval department of our Government. I commend it to their careful consideration.

Such, Mr. Chairman, is the testimony of naval officers of great experience and a world-wide reputation. And I feel that I might here rest my argument. But I have, in addition, the testimony of naval architects and engineers, corroborating, upon scientific principles, the testimony of those old commodores.

Mr. Grice, a scientific and well know naval constructor, of Philadelphia, during the discussion upon this extra pay question, in 1852, in reply to a letter from an honorable Senator, says:

UNITED STATES NAVY-YARD,
PHILADELPHIA, *April* 14, 1852.

SIR: In answer to yours of the 13th, I have to state, as chief naval constructor, the specifications for building the Collins line of steamers were submitted to me, and approved, as in accordance with the act of March 3, 1847.

They can be converted into war steamers to carry a battery equal to our largest steam frigates, in a short time, and the necessary alterations to be made to receive such a battery will not exceed a cost of $20,000 each.

I am, sir, with great respect, your obedient servant,
FRANCIS GRICE.

To the Hon. WILLIAM M. GWIN, *United States Senate.*

Mr. Oliver Byrne, of Philadelphia, a civil, military, and mechanical engineer, of acknowledged ability, in a communication to the New York Courier and Enquirer, most unfeignedly expresses his astonishment at the report of the Secretary of the Navy. He rightly attributes the opinion of the honorable Secretary to the "Old Fogies" at the head of naval bureaus. He handles, without gloves, the letter of Mr. Lenthall to the Secretary of the Navy. I very much regret that my time will not permit me to read at length the communication of Mr. Byrne. I must content myself with a few lengthy extracts:

Mr. Byrne says:

"What experience Mr. Lenthall has had in ship-building, I know not, but take this opportunity to make known to the Government, that of all the improvements that are being made, there is none more essential than to have our naval vessels to keep pace with the great improvements daily being made in naval architecture. And I here assert that war steamers *without great speed are worse than useless lumber.*

"But I will not indulge in further remarks, which may be said to be mere opinions, but refer particularly to Mr. Lenthall's objections to the Collins steamers.

"Although Mr. Lenthall does not name them, yet his description is so marked in his report, that I have no doubt that he means them.

"It is true that the Collins are side-wheel steamers, and up to this time side-wheel steamers, far inferior to the Collins steamers, have proved themselves not only efficient vessels of war at sea, but have in many instances proved themselves very efficient in *bombardments.* For their last performance, see the bombardment of Odessa.

"As the Susquehanna and Arctic are the vessels herein alluded to, I shall endeavor to show the great superiority of the latter over the former.

"The United States mail steamship Arctic combines all the essential elements heretofore mentioned for an efficient war steamer, viz: *great speed, great strength,* great buoyancy and stability, and ample accommodations for officers and crew; in the latter of which every United States war steamer is sadly deficient.

"*First.*—Great speed. By the logs published in Stuart's work, the relative speed of the Arctic to that of the Susquehanna is as three to two.

"*Second.*—Great strength. Independently of a stouter frame, heavier planking and ceiling, heavy bilge streaks, (the Susquehanna has no bilge streaks,) nor any ceiling below her lower deck clamps, except three streaks, six inches thick over her first and second futtock heads, and but half her square fastenings go through,) the Arctic is more than six hundred per centum stronger, taking into account the power of endurance and permanence of shape, by the form of hull and the peculiar arrangement of her iron diagonal braces and her arching.

"*Third.*—Stability. The flat floors of the Collins steamers enable them to place their engines and boilers lower than those of the Susquehanna, counteracting more effectually the weight of top-hamper, (a superiority acknowledged by the late Lord John Hay over steamers with great dead rise;) the great sharpness at the ends adds also much to the stability, and at the same time gives great speed at moderate cost, (for were it possible for the Susquehanna *to bear the power* necessary to drive her at the highest rate of the Arctic's speed, she would burn *four* times the fuel that she now does,) avoiding any stress of the ship going against a head sea, and being almost impregnable to direct shot.

"*Fourth.*—Capacity. The Susquehanna can carry eight hundred tons of coal, enough for twenty-two days' steaming at her best speed, with a complement of two hundred and twenty-five men, and stores for four months. The Arctic carries ordinarily twelve hundred tons of coal enough for thirty-three days' steaming at the Susquehanna's *best* speed, one thousand tons of cargo, and space enough allotted for passengers for the accommodation of a man of war's crew of five hundred men, and stores necessary for them for four months, drawing less water than the Susquehanna.

"*Fifth.*—The sharpness of the decks forward—by a drawing in my possession, does not interfere with the range of the bow gun, and in fact, the Collins steamers having no bowsprits, gives them an advantage not possessed by any other steamers, of training their bow guns to advantage, by bringing them in a direct line with the keel.

"*Sixth.*—The height of the shafts of the Collins steamers does not interfere with the shifting of guns; as side-wheel steamers must be relied upon to attack single ships, and capture the enemy's commerce, there will always be guns enough forward and abaft the shaft that can be shifted from side to side, to supply the place of any gun that may be disabled. Line of battle ships or frigates, in the present mode of warfare, (see Paixhan's report) except in fleet engagements, do not prove as efficient as fast steamers carrying heavier guns of *greater range.*

"*Seventh.*—The location of the shafts and boilers of the Collins steamers does not prevent the use of the usual deck beams; and in fact, these steamers have their boilers all below the main deck, and have the advantage of all the deck beams of any war steamer.

"*Eighth.*—The upper deck of the Collins steamers is not too slight for an armament, and the additional weight necessary to strengthen them to carry the heaviest pivot guns, would not exceed ten tons, which is not as heavy as the *extra ice-house* that is necessary to be carried in the summer time; the usual quantity of ice on this deck alone weighing fifty tons, more than double the weight of four of the largest guns now in use.

"*Ninth.*—The number of beams used in the Collins steamers is one entire set more than there is in the Susquehanna, and the mode of putting them in gives the sides additional strength, and gives the ship the ability to stand the continued action of the heaviest armament.

"The top sides are built as strong as any part of the hull; and steamers in England, (see Engledue's report,) with but ordinary bulwarks above the main deck, one thousand tons less than the Collins steamers, have been strengthened sufficiently, at a cost not exceeding £500, ($2,500,) to carry the heaviest guns used in the English navy. As regards the arrangement of the guns on the main deck, the frames have been so arranged with the spirketings that *in twenty-four hours* the ports could be pierced to receive any armament that has yet been carried by any side-wheel war steamer; from which it will be inferred that the Collins steamers were constructed for guns as well as passengers.

"*Tenth.*—With respect to masts and sails, if the Susquehanna's mainmast is placed similar to the Mississippi's, her mainmast, under steam, is of but little use, and as to the utility of sparring war steamers heavily, I call your attention particularly to the report (see Stuart's work) of Mr. Jesse Gay, chief engineer of the Mississippi, who condemns, unquestionably, loading a side-wheel steamer with heavy spars, anchors, &c. All that he has said, was predicted before her sister ship, the Missouri, had her engines half in, and we see, on reference to Stuart's work, that the best speed of the Susquehanna, under canvass only, did not equal that of the Atlantic when she returned to England without using her machinery.

"*Eleventh.*—The weight of armament, stores, &c., would not amount to the weight of the thousand tons of cargo of the Arctic; therefore they would not be so deep as ordinarily, nor would their speed be decreased.

"*Twelfth.*—The cost of converting the Collins steamers into war steamers would not exceed $10,000 each, and, in fact, the money must be *very extravagantly disbursed* to amount to half that sum.

"With respect to the general principles combined in the construction of the Collins steamers, I have no doubt that the Government would be greatly benefited by following, more closely, the superior manner in which the Collins steamers are constructed, and gradually since the loss

Jacinto was calked after a single passage from New York to Norfolk; and the Mississippi in six months, just previous to her return *from the Mediterranean*, was calked twice, and wanted calking again on her arrival at the port of New York, notwithstanding she made a southern passage. (I allude to the Mississippi particularly, as she is so often cited by gentlemen of the navy as the *ne plus ultra* of war steamers.) I have good reason to believe, had her commander been ordered to England with Kossuth, he would not have attempted a northern passage homeward. Her passage from Madeira was made *in nineteen days*, which certainly could not have required any *very great stress on the ship*. Now the only ship of the Collins line which has yet been calked, was the Atlantic, last month; and so firm were her seams that it was deemed altogether unnecessary to even try the seams of the other steamers of this line, all of which have done equal service. The English steamers in the same service, and *built, at least, equally as well* as any of the United States naval steamers, had to be greatly strengthened, *fully double*, before they had completed their *second year's* service; and with all that, Neptune *gives them* pretty good evidence that they are not beyond the effects of his power. After the preceding facts, should there be any doubt about the unequalled strength of the Collins steamers, the many shipwrights of England can bear testimony, to their great astonishment, on seeing those ships in dock (three of them within the last three months) with their bottoms as perfect as the day they were built, without even the slightest wrinkle in their copper, and exhibiting such evidences of strength and endurance as was never before witnessed in that country.

The increased quantity of timber and scantling used in the construction of the Arctic (see Stuart) over the Susquehanna.....10 per cent.
By coaxing frames of the Arctic.....25 per cent
The bolting and coaxing of the wales and clamps.....10 per cent.
The double diagonal iron braces, riveted into each other, and secured to the framing of the Arctic.....3.68 times.
The increased depth of the Arctic, with the additional upper deck.....1.52 times.
By the form and strength of *the arc in every position*, from horizontal to vertical.....1.28 times.

"These ratios include permanence of form, ultimate strength and power of endurance, and prove conclusively that the Arctic is 7 1-7 times stronger than the Susquehanna.

"This increase of strength, no doubt, will astonish many; yet any person, however skeptical, can be convinced if he will, with me, go through the calculations.

"Calling your attention particularly to the armament that can be carried and effectually used by any one of the Collins steamers as vessels of war, viz: On the spar deck two eighty-four pounders, on the main deck thirty-two sixty-eight pounders, I am, sir, yours, &c., &c.,

OLIVER BYRNE,
Civil, Military, and Mechanical Engineer.

PHILADELPHIA, *June*, 1854."

Mr. Chairman, as an American, justly proud of the achievements of our commercial marine, and especially so of those noble steamers, which took and have maintained such marked preëminence in the maritime world—steamers which have by their admirable performance, compelled even British naval officers, with all their national prejudices, to pronounce superior to anything of the kind in the British navy, I feel myself much indebted to Mr. Byrne, who, by his calm and purely rational demonstration, has convinced me that we have in those steamers, not only an unequaled commercial fleet, but the means of adding to our naval strength in a time of war, vessels which would be unapproached in general efficiency by any other now in our naval service, and which the whole world acknowledges, are unsurpassed by those of any other nation.

I trust, sir, that with such an array of testimony as I have here presented, the testimony of the best naval officers of both Great Britain and the United States, the unprejudiced testimony of our very best naval constructors, and most scientific engineers, we shall hear no more about the impracticability of converting those noble steamers into vessels of war.

Sir, at the last session of this Congress, we passed a law authorizing the building of six steam frigates, and we have now upon the Clerk's table, partly acted upon, a bill to authorize the building of seven steam sloops of war. We are told by the chairman of the Committee on Naval Affairs, that we must have these steam sloops, because we must have vessels drawing less water than will the steam frigates, in order that they can enter our southern harbors. Sir, in the Collins line, we have just such vessels as the honorable chairman of Naval Affairs says we must have. These steamers draw only eighteen feet of water on entering port on returning from a cruise. That is just the draft proposed for the seven steam sloops of war. Why, then, I ask, shall we strike down the Collins steamers—steamers which, at a moment's warning, can be placed in the Government service—and build these seven sloops of war, at an expense far exceeding the whole extra compensation proposed to be given to Mr. Collins during the life of his contract? Economy, it seems to me, demands the continuance of the Collins steamers, rather than the building of additional steam sloops of war.

Mr. Chairman, it has been claimed, and I doubt not will be again, that no extra compensation should be allowed Mr. Collins, inasmuch as, without it, his compensation is greater than that paid by the British Government to Mr. Cunard.

I have already anticipated this argument by showing that Collins's time, over that made by Cunard, costs over $16,000 the round trip—and that it costs $10,000 the voyage in and out, in making the passage direct from Liverpool to New York, instead of from Liverpool to Boston, via Halifax.

But, sir, in addition to this, it should be borne in mind, that Collins's four steamers are nearly equal in tonnage and power to Cunard's seven steamers; and that the cost of navigating and propelling a steamer increases with the tonnage.

I cannot better illustrate this point than did the honorable gentleman from Pennsylvania, [Mr. CHANDLER,] in his argument upon the subject in this House in 1852. I read from his speech on that subject:

"The Cunard's line has seven steamers, with an aggregate tonnage of twelve thousand two hundred and eighty-two, making eighty-five trips a year, or the working of one hundred and forty-five thousand seven hundred and fifty tons, for which the exact payment is $856,871, or $5 75 per ton.

"Collins's line has four steamers, with an aggregate tonnage of thirteen thousand seven hundred and two, and under present contract crossing the Atlantic fifty-two times a year, and thus takes across the Atlantic thirty thousand tons more than Cunard, with his seven ships; for which service Collins will receive, if the amendment before us should pass, the sum of $858,000, or $4 82 a ton, being less, by twenty per cent., than the amount paid by Great Britain to Cunard."

This statement of the honorable gentleman from Pennsylvania, is changed somewhat at this time, by the adding of the steamer Arabia to the Cunard line, which has somewhat increased its tonnage. But still, it does not, in the least, change the force of his argument. To multiply words upon this point, would be wasting the time of the committee.

Now, then, let it be borne in mind, Mr. Chairman, that the Postmaster General tells us that time is very important—and let it also be borne in mind that the Government orders the passage to be made direct from New York to Liverpool, and back; and what man, what American legislator, that does not wish to see Collins and his associates utterly ruined, and the line broken up, can refuse to continue this extra compensation? Sir, before we take such a step, we should reflect for a moment upon the circumstances under which it was originally given.

The Government desired the establishment of the line. The Washington and the Hermann, the two American-built steamers in the Havre and Bremen line, although the best specimens of sea steamers our constructors and engineers had produced, proved entirely unequal to the early vessels of the English line, and far behind, in point of speed, the later Cunarders.

Mr. Stuart, in his history of the naval and mail steamers of the United States, says:

"Under these circumstances, it is not surprising that American capitalists, constructors, and engineers should hesitate to compete with the enlarged experience of the English nation, sustained by the immense capital of that country, and fostered by the aid of the Government.

"To enter the contest with England for the supremacy of ocean steam navigation required capital, talent, energy, and *faith* of the highest order known to our countrymen; for to *fail*, would involve a loss not only of the vast sums necessary to make the effort, but, what is of far more value to every lover of his country's reputation, it would insure *national* disappointment, more deep-felt from the fact that England had already been vanquished by our sailing ships, and gracefully yielded to us the palm of victory; since more brilliantly illuminated by the yacht America and the clipper ship Witch-of-the-Wave.

"At this time, too, as already seen, the entire postal service between Great Britain and America, and the transportation of passengers (except emigrants) and costly light freights, was under the control of the Cunard line, which involved *not only the reputation and pride of the country, but also its commercial prosperity*. Who was there, among all the wealthy and enterprising merchants or ship builders of our metropolis of genius, able to cope with the mistress of the seas, and character ample to gain the confidence and aid of cautious capitalists, that at this critical time should, in the first birth, take up the challenge repeated every month by the arrival of an English steamer in *less than two weeks from Liverpool*, and embark his fortune and reputation in *starting* the enterprise.

"History will record the name of E. K. Collins, who, in my humble judgment, has, under Providence, done more to advance the name and interests of his country than any American since the immortal Fulton—for the one proved the possibility of applying the steam-engine to the useful navigation of our rivers and lakes, which has caused, in a great degree, the unprecedented growth of our inland and western States; the other the scarcely less important practical lesson of narrowing the broad and boisterous Atlantic to a pleasure trip of *ten* days. To those who, from study or experience, know the vast difference there is in constructing a steamer capable of crossing the ocean, at all seasons of the year, not only with safety and wonderful regularity, but to do so in *ten days*, instead of twelve or fourteen, this encomium will, it is believed, be deemed just and deserved. A reference to the steam logs, given herein, will fully illustrate the labor and cost necessary to accomplish the '*quickest passages on record*' across the Atlantic."

Under such circumstances, we induced Mr. Collins to build steamers of great size and power, not because such vessels were demanded by the mail service, but because we designed them for national war vessels, whenever and wherever the interests of the Government might require them.

Mr. Collins, without regard to his own interest, embarked his all in the enterprise; and has produced a class of steamers highly satisfactory to the Government, and reflecting the highest credit upon the country But the undertaking, which has been so glorious to the country, was ruinous to the private interest of Mr. Collins and his associates.

Upon a careful investigation by both Houses of Congress, in 1852, it was found that Collins could not sustain the service he had engaged to perform, without increased compensation. The Finance Committee of the Senate, and the Ways and Means Committee of the House, found it necessary to increase the compensation to $33,000 on the round trip. Both Houses concurred in the finding of these committees; and Mr. Collins's compensation was increased accordingly.

Let it be borne in mind, sir, that this increase in compensation was not for one year, nor for two years, but during the contract of Mr. Collins, unless terminated by Congress.

Now, I ask, in all candor, was not the faith of the nation tacitly pledged, that this extra compensation should be continued until such time, during the continuance of the contract, as Collins & Co., without loss or detriment, could perform the required service, without the extra pay?

The power which you have reserved, "to give the notice," does not in the least change the pledge of faith, unless you can show that Collins, without embarrassment and bankruptcy, can continue the line without the extra pay. Before Congress, in good faith, can give the notice, it must be satisfied that the line, at the old price, will remunerate the owners.

No man, Mr. Chairman, who has listened to my argument, can fail in being convinced that, without this extra allowance, the line must be hopelessly and utterly ruined. I do not hesitate to say, Mr. Chairman, that so long as the Government continues the contract, and so long as Mr. Collins would lose money in the performance of this service without the extra pay, the faith of the nation is just as much pledged to continue the extra compensation, as it is to give any compensation whatever.

Allow me, Mr. Chairman, to notice another objection which is urged against my amendment, and then I will conclude.

It is urged that the extra compensation should be withheld from Mr. Collins, from the fact that we have offers before the Post Office Committee, and upon our tables, to perform this mail service, for one half the sum now paid Mr. Collins.

Sir, before we do injustice to Mr. Collins, we should remember that, when the Post Office Department first advertised for proposals for this service, so discouraging were the prospects, that no offers were made to the Department. The Postmaster General then sent for Mr. Collins to come to Washington city in order to induce him to undertake the service. Mr. Collins hesitated—went home to consult New York capitalists—Mr. Vanderbilt, one of the present bidders, was one of the gentlemen consulted by Mr. Collins. He utterly refused to engage in the enterprise, alleging that it would prove ruinous to those who embarked in it. And, sir, when two years ago, the Postmaster

General by order of Congress, readvertised for proposals for this very service, the advertisement made since the giving of this extra compensation, the advertisement ordered by Congress with reference to the notice to discontinue the extra pay, the advertisement made in the New York papers, and which must then have been seen by the gentleman now so anxious to underbid Mr. Collins, and yet not a single proposition for this service was then made to the Post Office Department under that advertisement. Where then were Mr. Vanderbilt and Mr. Hansen? Sir, there is a mystery connected with these propositions, and I think I have the key that will explain it. Mr. Vanderbilt's agent has repeatedly urged me to give a favorable consideration to Mr. Vanderbilt's proposition, but at the same time, has been careful to let me know that Vanderbilt was a friend to Mr. Collins, and would withdraw any proposition, provided Mr. Collins would purchase a steamer which Vanderbilt has nearly ready for service. These offers, sir, are buy-out offers. But these gentlemen are mistaken in their man when they suppose they can frighten Mr. Collins into black mail.

Mr. Chairman, I have before said that the Collins steamers were designed by our Government in their construction to be adapted to war purposes; as illustrating this fact, as well as to show the difficulties encountered and overcome by Mr. Collins in establishing his line, I must be permitted to call the attention of this committee to a late correspondence between him and the Postmaster General. The letter of Mr. Collins is characteristic of the man. It manifests a national pride, and an American feeling, which contrasts beautifully with the selfish motives manifested by those who are now sending us propositions for the purpose of extorting hush-money from Mr. Collins.

The following is the letter of the Postmaster General, and the reply of Mr. Collins. I will thank the Clerk to read them.

POST OFFICE DEPARTMENT, *January* 24, 1854.

SIR: Please state whether you employ more than four ships, viz: the Atlantic, Pacific, Arctic, and Baltic, for the service on your line between New York and Liverpool.

I am requested by the chairman of the Committee of Ways and Means, of the House of Representatives, to inform him of the number employed.

I am, respectfully, your obedient servant,

JAMES CAMPBELL.

E. K. COLLINS, Esq., *New York and Liverpool United States Mail Steamship Company, New York.*

NEW YORK AND LIVERPOOL U. S. M. S. S. Co., 56 WALL STREET, NEW YORK, *January* 27, 1854.

SIR: With much pleasure do I reply to your letter of 24th, in answer to your inquiries as to the number of ships employed to carry the United States mails between this and Liverpool. As this information is especially desired for the honorable Committee of Ways and Means of the House of Representatives, I beg you will pardon me for communicating some facts in relation to our mail steamers.

After the law passed authorizing the Postmaster General to make contracts for trans-Atlantic mail steamers, he advertised, for several months, for proposals for carrying the mails for five years, to which we made no offer, knowing, as we did, that we could not get capitalists to incur the great outlay for that term of service, which would be necessary to build *suitable* steamers for the *two-fold* object of war and mail steamers. (The clause requiring that all mail steamers should be built suitable for war purposes, so that they might, at almost a moment's notice, be converted into war steamers, *was inserted at my instance*, after the bill had passed a second reading in the Senate.) The Postmaster General reported to Congress that he had accepted the offer of Mr. Mills; and that, we supposed, was the finale of that service. Having business in Washington, with the Treasury Department, I called to pay my respects to Mr. Hobbie, then the First Assistant Postmaster General, who had long known the importance I had attached to the establishment of mail steamers. He expressed his astonishment at not having received from me a proposition to carry the mails. I gave him my reasons, as hereinbefore stated; he replied that the Postmaster General would like to see me. I arranged with Mr. H. to call on the Postmaster General; which arrangements were complied with. After a somewhat lengthy interview, *he desired me* (as you will see on reference to my letters in the Department) to make a proposal to carry the mails between New York and Liverpool, and, at the same time, to state in writing why Liverpool should be adopted as the terminus in Europe; which letter is also in the Department. Some time after my proposals were made, I called on the Postmaster General, to know what the Government had concluded to do. His reply was, that, as he could not recommend any further *special mail service, the Administration* would have the naval war steamer bill, then before Congress, for *ten war steamers*, reduced to half its number, and that *our steamers* would be considered *as substituted* for those taken from the bill. As soon as this was communicated to the chairman of the Naval Committee, as the wish of the Administration, they readily assented to it; and, with some modifications, a bill was passed to build four war steamers, to which there was an amendment, authorizing the Secretary of the Navy to contract with us, in conformity to our proposal to the Postmaster General.

When we proposed to carry the mails, we intended, in good faith, to perform that service; and whether we have or not your Department must judge. When my proposition was first made, the average time of the steamers from Liverpool to Boston, was fifteen days and six hours, equal to at least sixteen days to New York; and I did not suppose that the service could be performed with less than five steamers, to insure the regular transmission of the mails, which is so essential to commerce *and revenue of the Government*; nor could that service of twenty trips, as called for in the original contract, have been performed *with less than five ships of two thousand tons each*. But, by our increased size and speed, we have not only been enabled to make our passages in the average time of a little over eleven days, the cost of which, over that of the time taken as herein stated by the English steamers, *is more than doubled*, but we are enabled to make twenty-six, instead of twenty voyages per annum, as at first contemplated.

As soon as it was known that our Government had contracted *with us*, no pains were spared in England *to deride* the idea that America could build ocean steamers; and never was British influence more exerted to defeat the interest of her great maritime rival than in their endeavors to vanquish our line. We knew and felt, when we commenced building our vessels, that, to silence English clamor, and to have the stars and stripes *float untarnished*, we must do more than England had done; and we believe that the world now acknowledges that the trident of the seas is ours.

After unceasing efforts of several months, owing to the *discredit* which had been thrown on ocean steamers by the steamers that *had been built in this country*, it was with great difficulty that we got subscribed a little over a million of dollars; and, although our company advertised in almost *every large city* in our country for additional subscribers, before and after we got the increased pay for the service, not a single share was taken, although every exertion was made to get new subscribers, to lessen the indebtedness of the company, which, as yet, remains nearly one million and a half. But, fortunately, the original subscribers to the stock were men who had full as much regard *for the pride of the nation as for their own interests*. They left me untrammeled with but *one edict*, which was, that you MUST NOT MAKE A FAILURE, IF YOU RISK EVERY DOLLAR. Does history produce as much devotion to country's honor by any other men? I think not. As before remarked, it was necessary to do more than England had done; and, in so doing, we built four ships of much greater tonnage and power than our competitors, by which means we are enabled to perform the service with three ships, and have always a spare ship in port; but the cost of keeping that spare ship is near $150,000 per annum.

The ships of our line are the Atlantic, Pacific, Arctic, and Baltic. We have at command the most essential part of the frame of the fifth ship, which the honorable Secretary Graham did not deem necessary to be built at present, remarking that we had better wait to see what improvements our rivals would make.

As many attempts have been made recently to throw discredit on mail steamers for war purposes, I beg leave to state, that the cost of ours was greatly enhanced to build them suitable for that purpose, and that all our plans *were submitted to, and approved by* the Navy Department; and I am not aware that a similar course has been pursued by any other *contractors or their assigns*.

I am at any time prepared to prove, that up to this time the equal of our four steamers has not been built for war or peace purposes, in or out of the Navy; and it would afford me much pleasure to appear before the Committee of Ways and Means to convince them of what I have herein stated. Yours, respectfully, E. K. COLLINS.

To the Hon. JAMES CAMPBELL, *Postmaster General.*

Mr. Chairman, I have endeavored, truthfully and fairly, to place before this committee the conclusions which I have arrived at as the result of the thorough investigation which I have given the subject.

I think I have established, beyond all controversy, that our Government, following the example of Great Britain, in our contracts with our ocean mail steamer companies, has looked to the construction and the maintenance of such vessels as, upon any sudden emergency, could be converted into efficient and available vessels of war.

I have no hesitation in affirming that I have established the fact that, in the vessels belonging to the Collins line, we have the very best steamers that ever navigated the ocean—such as fully answer the designs and expectations of the Government.

I have demonstrated, by the very highest scientific and naval authority, the practicability of converting these steamers into efficient vessels of war.

I have also demonstrated that the revenue arising from the mail service performed by the Collins line, has been steadily and constantly increasing.

I have also established the fact that it costs the Collins line $12,000 more to make the trip to Liverpool and back than it did before Congress gave the company the extra compensation.

I have also demonstrated that the extra speed of the Collins line over that made by the Cunard line, costs $16,800 per voyage. I have also shown that to make the round voyage from Liverpool to New York direct, as made by the Collins line, costs $9,800 more than to make the voyage from Liverpool to Boston, *via* Halifax, as made by the Cunard line.

I have established the fact that Collins, with ordinary steamers and in ordinary time, can perform the mail service between New York and Liverpool at the price paid by the British Government to the Cunard line, or as low or lower than any offer now made by persons desiring contracts for that service.

I have shown, by facts and figures, that there was no cause existing in 1852, demanding the extra compensation then given, which does not exist at this time in much stronger force.

I have demonstrated that, by the act of 1852, the faith of the nation was pledged to continue the extra pay to Mr. Collins during the continuance of the contract, unless Congress should be convinced that the service could be performed at the speed required, and in such vessels as Collins has built, in accordance with the requirements of the Government, without loss to himself and his associates, at the price stipulated in the original contract.

I maintain then, Mr. Chairman, that the amendment which I propose should be agreed to, and that the extra compensation should be continued to Mr. Collins, unless we determine to abandon our original policy of maintaining such mail steamers as, at any time, can be converted into vessels of war.

Sir, should we adopt the latter policy, we are bound in good faith to put an end to these contracts altogether, and to purchase from our ocean mail steamer companies, such vessels as have been approved and accepted by the Secretary of the Navy.

Such a policy, sir, must lead to the disposal of these noble steamers to some foreign Power. For our Government to take these vessels and keep them afloat, unemployed in our mail service, would cost us untold millions of dollars. The policy would be found so ruinous as to lead to its quick abandonment. I repeat, then, the declaration, that the policy would lead to the disposal of these steamers to some foreign nation. The Government can end these contracts, and sell these vessels without loss, for, sir, such steamers as these are now in demand in Europe. Other Powers will be glad to purchase them. Mr. Collins has, again and again, been importuned to dispose of them, but his answer uniformly has been "*they are national vessels.*"

Now, then, Mr. Chairman, is this the time to let these noble steamers go into the hands of any other Government? Would the people of the United States tolerate their Representatives in permitting these vessels, so justly the pride and boast of the whole country, to pass into the possession of any foreign Power, where, perchance, they might be turned against the United States?

In the present condition of Europe, where all is war or "rumors of war," and where the utmost jealousy and feverish excitement prevails towards our Government, shall we permit these steamers to pass into the possession of England, France, or Spain, knowing, as we do, that they could sweep our coasts from the Bay of Fundy to the Gulf of Mexico, unchecked by any and all the naval force which our Government could bring to bear upon them? Should this be permitted, we may well exclaim, in the language of my friend from Illinois, [Mr. RICHARDSON,] "*Adieu dear Cuba.*"

OCEAN MAIL SERVICE.

SPEECH OF HON. JOHN KERR,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 16, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. KERR said:

Mr. CHAIRMAN: I labor under great embarrassment and difficulty in rising to address the committee this morning. The impatience already manifested here has been quite sufficient to induce

an apprehension, at least, upon my part, if not to *produce* an absolute conviction that the time I may consume would be more valued even by the friends of this measure than any argument I may be able to adduce in support of it.

I should not, in the present condition of my voice, and in view of the anxiety I see exhibited here to take final action upon the bill, undertake to debate it at all, except for the reason that I occupy a position in regard to it, at home, somewhat *peculiar*. I feel it, however, no less my duty than my privilege to make known to those whom I have the honor to represent upon this floor, the reasons by which I am governed in casting my vote to sustain the Collins line of steamers against all the competition to which they are subjected.

Like my friend from Virginia, [Mr. Letcher,] I represent a plain, rural, (and I will superadd) sensible and patriotic people. They have very little acquaintance with the great commerical marts of the world, and they have comparatively little connection with the commercial operations of our country, and it is by no means a task of the greatest facility to satisfy them that it is a just policy on the part of the Government to give to one company a sum exceeding $800,000 for transporting the foreign mails, when another individual has offered to perform the same service for a much less sum. This, I say, requires explanation to such constituents as the gentleman from Virginia and myself represent. But, nevertheless, I trust I shall never be found capable of withholding my support from any measure which, in my judgment, I regard as just, from any apprehension of consequences at home. However, in this case, I confess I have no disturbing fears. I have not the slightest apprehension that I shall be complained of by my constituents for voting for the amendment which the gentleman from Ohio, [Mr. Olds,] chairman of the Committee on the Post Office and Post Roads, has submitted.

Sir, I came into life about the period of our last war with England, and the first tidings which ever greeted my ears were those of the glorious triumph of our Navy upon the ocean. From my youth to the present time, I have looked with intense anxiety to the growth of our commercial marine, and the augmentation of our Navy. I regard the Navy as the right arm of our defense in war, and as the chief support of our extended and still extending commerce in peace.

Surely no gentleman upon this floor, whatever may be his opinion in regard to the proposition now pending, will dispute the fact that the owners of the Collins line of mail steamers have achieved as proud a triumph, in their contest with Great Britain, as was ever achieved in a contest between American and British skill and enterprise. The contest has been one marked by every feature which distinguishes England, and her offspring, America. Each has had its national pride excited to the highest point. Each has in turn triumphed, and each is aiming now to get the mastery of the seas. England has been *defeated* in the contest to which I now refer; and in the moment of our triumph, at a time when those who achieved this great advantage to our country are about to reap the reward of their patriotic services, we are called upon to take from them the contract which the Government has given them, and from the fulfillment of which on their part we have derived so much national advantage, and put it into the hands of others whose skill is unknown, whose efforts have been hitherto untried, and who, in all human probability, if they were to get this contract at the lowest bid, would, before they terminated it, ask an augmentation of pay. Such I believe would be the fact; for it is not only a *general* but almost a *universal rule*, for the Government employees, who underbid others, to ask for extra pay to perform their contracts, and they generally obtain it.

Mr. SMITH, of Virginia. I suppose that the gentleman understands that the Collins line of steamers receive double the money that the Cunard line do, for the same amount of service.

Mr. KERR. The gentleman cannot have understood me in any such way, no more than I understood the facts of this case to be as he stated them. If correctly informed, I believe the Cunard line gets more than our line does. I believe that, in proportion to the service which they render, they get more. I believe the service rendered by the Collins line has not only been *equal* to that for which they stipulated, but has been more.

Mr. OLDS. I have before me the report made to the British Parliament in 1852, from which we see that the British Government pays the Cunard line £188,000, while they only receive from them in the way of postage £120,000. They pay £822,390 per annum for all their mail steamship service, and only receive in return £479,600—showing an excess of expenditures over receipts, in our currency, of $1,713,950.

Mr. SMITH. The Cunard line make weekly trips, while the Collins line only make semi-monthly trips.

Mr. GOODE. The Collins line only make twenty-six trips each year, while the Cunard line make fifty-two.

Mr. CUTTING. Four steamers of the Cunard line do not perform the same service as the steamers of the Collins line, by the difference between Boston, and New York, and in coaling at Halifax, where fuel is cheaper than at New York.

Mr. KERR. Those are not the points upon which I base my support of the bill. Therefore I do not care to go into these matters of detail, even it I had the time to do so. I again say that here is a great national contest between England on the one hand, and my own country on the other—a contest which owes its inception to a Democratic administration of the Government. It subsequently received the sanction of a Whig administration. It has, therefore, been sanctioned by those who represent the two great parties of our country, and by consequence by the people themselves; and having been adopted and continued under such auspices, and having been so eminently successful, I do not care if it costs this Government twice or thrice the amount they have to pay for it, I will still vote to sustain it. I have, I trust, too much of the spirit of our fathers in me to talk about *money* when a contest is pending between this country and England for supremacy on the seas. We have won the victory. We have the palm in our hands. The note of triumph has gone up from our shores, and *now, even now*, we are called on to do just what the British Government, above all other things in the world, would have us do—withdraw the aid of our own Government *from our own people*, and to permit her to snatch from us the trident of the seas.

Sir, this is not a question of dollars and cents merely. It is a question of national pride and honor. The Postmaster General published proposals for carrying the mails between this country and England. There were no bidders except the Messrs. Collins. They took the contract. They encountered all that was to be dreaded in the outset of such an enterprise—the want of knowledge and practical skill without which it would be impossible to be ultimately very successful. They overcame all difficulty in this undertaking. They have perfected themselves in the knowledge necessary to win and secure the triumph; and I regard them as having done all that they have done upon the invitation of our Government. I put it, then, to every gentleman in this committee to say whether the Government can be regarded as keeping good faith with this company if, when they have achieved what they have done, for a paltry consideration of dollars and cents we deprive them of all the advantages which they are now likely to reap from their skill and enterprise, and transfer them to others? If the facts which have been published to the world in all quarters are to be relied on, these Collins steamers have heretofore, and till within a very short time, made no profit from their undertaking. They are just now beginning to reap some remuneration for their skill, and for all they have done for the good and the glory of the country. I behold in the rivalry of the Cunard and the Collins lines of mail steamers a contest between England and America. It has now undoubtedly assumed that most important and imposing aspect. For one, I own my sympathies are enlisted on the side of my own country, and such is the force of my partiality for my own country, that I am willing to sacrifice dollars and cents rather than mortify national pride by giving the victory to England. The gentleman from Virginia [Mr. Smith] has reproached the gentleman from Ohio with a change of his opinions upon this subject since the last session of Congress. He compared him to Saul of Tarsus, from whose eyes, we are told, the scales suddenly fell as he was journeying to Damascus. I would that not only the gentleman from Ohio, but also the gentleman from Virginia, and all others who are opposing this great American enterprise, could have the scales taken from their eyes. They would then see the object in its proper light, and their patriotism would cause them to support it.

But then the gentleman should have remembered that the course now pursued by the honorable gentleman from Ohio is not without the sanction of precedent in the action of this House. Sir, it is within the memory of all of us that at the last session of Congress, the gentleman from Alabama [Mr. Harris] proposed to give additional compensation to certain mail carriers from Montgomery, in Alabama, I believe, to Mobile, in the same State. The persons to whom I allude had a prior contract, which had expired; and a joint resolution was introduced proposing to dispense with the usual forms of bidding, and to give them a new contract, at the compensation, I believe, of some $60,000. It was made known to the House at the time that a responsible man had offered to do the same service for a considerably less sum. It was, however, urged here that this company in Montgomery had provided itself with stage-coaches, and with stock; that it had made an immense outlay, and that good faith required that they should have the contract at the larger amount of compensation. We resisted it in some quarters of the House. Many of us could not see anything *in that case* which justified such a departure from the uniform practice of the Post Office Department; but we were voted down by a large majority of the House, and I think my friend from Virginia voted with the majority. At least his vote is so recorded upon the Journal.

Mr. LETCHER. Which friend from Virginia?

Mr. KERR. I referred to the gentleman over the way, [Mr. Smith.]

Mr. LETCHER. Because I recollect distinctly that I voted against the bill to which he alludes.

Mr. KERR. I have no doubt the gentleman did. I never knew him to vote $60,000 when he could get the work done for $20,000. But, sir, if the gentleman from Virginia [Mr. Smith] and the House were justified in the course they pursued in reference to that precedent, how much more are we justified in sustaining the Collins company, who have done so much for the common good of the country, while the undertaking of the Montgomery company was a private job, in nowise connected with the general welfare more than every other mail contract. We heard no complaints then of a lavish expenditure of the public treasure; we heard no murmurs; we heard of no appeals to public indignation. It was all right; it was justified by principles of sound policy; and let me say that it was sought by some to be justified upon the same *principle* upon which the friends of this measure now justify it.

Mr. Chairman, I regard the measure we are now considering as involving a question of good faith on the part of the United States; and, looking at it in that light, whatever potency other considerations might have, nothing that I can possibly conceive, nothing that I can imagine, will induce me to aid in violating a contract, the breach of which involves a breach of the public faith. I speak not of a breach of contract, in the strict legal sense. I am aware that the right is reserved to the Post Office Department to give the notice now proposed by the bill, and terminate the contract for extra service and extra pay. The Messrs. Collins would still retain the right to carry the mails, under the original contract, and would, I apprehend, be required to do so, at all events *they could* be required so to do. The effect would be to depress their energies, and, perhaps, ruin their fortunes; and thus give their adversaries of the Cunard line the victory over them in a noble contest, in which they have been induced to engage by the assurance of our support—an assurance implied in all that has been done for them heretofore, and fully merited on their part by the eminent success which has crowned their efforts.

Mr. SMITH, of Virginia. I hope the gentleman from North Carolina will allow me to make an explanation?

Mr. KERR. Certainly.

Mr. SMITH. I understand—for I was unable to hear the gentleman distinctly—that the gentleman from North Carolina has hunted up a vote of mine, given at the last session, in favor of allowing $30,000 in addition to the regular mail pay, to a certain company in Alabama, and produced it for the purpose of convicting me of inconsistency.

Mr. KERR. Oh no, sir.

Mr. SMITH. Then I misunderstood the gentleman.

Mr. KERR. The gentleman from Virginia would surely not do me the injustice to suppose that I would hunt up anything to convict him of inconsistency?

Mr. SMITH. Only to prove my inconsistency. There is nothing wrong in that.

Mr. KERR. That word "hunting up" might imply something, upon my part, of *malice aforethought*, which I utterly disclaim. But the gentleman will allow me to say that I did not allude to his vote with any purpose of involving him in the charge of inconsistency. My only purpose was to show that there was a case to be found, according to which, even in the judgment of the gentleman from Virginia, the Government might properly give the larger rather than the smaller sum for the same service.

Mr. SMITH. I do not suppose the gentleman has made the allusion in any unfriendly spirit. When the gentleman introduces arguments to show the propriety of this measure, which he is anxious to support, it is very natural for him to resort to precedents. But the gentleman's reference in this particular instance, it seems to me, is very unhappy—very unfortunate. In that case, the contractors proved that they had increased the service under pledges made by the Post Office Department—that Congress would make up the deficiency by an additional appropriation. I did vote for that bill. I voted for it merely as an act of justice. I voted for it then, and I would vote for it now.

Mr. BRECKINRIDGE. I dislike very much to interrupt the gentleman from North Carolina; but I rise to a question of order. These remarks are not pertinent to the proposition under consideration.

Mr. KERR. Of course they are not. I yielded to the gentleman as a matter of courtesy, and I am not, therefore, liable to the charge of departing from the proposition under consideration. But, Mr. Chairman, I confess that I am not able to perceive the distinction for which the gentleman contends. The gentleman from Virginia bases his support of the bill to which I have referred upon the ground that the contractors had performed better service than they originally contracted for. Well, sir, how does that differ from the present case? The very ground upon which the advocates of the proposition we are now considering place their support, is that we shall get better service than anybody else can render; because it will be rendered by men of more experience and better qualified than any others. But, I will not take up the time of the committee further upon this point.

Mr. Chairman, another objection which I have to this attempt to deprive the Collins company of their right is this: If I understand the proposition insisted upon by the otherside, it is simply to terminate by notice, so much of the contract existing with this company as applies to the extra pay, and for the extra trips. We have no power to go beyond that; we have stipulated with them in reference to their original undertaking, and we cannot deprive the company of that contract. By voting this notice, Collins & Co. would be still enabled to receive $385,000 a year, and the Government could not deprive them of it. The effect of this notice would therefore only be to cripple them in their operations, and give the Cunard line the advantage, as I have already stated. We will have Mr. Vanderbilt for example, and Mr. Hansen, or whatever his name may be, contending, not with the Cunard line, for they would be then evidently in the ascendant; but the conflict would be between our own people; it would be an illustration of the old fable of the Lion and Unicorn fighting for the crown, and the Cunard line would realize all the advantages from such an unnatural contest. Now, for one, I cannot give my sanction to a policy fraught with so much injury to my own countrymen. In my opinion there is quite as much of feeling as of interest in the opposition to this measure, a feeling of hostility to everything which seems, even in the remotest degree, to savor of protection to American enterprise, and American industry.

There is a party in this country—albeit as patriotic and honest as any party in any country—who, in my judgment, have permitted themselves to be swayed too much by this feeling. I, on the contrary, whether rightfully or wrongfully, have always sympathized with my own countrymen; I have always believed that this Government was designed for the benefit of our people and that as we have to bear its burdens, as we have to furnish the sinews of war to maintain that Government in the elevated position of preeminence which it now occupies, *we, its own citizens*, are entitled to its fostering care and the benefits of its protection. And whilst I would not grant protection as a mere matter of bounty, (I have never been in favor of that and never expect to be,) yet, when public service has to be rendered, or public burdens have to be imposed, I am always ready so to shape and direct the measures for these ends as to give incidental advantage to my own countrymen. This, I think, is eminently proper in the present case.

Sir, the ships of the Collins line are the very finest in the world. They have been constructed under the superintendence of an intelligent officer of our Navy; they are approved by Captain Lynch and the gallant Commodore Perry, who, to his claims upon our admiration and confidence arising out of his general merits and long service, has recently added the brilliant negotiations in Japan.

But, sir, my pride of country is greatly inflamed when I read the following high but just tribute to the superiority of the ships from the pen of a Captain in the British Navy.

"On arriving at New York, I took a passage in the Baltic, for which I paid $120, about £24, and now proceed to give a description of that vessel.

"The American steamship Baltic, belonging to the Collins line, was built by Jacob Bell, of New York, at a cost of $710,000, equal in round numbers to £142,000. She is bark rigged, and can spread about the same quantity of canvas as an ordinary sloop of war.

"Her dimensions are as follows: Length on deck, nearly the same as keel, 283 feet; breadth, 45 feet; depth, 32 feet; tonnage, 2,733; scathing, 20½ inches in the throat; 9 inches at the plank sheer. She is fastened with diagonal iron braces throughout, and has three decks below the spar deck. With 1,100 tons of coal, 600 tons of freight, and full complement of passengers and baggage, she draws about 22 feet. She can accommodate 167 first class passengers, and 38 second class.

"She is fitted with two side lever engines, 96 inch cylinder, and ten feet stroke, and the entire cost of engines and boilers was $250,000, equal to £50,000.

"Her average consumption of fuel is 80 tons per day; her coals averaging 16s. 6d. a ton in England, and 18s. 6d. in America; and she daily lightens 3¼ inches. Diameter of her water-wheels, 35 feet; length of buckets, 12 feet, width 20 inches; number of buckets to each wheel, 32; diameter of paddle-shaft in the bearing, 23 inches.

"In smooth water the wheels average 15 revolutions. Her average steam for the last year, 15 inches; limit permitted by the company, 18 inches: but it is seldom reached at sea, as the cylinders consume the steam faster than it can be produced. The highest speed ever made at sea is 15 knots per hour, and the least last winter, for 24 hours, 167 nautical miles. None of the vessels of this line have been caiked outside since they were launched, or were ever hove to at sea from stress of weather. Three thousand pounds, or $15,000, are expended to supply passengers and crew for one voyage to England and back. Wines and liquors are not included in this expenditure, and are a matter of accommodation to the passengers, as no profit is made, only a sufficient advance upon prime cost to cover losses from breakage, &c. The officers of the ship are charged same as passengers. I can answer for the cheapness and goodness of these articles from my own experience.

"The usual charge for passengers is £20 from England, and £24 from America—the return trip being thus considerably cheaper. It is usual to give the waiter that attends at table ten shillings, and likewise the bed-room attendants; the stewardess who attends ladies at same rate. The officers mess together; there are likewise separate messes for the engineers, sailors, stokers, and coal-trimmers, so that they do not interfere with each other. The three latter classes have fresh meat in the morning and at noon, and salt pork and beef for supper. The firemen and coal-trimmers, in consequence of the severity of the work, have supplies of provisions set out for them all night. The officers and men are in two watches, and careful logs are kept both in the sailing and engine departments.

"I am only doing justice to those magnificent vessels in stating that they are, beyond any competition, the finest, the fastest, and the best sea boats in the world. I am sorry to be obliged to say this; but, as a naval officer, I feel bound in candor to admit their great superiority. Their extraordinary easiness in a sea cannot fail to excite the admiration of a sailor; and I never beheld anything like it. There was none of that violent plunging, that sudden check usually tending a large ship in a heavy head sea. The elongated bow dipped gently in when a vast, wall-sided, and threatening swell appeared overwhelmingly to rush upon her. The whole forelength of the vessel appeared to sink gently down until almost level with the water, and as gradually to rise again after passing. Most wondrous of all, no sea ever came on board, and the foaming and angry waters appeared to glide harmlessly past her peak and narrow bows. The extraordinary difference in this respect to the America was most marked, as a very ordinary head sea would dash angrily, and with huge volumes, over *her* bows. I attribute these admirable qualities to two reasons: First, the long and gently graduated bow; and, secondly, the lightness and bouyancy of the fore part of the vessel, when relieved from the bowsprit. This bowsprit, in the Cunard line, projects considerably from the bow, and its weight is greatly aggravated by the leverage caused by its projection. I am not aware of its exact weight, but it must be enormous, particularly at the extremity. The most experienced sailor would be very much deceived in forming a judgment of the sea going qualities of the Cunard and Collins steamships from a mere outside inspection: and I acknowledge that, at first, I could not conceive the Collins line to be so safe and easy in a sea as the Cunard line. From a considerable experience in all classes of steam vessels, besides the Cunard America, I advisedly assert that the Baltic is out and out, by long odds, the very best and easiest steamship I ever sailed in.

"I cannot refrain from calling the attention of steamship builders of England to the uselessness, and even absurdity, of a heavy bowsprit upon a vessel that mainly depends upon her steam. It would be considered an absolute absurdity for either of these vessels to attempt to beat to windward. Before the wind, there is little doubt that the Collins would run the Cunard out of sight in a dozen hours. The vast and heavy bowsprit of the Cunard line is therefore an absolute excrescence; a bow-plunging, speed-stopping, money spending, and absurd acquiescence in old-fashioned prejudices about appearance, and what the old school attempt to swamp all argument by condemning as *not ship-shape*. *Pshaw!* what confounded stuff! This is the sort of feeling that prevents improvements, and allows Brother Jonathan to build the finest sea-going steamers in the world, which the Collins liners undoubtedly are.

"As some slight proof of this assertion, let me describe what took place in the Baltic, on the 6th and 7th of November, 1853, on the passage to England, in about latitude 48° north, longitude 18° west. At ten a. m., on the former day, this vessel was proceeding with full power, at the rate of *thirteen knots*, the engines making sixteen revolutions per minute. At this time a slight breeze was blowing from the southwest, with a slight swell from the eastward. About noon the swell increased, and a very dense, dark, coppery sky was perceived at the starboard bow, bearing southeast. The barometer, which had been carefully noted, had been gradually sinking for thirty-six hours, but still the southwest wind ever and anon breathed hoarsely into and filled the flapping canvass. The stormy indications in the southeast gradually increased in intensity as we rushed forward at the great velocity before described, namely, thirteen knots. At two p. m., the barometer—that faithful and valuable monitor—sank considerably. Captain Comstock, the experienced commander, invited me into his cabin, and began to discuss the now clear indications of an approaching storm. From the various signs afforded by changes in the direction of the wind, swell of ocean, descending glass, and other infallible tokens, known only to experienced seamen, we speedily came to the conclusion that the Baltic was approaching the course of an Atlantic cyclone. From the position of the vessel and her rapid motion, we mutually agreed that the easterly breeze which had suddenly set in, clearly indicated that we were rapidly approaching the northern edge of the cyclone. This will be plainly understood by the landsman and uninitiated, when I explain that the cyclones in the northern hemisphere revolve against the sun with a progressive motion towards the southeast. The easterly breeze, therefore, could only strike the ship in its northern extremity. If she had been, for instance, at the southern extremity of the rotatory storm, it is clear that the wind would have been southwest until the vortex was passed, when the southeastern course of the circular or whirlwind storm would have struck the ship.

"Although we were confident that our theory was correct, yet Captain Comstock, like a prudent, careful, and able commander, as he is, made every preparation to withstand the worst weather. At this time the barometer had sunk lower than I ever experienced, (28 40,) even in the most furious storms, and the gyratory motion of the tortured and fragmented clouds in the southeast showed, to the practiced eyes of the seaman, that a fearful war of the elements was going on in that direction. The eastern swell was now rapidly rising into a heavy and perpendicular sided sea, whose solid looking curly tops threatened destruction to all that opposed their headlong course. The wind likewise increased in strength, urging on the too willing waves, until they were lashed into apparent destructive fury.

"Let us ascend the bridge, between the paddle-boxes, and try to describe this sublime scene. A furious gale was raging, and wind and waves combined were hurled with gigantic force against the poor Baltic. To avoid rushing madly against the fierce watery barriers, the engines were slacked to nine revolutions, and the brave vessel still held her course at the rate of eight knots. Although the heavy spoondrift in a moment drenched everything exposed, still the ship held on with the most extraordinary ease. At intervals a mountain would appear approaching, giving the idea (often felt by the most experienced) of a gathering power in advance that nothing could withstand. Onward it rolls, so high that from your elevated position the horizon is concealed—it is upon us with a crash—nothing can avoid the avalanche of water—the decks are inundated fore and aft. Not at all; the ship rises gently, just sufficient to clear the crest of the surge; her bulwarks are even with the surface of rolling water, but not a drop comes in. Again and again did this happen; and although we were drenched

to the skin by the spoondrift, we were fascinated by the wonderful triumph of the ship's course over the madly-vexed waters, and remained in our exposed situation spell-bound at her easy performance over such rough and formidable obstacles. Place a Cunard liner, or any vessel, in this position with the present lines of English ocean steamers, and they would ship tons and tons of water. The heavy bows, bowsprit and all, would plunge into the sea with a crash and a bang that would shake and strain a ship to her center. On raising her forefoot from her watery bath, the bowsprit, enveloped with the gear, would *visibly bend* with the jerk. This is the main difference between the ocean steamers of England and America, and we strongly advise the builders of England to wake up from their lethargy, half composed of prejudice. I tell them again plainly, however unpleasant to myself, that there are no ocean steamers in England comparable with the Baltic.

"It is the fashion in England, amongst a certain class, unhappily too numerous, to shake their noddles when these steamers are mentioned. 'Oh,' say they, 'these steamers are all to pieces; they will be done up in a short time; they won't pay.' I beg to disabuse their minds—the minds of all persons in England who have not had such an opportunity as mine to judge for themselves. These steamers are as good and as strong as ever; they are as well officered and manned as any ships afloat; they treat their passengers with as much or more civility and attention than any other line; and, finally, their food and wine, and all arrangements of the table, (at least in the Baltic,) are as good as any person can require, even if spoiled by the Sybarite luxuries of the great metropolitan cities of the world.

"The last day's steaming of this beautiful vessel was the absolute poetry of motion. At three o'clock, p. m., she was off the western extremity of Ireland, exactly three hundred miles from the light vessel, at the entrance of Liverpool harbor. The weather was beautiful, a light breeze from the northeast, just sufficient to ruffle slightly the glass-like surface of the water. Onwards she rushed with headlong speed, her ponderous engines revolving at the rate of nineteen revolutions a minute. So clear and beautiful was her shape, that she appeared to glide through the water, leaving hardly a ripple behind. Numerous steam vessels likewise running up the Irish Channel, were passed as if at anchor, and, in twenty-two and a half hours from making the land on the previous afternoon, she had achieved the three hundred miles that separated her from her home.

"Reader, this is a wonderful performance, and what I fear cannot be rivaled by any English vessel at present. The whole thing is obvious to the meanest understanding, and may clearly be traced to the unequaled beauty of the model. The English engines are allowed by the Americans to be superior. Why, therefore, should we allow Brother Jonathan to beat us on our own element? The reason is plain enough, and patent to the whole world, and is summed up briefly in one sentence: *The British model is far inferior to the American.* I say this in sorrow and jealously, and investigate calmly and dispassionately this momentous question. When once inquiry is thoroughly aroused in England, I do not fear the result. If, however, obstinacy and pride are allowed to blind our ship-builders, they will richly merit the fate that will inevitably befall them, namely, to be soundly beaten by the American naval architect.

"We arrived at Liverpool in ten days and a half from New York, during which time the engines were never stopped, and not the slightest accident happened."

It will thus be seen that Captain McKennon declares that they are better for war purposes, as well as to weather storms, than the Cunard ships. What more, then, can we ask than that while we are deriving from them such great commercial advantages, we are, at the same time, realizing the benefits of a policy which makes the arts of peace eminently conducive to our success in war? By the use of these steamers we bring commercial enterprise into subordination to the great end of maintaining the preëminence of our country in its conflicts with the nations of the earth upon the ocean; and such a policy can hardly be too highly appreciated. It promises the most brilliant results in the future. If peace continues, it insures our highest success in commercial adventures; if war unhappily occurs, we are prepared at the very moment of its outbreak to convert these magnificent steamers into war vessels of the very best description. England has already withdrawn some of the Cunard ships from the mail service, and dispatched them to aid in the siege of Sebastopol. And, Mr. Chairman, I can but remember that just before these Collins steamers were built, we had driven the British packets from the trade between this country and Europe. Our enterprising countrymen had vanquished our great adversaries in that contest. The Cunard line was established by the British Government in order to regain the advantages thus lost, and that Cunard line had hardly begun to perform the office for which it was designed, when, true to their instinctive devotion to the interests and to the honor of our country, our high-spirited countrymen engaged in a like enterprise. Whatever may have been the mortification on the part of England at her defeat in the first contest, it has been immensely augmented by her signal failure to contend successfully with the Collins line.

Mr. Chairman, I have already endeavored, feebly, I admit, to appeal to the sense of justice of the House, and to its regard for plighted faith. I now appeal to its patriotism. I ask gentlemen if they are willing to see Great Britain retain the hold she has had upon the commercial trident of the world? I ask if they are willing to see the whole commerce of the country cast down at the feet of the British Government, and to make us dependent on Great Britain not only for carrying the mails, but for protecting the other great and inestimable commercial interests of the country? To oppose the Collins line now is not according to the maxims which I learned in early life. I think it is preëminently the destiny of our country to take the lead of the world in commercial enterprise. A few years ago, comparatively—but few in the history of the world—and we were a weak, and almost a despised people. We had no commerce, we had but few ships. Under the benign influence of what I regard as the true American policy—that policy which gives the preference to our own citizens above all others—in our commercial regulations, behold the result! If not the very first Power of the world, certainly we are among the first. Our commerce extends to all seas and all oceans. There is no portion of the inhabited globe where our people have not penetrated. Our canvas floats in the breeze in all latitudes and longitudes, and the richest resources of the world are at our command. Inspired by such reflections, I delight to contemplate the increasing glory of my country. Her citizens are no longer oppressed with a sense of inferiority in any respect. They can turn to her history, and its pages are illustrated by the triumph of her arms in every conflict which she has been called to encounter, either on earth or ocean, and especially may they exult in her superiority in nautical skill and enterprise. We may repair to the ocean, and

> "Far as the breeze can bear the billows foam,
> Survey our *empire and behold our home;*"
> These are our realms—no limit to their sway,
> *Our flag* the sceptre—all who meet obey.

But our greatest struggle is now pending. It is a contest for the commerce of the East. England, by her steam marine, is endeavoring to establish a line of rapid communication with the East Indies. But support the policy which I am now advocating; sustain the enterprise which has given us, so far, the advantage in this contest with England, and who can doubt that, in a few years, we shall have a route to the East Indies by the Isthmus of Panama, and the Pacific, which in every respect is preferable to the one from Southampton by way of Alexandria?

Mr. Chairman, I have spoken with very great difficulty of voice; I would be glad indeed if I had time to say more. But I will conclude with one observation more; and that is, whether I am sustained or not by this House, and by the people, I am the decided, unwavering advocate of American enterprise and industry, against all competition, and especially against the competition of our ancient enemy, whose policy it has ever been to oppress us; and who has ever been able to carry out that policy with more success than any other nation.

OCEAN MAIL SERVICE.

SPEECH OF J. C. BRECKINRIDGE,

OF KENTUCKY,

In the House of Representatives,

February 16, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. BRECKINRIDGE said:

The duty of taking part in this debate has been thrown upon me unexpectedly, and I do not enter upon it with the preparation which the question deserves; I am comforted on this point, however, when I observe the loose manner in which the discussion is managed by some gentlemen on the other side. This bill was precipitated on the committee yesterday. The chairman of the Committee of Ways and Means was taken sick, and he has requested me to take charge of the measure. I desire to discuss it without any invidious personal remarks touching either members of the House or any of the gentlemen connected with this mail steamer line. I think that if Congress, instead of confining itself to the discharge of its appropriate legitimate duties, chooses to embark in contracts and jobs, Mr. Collins and his associates, and every other citizen, have a perfect right to come here and consume the time of this House in quarreling among themselves as to who shall get the best bargain. I attach no blame whatever to them. I intend—to use the language of the distinguished gentleman from Missouri [Mr. Benton]—to substitute, before I am done, some figures of arithmetic for the figures of rhetoric which have been so lavishly expended on this subject; and if I can get the attention of my friend from North Carolina, [Mr. Kerr,] who has just taken his seat, I hope to be able to satisfy him that he has not given this subject the investigation which it deserved at his hands. I think I will be able to show that there has been no breach of faith on the part of the Government towards the Collins company; and that none is involved in the bill reported by the Committee of Ways and Means. Let me, for the purpose of getting a clear statement of the proposition before the House, advert to the history of this transaction.

In the year 1847 Mr. Collins and his associates proposed to carry the mails of the United States between New York and Liverpool, twenty trips annually, at the sum of $19,250 the round trip, in vessels capable of being converted, at small cost, and in a short time, into war steamers of the first class. At that time, I believe, the Cunard line was in operation. Mr. Collins and his associates were business men in the city of New York. They obtained the contract at their own price, and on their own terms. It was to exist for ten years. The company went on performing the service, at twenty trips annually, until 1852, when they came to Congress and said, "We must have an increase; we propose to increase the trips to twenty-six annually, instead of twenty, and we ask $33,000 per trip, instead of $19,250."

Mr. KERR. I ask the gentleman from Kentucky if that proposition did not come first from the Post Office Department?

Mr. BRECKINRIDGE. Why, sir, the contract was never made with the Post Office Department, but with the Secretary of the Navy.

Mr. KERR. No, sir. Mr. Hall proposed that the company should increase the number of trips, and he said he should recommend that there should be a *pro rata* increase of compensation.

Mr. HAVEN. If the gentleman from Kentucky will allow me, I will make a statement on this particular point of the case.

Mr. BRECKINRIDGE. With pleasure.

Mr. HAVEN. It was a conditional arrangement which was made between the Postmaster General and Mr. Collins. It was, that Mr. Collins might run these additional trips and stand his chance in Congress of getting additional compensation. If Congress gave it, very well; if not, he was to close his mouth and make no claim on the Post Office Department.

Mr. BRECKINRIDGE. Very well. Mr. Collins proposed to make six additional trips in the year, and to take his chance of getting increased compensation from Congress; yet his application to Congress was not for additional compensation in proportion to the increase of service, which would have been $19,250 for each of the twenty-six trips, but he asked, and after a severe struggle, obtained the enormous sum of $33,000 a trip, including as well the twenty contained in his contract, as the six afterwards added. Congress, however, did not intend to bind the Government to this arrangement for the whole period of the contract with Collins & Co. The power was reserved to terminate it upon certain conditions, and to prove this I desire to call the attention of the committee to the language of the act increasing the compensation of this line. (Act to supply deficiencies for the fiscal year ending 30th June, 1852, approved July 21, 1852:)

"For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the 15th of November last to the Secretary of the Navy, commencing said in-

creased service on the first day of January, 1853, at the rate of $33,000 per trip, in lieu of the present allowance, the sum of $236,500: *Provided, That it shall be in the power of Congress at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice.*"

The committee will not fail to observe that while the act professes to appropriate only for the *increased* service, (being six trips,) it actually gives nearly double the contract price for the original twenty trips. Sir, strange and indefensible proceedings are clothed in strange and misleading language.

But the power to cut off the bounty, upon notice, was reserved, and gentlemen who were here at that time know that the act would not have passed without the proviso. Well, Collins & Co. got the increase, a large part of which was mere bounty. No one can now deny that a stipulation was inserted in the act by which Congress should have the power, upon giving six months' notice, to terminate the arrangement for the additional allowance; and yet gentlemen say, in proposing, under that reserved power, to terminate the arrangement, that Congress is guilty of a breach of faith! The bounty to that line in 1852 was carried here after a very hard struggle, and we were upon the eve of embarking in a system of Government patronage to commercial steam lines which would have involved the expenditure of countless millions of dollars, and would have fastened the carrying trade of this country upon the public Treasury. I had the honor at that time to make a speech in opposition to the increase of pay to the Collins line, and I had a table prepared of the new propositions then before Congress. There were seventeen new proposals to establish Government commercial lines (nearly all of them containing the plausible pretext of the war clause) from the principal ports of this country to almost all the ports of the world. The bounty to Collins was the entering wedge of all these propositions, and it was the only one of the whole brood that survived the conflict. If they had been adopted, it would have involved an expenditure, for ocean mail service alone, of more than double the whole cost of our interior mail service, and we should have been paying to commercial companies out of the public Treasury for the transportation of ocean mails more than double the sum which the whole interior mail service costs this Government. What would have been the result in other respects? Why, under the pretext of getting a convertible steam navy, you would have formed an extensive commercial alliance between the Government and private companies; you would have given an unnatural, and, therefore, unprofitable direction to commercial pursuits; these Government companies supported by your subsidies, and being the protected interest in navigation, would have driven private commerce from the chief thoroughfares of trade; and to complete the injustice of the whole proceeding, you would have collected the capital subscribed by taxation, from the people who were to be oppressed by the monopolies.

My friend from North Carolina, and other gentlemen, have said that it was necessary to give the bounty originally, and to keep it up now in order to prevent the British Government from driving us from the seas by the support they afford the Cunard line. On this point I refer these gentlemen to some facts which, I hope, will relieve their patriotic anxiety, and put the case on its true grounds. In 1852, when the question of the bounty was before Congress, I made the following statement, which, I think, was not denied at the time, and will not now be denied:

"By the British Constitution all moneys expended upon the mail or naval service must be appropriated by Parliament. A register of these appropriations, made every year, exhibits the amounts annually appropriated to the different lines. The London Times of March 12, 1852, contains a complete table of the ocean mail service of that country for the years 1851–'52 and 1852–'53, which was compiled from a parliamentary report, and is probably accurate. [For table see next column.]

"It will be seen that the compensation of the Cunard company, instead of being increased in proportion to the increase of their trips, in the most dangerous portion of the year, has been actually diminished from $17,500 per trip to about $16,000, *and that this amount is all that the Cunard line received from the English Government.* The amount now paid by our Government to the Collins line is $19,250 a trip; the amount proposed to be paid is $33,000 a trip."

This is official and uncontradicted, while the appeals to our prejudices about "British competition," uttered with a view to sustain a system of Government bounties, are wholly unsupported by facts.

Can gentlemen be serious when they talk about this system being necessary to enable American enterprise to compete with British enterprise upon the ocean? But if you enter upon this course of policy at all, do you want to pay them double bounty? Is it necessary to give these extraordinary gratuities to enable the steam marine of this country to compete with the steam marine of other countries? In the remarks which I had the honor to make at the time the additional allowance was given to Collins & Co., I inserted an official report from the Secretary of the Treasury of the United States, exhibiting the condition of the internal and external steam marine of the United States, and of the internal and external steam marine of Great Britain. What is the result? Why, the external steam marine alone of the United States, exceeds both the external and internal steam marine of Great Britain by many thousands of tons! What made it so? Sir, it was the spur of sharp competition, and not the favors of the Government in the shape of appropriations. These seventeen proposals were put to sleep in the struggle upon granting an increase of pay to the Collins line, which left but six steam lines in special connection with the Government, three of them being foreign, and three coastwise and domestic.

The sober second thought of the country consequent upon the discussions then, and upon the manner in which Congress was continually assailed by these steam monopolies for increase of pay produced a change of policy, as indicated by the vote of this House at the last session of Congress. This House, by quite a decided majority, voted to terminate the bounty to Collins by giving six months' notice, as we had reserved the right to do. At the same time a resolution passed this body directing the Postmaster General, Attorney General, and the head of some other Department to investigate and determine whether we might in good faith terminate the mail arrangements which we had made with other lines, thus indicating that the policy of the Government was to put a stop to the system. Both, however, fell at the close of the last session in the Senate, because the Senator from New York [Mr. Seward] took the floor at the last hour, and exhibited a purpose to speak until the expiration of the session. When the same proposition is now offered which we voted on at the last session, a rally is made not only for the purpose of retaining the extra pay to the Collins line, but also to enable him to build another ship. What is the cause of it? Why are we to turn our backs upon our action of the last session? Are we to go into this system again? Are we to build up a commercial navy under the pretense that it will be useful in time of war? The gentleman from Ohio, [Mr. Olds,] in his speech yesterday, said it was the policy of this country to have these lines engaged in commerce during time of peace, and drawing their subsidies from the Government, that we might have them ready as war steamers in case of a conflict with other Powers.

I stop here a moment to state, and try to show that the war clause is an unmitigated humbug. It will be remembered that the British Government had, also, commercial lines with a war clause in the contracts. She had lines of side-wheel steamers, with sharp bows and sterns, constructed like ours, chiefly for passengers, freight, and speed, and which could not carry a heavy battery. When she came to test those steamers, under a parliamentary examination, she found they were not at all adapted for war steamers, and she is now constructing screw steamers expressly for the Navy. While we adopt her errors let us adopt some of her wise precautions.

Commodore Perry's name has been brought in here to strengthen this case. But I have the testimony of Commodore Perry that these vessels can only be used for temporary purposes, and that they would not be in any respect equal to steamers built expressly for war purposes. I do not know where gentlemen get their evidence of Commodore Perry from, but I have before me an extract from his official report made in 1852.

Mr. OLDS. I will say to the gentleman that what I read of Commodore Perry's opinion was from his report made by him to the Secretary of the Navy.

Mr. BRECKINRIDGE. But here is another report, and if I cannot get advantage of the witness, I can at least neutralize him. He says:

"The mail steamers of the contracts of Howland & Aspinwall, of George Law, and of E. K. Collins, can be easily converted into war steamers for *temporary* service, in cases of particular emergency; but the cost of converting them to war purposes would be *large*, and in no respect would they be so economical, or in any way equal to vessels built expressly for Government service; nor should they, in my opinion, interfere in the least with the organization and gradual increase of an efficient and permanent steam Navy."

Chief Engineer Haswell, in a report made in April, 1850, stated that—

"With a large majority of these commercial ocean steamers, the proportions, capacities, and construction of their hulls, and the design and arrangement of their engines and boilers, are such as to render them incapable of efficient and economical war service, without incurring an expenditure, in alterations and loss of time, that would not, except in cases of national emergency, be at all repaid by the ultimate durability of the hulls of the vessels, in their ready transfer to, or their economical performance of, actual service."

Commodore Skinner also says:

"They cannot be converted into war steamers without great expense, and then they would be inferior to those designed solely for that purpose."

There is much other official testimony of the same character. I have also the testimony of a former Secretary of the Navy, Mr. Preston, (to whom Commodore Perry made his report,) in which he says:

"After a careful consideration of this subject, I cannot withhold the expression of an opinion adverse to embarking any further in the proposed union of public and private means in this system of ocean steamers as calculated to promote the interest of the Navy."

Mr. Preston proceeds to enforce these views at length, and with great power; and, in a subsequent report, made in June, 1850, to the Committee on the Post Office and Post Roads of the Senate, the same officer remarks:

"The opinions heretofore expressed have been confirmed by the experience of the last year; to which I have but to add, that so far as the contracts contemplated a union with the naval force of the country, and an improvement in the efficiency of our naval power, they have not and will not prove beneficial."

The material is abundant, but my time is insufficient to give the proofs.

Can the gentleman produce one report favorable to his view from Mr. Preston, Secretary of the Navy under Mr. Fillmore; can he bring a recommendation from the present able Secretary of the Navy; can he bring recommendations from any officers of credit and standing in the Navy of the United States, favorable to the much vaunted war clause in these contracts? No, sir; the testimony is patched-up, and outside testimony picked up from chance quarters, and wanting in every element to make it the basis of legislation. It remains to be seen whether the influence of a private company can overcome these proofs.

Sir, shall Congress, in the face of the facts that the British Government has, to a great extent, abandoned this theory of a commercial steam navy—that our official testimony is, that these steamers cannot be converted into war steamers—that we originally paid this line more than the British Government paid their line, and that now the British competition is nearly nominal, shall we, in view of all these facts upon the humbug of the war clause, continue to pay an enormous *gratuity* to Collins & Co., above the terms of their contract—a gratuity of itself almost equal to the largest sum England ever paid for mail service to the Cunard steamers? I put it to the common sense of the House.

Sir, there are two dangers to be feared here. You have a number of these steamers, with war clauses in their contracts, already running from one port to another in our own country, and to ports of foreign countries. One danger is, that the owners of these steamship lines will make application to Congress to take the vessels off their hands and terminate the contracts. I see symptons of that already. That would put an end to the system, but you would do it by requiring the Government to take, at a heavy cost, under the name of war steamers, vessels which were not originally adapted to war purposes, and which have been shaken and shattered by the winds and waves of the ocean.

The other danger is this: If you continue this appropriation to E. K. Collins & Co. it will not stop with that company. You will find it but the entering wedge to the building up of a large commercial steam navy. You will find Congress continually besieged with solicitations to establish other lines, with the war clause included, and the result will be, that Government will find itself in alliance with commercial companies, under the delusion of the war clause, and these companies will monopolize a large part of the ocean trade under the protection of Federal subsidies. In the mean time your naval expenditures will not diminish one dollar.

What ought we to do? I answer, comply rigidly and in good faith with existing obligations, but refuse to extend the system. We ought not to make any more contracts. We ought to avail ourselves of the right we have, under existing stipulations, to withdraw any bounties which have been conferred under this system. When these contracts expire, we ought to leave commerce free and unfettered. We ought to take these monopolies off the ocean, and disconnect the Government entirely from them.

Now, a word upon another point. Gentlemen have proclaimed here, with great emphasis, that this has been a losing operation to this company; that they embarked in it as a sort of test of maritime skill and superiority; and they have been successful. It is said that the cost of running these vessels is enormous, and that the income from passengers, freights, and mails does not sustain them. It is said their bonds are at a discount in the market, and that no dividends have been declared. But I call the attention of the committee, and of the country, to this fact: that neither in the year 1852, when the struggle took place upon the question of giving the line this extra pay, nor since that period, up to the present day, have we ever had an authentic and official sworn exhibit of the receipts and expenditures of this company. We have never had an official, authentic, and sworn exhibit, so far as I know, of what it costs them to run these vessels—of the items of expenses and of income. And will Congress expend hundreds of thousands of dollars annually, and upon the opinions expressed by gentlemen upon this floor, that the cost has been large, and that a loss has been incurred? Will you suffer the interior mail service of the United States to be wronged? Will you refuse to grant mail facilities to the west, the southwest, and the northwest, which the wants of the country require, while, at the same time, you are lavishing enormous sums upon an ocean monopoly, upon mere general *ex parte* and unsworn statements?

Mr. OLDS. I should like to ask the gentleman a single question. Does he suppose that by the striking down of the Collins line we shall get any additional mail service in the interior? The appropriations for this Collins mail steamship service are from the general revenue of the country and not from the revenue of the Post Office Department.

Mr. BRECKINRIDGE. I do not want to make an *argumentum ad hominem*, but that is what you said last year. [Laughter.]

Mr. OLDS. Some of our foreign mail steamers are paid out of the revenues of the Post Office Department; therefore they have no connection with that subject. The Collins line steamers are not of them.

Mr. BRECKINRIDGE. Whether we would get additional mail facilities or not—although I really think that if we took away a part of the extravagant sums of money which we pay for the foreign mail service we might apply some of it to the internal mail service—still it is unjust to lavish these sums upon the ocean mails when we are neglecting those in the interior of the country.

But to pass from that. Now, sir, I want the committee when they vote upon this proposition to vote with some sort of evidence, and I will try to give them official evidence of the affairs of that company as far as we can get it. I recollect the argument in 1852 was, "Give the steamers the increased pay, and they will more than return it to the Government in a year or two by the postage." Like a great many predictions made at the same time it did not turn out to be true.

The gentleman from Ohio spoke yesterday of the increase derived from postages. I could not hear distinctly, and his speech has just been laid upon our tables, so that I have had no time to look at it. But I will give an official statement of the amount of postages received from this line from the beginning of its service:

Statement showing the total amount of postages received on mails conveyed by the Collins line of steamers from 27th April, 1850, to June 30, 1854; also the same less the British portion; also the total ocean postage.

By the Collins line for year ending 30th June—	*Total postages.*	*Total less British.*	*Total Ocean.*
1850. On letters in open mail.....	10,391 41	9,092 48	6,927 61
1851. On letters in open mail.....	203,841 71	180,111 49	137,227 81
1851. On papers in open mail.....	3,934 20	3,934 20	3,934 20
1851. On closed mails.....	4,485 56	4,485 56	4,485 56
1852. On letters in open mail.....	228,867 61	200,250 15	152,578 41
1852. On letters in closed mail.....	11,931 18	11,931 18	11,931 18
1852. On newspapers in open mail	5,619 48	5,619 48	5,619 48
1852 On letters in open mail.....	233,273 03	204,113 96	155,515 40
1853. On letters in closed mail.....	30,679 58	30,679 58	30,679 58
1853. On newspapers in open mail	6,118 90	6,118 90	6,118 90
1854 On letters in open mail.....	265,407 75	232,231 78	176,938 50
1854. On letters in closed mail.....	33,599 60	33,599 60	33,599 60
1854. On newspapers in open mail	8,909 58	8,909 58	8,909 59
	$1,049,059 85	$931,067 14	$734,466 01

Total ocean postage for the year ending—	
June 30, 1850.....	6 927 61
June 30, 1851.....	145,647 57
June 30, 1852.....	170,129 07
June 30, 1853	192,313 88
June 30, 1854.....	219 447 88
	$734,466 01

Total amount paid to the Collins line to October 10, 1854.....	$2,835,406 57
Deduct total ocean postages as within stated.....	734,466 01
	$2,100,940 56

That looks like the receipts from the postages upon letters carried by these steamships equaling the expenditures!

Mr. OLDS. I hope the gentleman from Kentucky will allow me to explain that matter. The gentleman speaks by the courtesy of the House, and I trust that I may be allowed.

Mr. BRECKINRIDGE. Certainly.

Mr. OLDS. Under our postal treaty with Great Britain, we pay that Government twenty per cent. of the mailable matter carried by the Collins line, and she pays us twenty per cent. on the mailable matter carried by the Cunard line. Then, in making out our estimates, if we deduct from the mailable matter carried by the Collins line the twenty per cent. which we pay the British Government, that line should have the credit of the twenty per cent. which the Cunard line pays us on the mailable matter which it carries. Here I have the statement of the Auditor of the Post Office Department, and it gives precisely the figures which I gave on yesterday. Deducting the twenty per cent. which we pay the British Government, and adding the twenty per cent. which we receive on the mailable matter carried by the Cunard line, and we have the figures which I gave the committee yesterday.

[Cries of "What are they?"]

Mr. OLDS. For the year ending 30th of June, 1850, the postage amounted to $135,662 68; for 1851, $300,205 75; for 1852, $335,637 51; for 1853, $361,336 04; for 1854, $397,481 96.

Mr. BRECKINRIDGE. In order to give these steamers their proper credit—to wit, the ocean postage—the Postmaster General makes the receipts for 1851, $145,647; for 1852, $170,139; for 1853, $192,313; for 1854, $219,400.

Mr. OLDS. I will explain that matter. The Postmaster General deducts the compensation paid to postmasters on this mailable matter, and also deducts the twenty per cent. which we pay to the British Government for the mailable matter carried by the Collins line, and then refused to add the twenty per cent. which we paid to the Cunard line.

Mr. BRECKINRIDGE. The proper view is to credit the line with the sums we receive from the mailable matter carried by it, and this has been done. The gentleman's statement is ingenious, but delusive. He speaks of our paying the British Government twenty per cent. on the mail matter carried by the Collins line. True, but this is for the *inland* British postage, and the Collins ships do not carry the mails in the interior of England—hence they should not be credited by them. So with the twenty per cent. Britain pays us on the matter carried by the Cunard line, which is the American inland postage. Each is wholly distinct from the ocean postage, with which alone the Collins line is, and ought to be credited. The point I make, then, is this: that the postages which we have received bear no sort of proportion to the enormous expenditures which we have incurred. Therefore, gentlemen were false prophets when they predicted that, in the arrangement which they urged, the mails would pay the expenses.

Mr. BARRY. This $728,000 is deducted in consideration of the expenses of inland transportation on the same material. Therefore it is right to deduct it. The steamers carry the mails to the shore, and this $728,000 is deducted as so much given for the carriage of the mail from the steamer to the place where it is to be delivered. It is for inland transportation, and ought not to go to the credit of the line.

Mr. BRECKINRIDGE. I will now submit to the committee some official estimates in regard to the receipts and expenses of this line. We can get no statement from the company itself, and as we cannot get anything but loose and general declarations upon this floor, it is important to avail ourselves of the best attainable sources of information. I therefore send up to the Clerk's table an estimate from the Post Office Department, of their receipts and expenses, that it may be read to the committee, and I ask their especial attention to it.

The Clerk read the estimate, as follows:

Estimated Receipts and Expenditures of each round trip performed by the Collins steamers.

Estimated Receipts.

Say the average number of first-class passengers each way is 80, at an average fare of $140 each.....	$22,400
The freight the year round will average 500 tons measurement each way, or 1,000 tons the round trip, at an average charge of $22 per ton.....	22,000
Total receipts exclusive of mail pay and second-class passengers.....	$44,400

Estimated Expenditures.

The coal used per round trip will average 1,800 tons, at $7 50 per ton.....	$13,500	
Board of 80 first-class passengers, at $3 per day each, allowing 12 days each way,	5,760	
Board of 10 officers at the same rate.....	360	
Board of crew at 50 cents each per day, and allowing 30 days to the month.....	2,616	
Insurance, about 5 per cent. a year on $600,000, and allowing 13 round trips a year.....	2,500	
Pilot fees, port charges, wharfage, lighterage, and light dues per each round trip..	700	
Allowance for board, &c., of second-class passengers.....	2,064	
	$27,500	
Add salaries of officers, engineers, crew, &c., for one month, allowing that period for the performance of a round trip....	4,362	
		31,863
Net profits of each round trip.....		$12,537
Net profits of 26 round trips performed in a year,		$325,962
Add amount received from the Government each year for transportation of the mails.....		859,000
Shows a total profit per year year of.....		$1,183,962

The information upon which the foregoing statement is based, is believed to be perfectly reliable and correct, and has been obtained from a source entitled to the fullest confidence.

It is proper to state, however, that the estimate of receipts is very considerably less than the actual amount realized on passengers and freight, while the expenditures are stated at their full amount, and, it is believed, even beyond what is actually incurred. The statement has been thus prepared with the view of presenting the result in as unfavorable a light, with respect to the profits of the proprietors, as possible; and the profit of $12,537 per round trip (exclusive of the amount of $33,000 received each trip for transporting the mails) which it exhibits, is certainly within the true amount realized.

The average number of first-class passengers each way is stated at 80, but it is believed that the number of that class will average nearly or quite 100 each way. The amount of freight each way is stated at only 500 tons measurement, which is an exceedingly moderate estimate. The

average price is calculated at $22 per ton, which is a low average, as the prices charged vary from $18 to $30 a ton. The average fare of second class passengers is $87 each, but as they are ordinarily few in number, the proprietors have not been charged with any receipts from that source, although it will be observed that they are credited with an expenditure of $2,064 for the board of that class of passengers.

The number of officers and crew employed on board of each of the Collins steamers, with their salaries, are as follows:

Captain, $1,000 per trip and expenses; first mate, $75 per month, and board in port; second mate, $50, do.; third, $45, do.; boatswain, $35, do.; 4 quartermasters, $30 each per month; 18 sailors, $20 do.; chief engineer, $150 per month and board in port; 2 first assistants, $100 each do.; 2 second assistants, $75 do.; 2 third assistants $62 do.; 3 oilers, $45 do.; 24 firemen, $30 do; 18 coal heavers, $20 do.; 3 storekeepers and mess boys, $15 do.; purser, $75 do.; steward, $75 do.; second steward, $40 do.; head cook, $60 do., 2 pantrymen, $35 each do.; first stewardess, $20 do.; second stewardess, $15 do.; 1 waiter to every six passengers at $15 each per month; 1 butcher, 1 baker, and 1 pantryman, $30 do.; about a dozen scullions, lob-lolly boys, &c., &c., at $12 each per month.

Mr. BRECKINRIDGE. That estimate was made some time since, and is slightly inaccurate in some respects, but chiefly against the Government. I hold in my hands another, by Captain Charles T. Bell, of the United States Navy, and Superintendent and Inspector of the United States Mail Steamers, made February 9, 1855, which contains the best information I have been able to get, since Mr. Collins will furnish nothing. I will read it:

NEW YORK, *February* 9, 1855.

SIR: In compliance with the instructions received from you at your office in Washington, I beg leave to make the following report:

As soon after my arrival in New York as possible, I called upon Mr. Redfield, the collector, who readily promised to give me the information I wanted, if it could be obtained at the custom house.

Inclosed is a list of the number of passengers which have arrived in the Collins line of steamers for the year 1854. This list was copied from the books of the custom-house. It will be seen that for the three ships, the aggregate amount is two thousand six hundred and ninety-eight—nearly an equal number is taken out, making about five thousand two hundred; an average of seventeen hundred and thirty-three passengers carried by each ship during the year 1854.

There was no means of ascertaining at the custom-house the quantity of freight carried (in tons) by these ships, as all articles are invoiced in packages.

From particular inquiries which I have made, I have learned that each of these steamers have room for nine hundred tons of goods, with a full passenger list—more can be carried if the passenger berths are used for freight; which I am told is the case when the number is not filled up.

Full freights are carried for eight months in the year. There is some falling off during the other four months. This was the case when there was competition with the Cunard line, but as that competition has now in a measure ceased, it is presumed that full freights will be carried all the year round.

It is exceedingly difficult to obtain any certain information in regard to the cost of a trip of one of these ships out and home, or "round trip." The expenses of the Bremen line, per round trip, are about thirty-two thousand dollars. The Humboldt, of the Havre line, was about thirty-six thousand dollars per trip. This covers *all* expenses, including subsistence for passengers, and ordinary repairs of engine and hull. I think, therefore, that forty thousand dollars per round trip, might be considered a full average for each of the ships of the Collins line.

I have the honor to be, very respectfully, your obedient servant,

CHARLES H. BELL,
Captain United States Navy, and Superintendent and Inspector of United States Mail Steamships, New York.

HON. JAMES CAMPBELL, *Postmaster General, Washington.*

Number of passengers arrived in New York, in three of the Collins line of steamers, during the year 1854.

Baltic....	January 13	88	
"	February 20	58	
"	April 5	76	
"	July 8	148	
"	August 21	198	
"	October 17	223	
"	November 27	148	
			932
Atlantic..	January 27	59	
"	March 9	83	
"	June 26	163	
"	August 7	166	
"	September 19	210	
"	November 13	134	
			813
Pacific...	February 10	67	
"	March 24	70	
"	May 1	148	
"	July 24	100	
"	September 4	223	
"	October 31	214	
"	December 13	139	
			953
			2,698

This statement is made out from the most reliable information that could be obtained, and by an officer of the Government charged specially with the superintendence of these ships.

I will now read a letter from the Postmaster General to the chairman of the Ways and Means Committee, which, with the communication of Captain Bell, modifies somewhat the first estimate presented:

POST OFFICE DEPARTMENT,
WASHINGTON, *February* 13, 1855.

SIR: I have the honor to inclose herewith a copy of a communication received from Captain Charles H. Bell, superintendent and inspector of United States mail steamships at New York, containing further information relative to the receipts and expenditures of the Collins steamers, a statement of which I transmitted to you on the 9d instant.

It appears that the number of passengers which arrived at New York by said steamers during the past year, as taken from the books in the custom-house, was as follows:

Baltic—Total by seven arrivals	932	
" Average number by each arrival	133	
Atlantic—Total by six arrivals	813	
" Average number by each arrival	135½	
Pacific—Total by seven arrivals	953	
" Average number by each arrival	136	

Making an average of about 135 passengers carried on each voyage from Liverpool during the year 1854. Supposing that an equal number were carried on the outward voyages from New York, which, it is fair to presume, was the fact, the receipts from passengers each round trip would be $37,800, instead of $22,400, as estimated in the statements furnished on the 9d instant.

It further appears that these steamers are capable of taking nine hundred tons of goods, each way, with a full passenger list, and that full freights were carried during eight months of the year, at a time when the competition was much greater than at present, as the Cunard steamers were making their regular weekly trips. The amount of freight may, therefore, be safely calculated at 700 tons each way, instead of 500 tons, as estimated in former statements, and yielding an income, per round trip, of $30,800 instead of $22,000.

Making these corrections, the total receipts, each round trip, from passengers and freight, would be	$68,600
The expenditures per round trip were estimated in the statement already furnished at $31,863; but taking the estimate of $40,000, which Mr. Bell considers a *full* average of all the expenditures per round trip for each of the ships on the Collins line, including the ordinary repairs of engines and hull	40,000
The net profits each round trip would be	$28,600
Net profits of twenty-six round trips performed in a year	$743,600
Add amount received from the Government each year for transportation of the mails	858,000
Shows a total yearly profit of	$1,601,600

I am, very respectfully, your obedient servant,

JAMES CAMPBELL.

HON. GEORGE S. HOUSTON, *House of Representatives.*

Now, if this estimate is wrong, let gentlemen show by some authentic, detailed, sworn exhibit——

Mr. CUTTING. Will the gentleman allow me to ask him a question?

Mr. BRECKINRIDGE. I will.

Mr. CUTTING. I perceive that in the Postmaster General's estimate no allowance whatever is made for repairs either of sails, spars, yards, boilers, or engines. I desire to ask the gentleman from Kentucky whether, in the other statement which he has read, there is any such allowance made?

Mr. BRECKINRIDGE. In the statement of Captain Bell?

Mr. CUTTING. Yes, sir.

Mr. BRECKINRIDGE. I do not think there is. But there are some omissions in this statement to which I will call the attention of the committee. Some things might have been charged against the line which have not been charged. Captain Bell says:

"It is proper to state, however, that the estimate of receipts is very considerably less than the actual amount realized on passengers and freight, while the expenditures are stated at their full amount; and, it is believed, even beyond what is actually incurred. The statement has been thus prepared with the view of presenting the result in as unfavorable a light, with respect to the profits of the proprietors, as possible.

The average number of first-class passengers, each way, is stated at eighty; but it is believed that the number of that class will average nearly or quite a hundred each way. The amount of freight, each way, is stated at five hundred tons measurement, which is an exceedingly moderate estimate."

It now appears, from the books of the custom-house, that the average number of passengers far exceed one hundred; and the later evidence is that five hundred tons per trip is too low an estimate.

Mr. CUTTING. I desire to ask one question as to that point. As I understand it, the Postmaster General makes no discrimination between the freight brought from Liverpool to this country, and the freight that they take in at New York for Liverpool. He makes no discriminations in regard to the rates of compensation for those two different shipments, in either of the statements from which the gentleman has read.

Mr. BRECKINRIDGE. I am not aware that he does.

Mr. CUTTING. He does not.

Mr. BRECKINRIDGE. Well, what is the freight worth per ton?

Mr. CUTTING. I cannot speak with accuracy upon that point; and, therefore, I would not like the committee to rely on any statement of mine. But this I will state as a general fact, that the passages of packet ships, going to the eastward, average twenty-one days, while the passages to the westward average from thirty-five to forty days. The consequence is, that in the competition for freight from this country to Europe, they stand very nearly upon an equality with the steamers; and the steamers take freight at about the rates at which packet ships take it, or a little above. But in coming from Europe to this country, the amount of charge by the steamers is very much greater than that by sailing packets, in consequence of the difficulty of coming westward. Hence it is, that if the freight is all put together, it does not aid us in reference to this matter.

Mr. BRECKINRIDGE. It certainly aids us some. The remarks of the gentleman from New York are like all the other remarks of the friends of this measure—general in their character. You cannot get from any of them any specific information. The Government of the United States have obtained information through the estimates of sworn officers of this Government, and if the Collins line will not furnish us with a sworn statement, we must get the information in the best way we can.

Mr. OLDS. Has the Government ever called upon Mr. Collins for any such statement?

Mr. BRECKINRIDGE. The Collins line were called upon here, by myself and a number of others, in 1852, when they were pressing for increased compensation on the ground of losses, to furnish a statement to Congress. What a question is that! I ask the gentleman from Ohio, as a legislator, whether he does not think that a private company coming here to ask for pay over and above their contract, on the ground that they have incurred losses, ought to found that application on a detailed and sworn statement? Why, then, does he talk about the Government calling for a statement, under circumstances like these?

Mr. OLDS. When the gentleman asserts that they refuse to make a statement, he ought to have evidence that the Department has called on them for one. It has never been done regularly.

Mr. BRECKINRIDGE. When these gentlemen come here to ask a favor they ought to give the grounds upon which they make the application, and they have been repeatedly called upon on the floor of Congress for a full and detailed statement.

Mr. OLDS. Never officially.

Mr. BRECKINRIDGE. Do I understand the gentleman to say that they never have been called upon for a statement?

Mr. OLDS. Yes, sir; never by any Department of the Government, although they may have been called upon by gentlemen in speeches upon this floor.

Mr. BRECKINRIDGE. I take the ground that, when a private company come and ask Congress to do what it is not required to do by the contract—to give them increased compensation for their service—and found that application upon the ground of losses incurred by them in the performance of that service, they ought to lay before us a full and detailed statement of their affairs, showing their expenditures and losses. Now, let me go on.

Mr. CHANDLER. Will the gentleman allow me a moment?

Mr. BRECKINRIDGE. Not at this point.

The CHAIRMAN. The gentleman declines to yield the floor.

Mr. OLDS. Why, he is only occupying it by the courtesy of the committee.

Mr. BRECKINRIDGE. True; I will yield to the gentleman from Pennsylvania for a moment.

Mr. CHANDLER. I do not rise to disturb the current of the gentleman's remarks, nor now to argue in favor of the project that is before the committee.

Mr. BRECKINRIDGE. My time is rapidly passing away. Please come to the point at once.

Mr. CHANDLER. What I wish to say is this: that, while the gentleman is presenting certain statements and calculations as evidence of what can be done, or what would be done, I am instructed to bring before the House, by a friend, what has been done. Whether I have left the statement at the Department, with some other papers which I left there, I do not know. But I had a statement, furnished me by a gentleman who is a member of the company, and not a resident of New York, compiled from the balance-sheet, which showed the dead loss to the company, up to the present time, to be $334,500.

Mr. BRECKINRIDGE. When my friend brings in that statement we will look at it.

Mr. CHANDLER. Well, allow my statement at least to offset those which have been prepared by persons who are not concerned at all, and which are mere estimates.*

Mr. BRECKINRIDGE. Now, I will go on, if my friend will allow me. Captain Bell says further:

"The average price is calculated at twenty two dollars per ton, which is a low average, as the prices charged vary from eighteen to thirty dollars a ton. The average fare of second-class passengers is eighty-seven dollars each, but as they are ordinarily few in number, the proprietors have not been charged with any receipts from that source, although it will be observed that they are credited with an expenditure of $2,064 for the board of that class of passengers."

Well, sir, allowing a large margin for everything which has been claimed for the company by gentlemen here, I ask you whether this statement, as it foots up, will not be startling to the country? I ask you how gentlemen, in view of the fact that, according to the best estimates we can get, after the closest investigation, the annual net profits of this line, including the mail pay, amounts to the enormous sum of $1,601,000, can refuse to relieve the Government from the bounty, when it has reserved the power to do so? Why not do it? Will the country be satisfied? Will gentlemen in their own cooler moments be satisfied, notwithstanding all this thunder-gust of patriotism and all this Buncombe talk about "Cunard steamers," and "British competition?" How can you justify yourselves before an intelligent public sentiment in giving extraordinary advantages and large gratuities to a private company over the other commerce of this Union, especially when that company does not choose to make a statement of its affairs to the House to show that they have suffered loss as they allege?

Now, sir, here is a letter which was put into my hands by some member of the House this morning, written by Mr. Vanderbilt, of New York, a name coeval with the rise and progress of ocean steam navigation. I ask that it be read. But in presenting it, I do not mean to say that I will vote to give a contract to Mr. Vanderbilt, for I will not do it. I will not vote a contract to anybody. I would pass a general law.

Mr. ORR, (interrupting.) The letter which the gentleman proposes to have read has been addressed to the Postmaster General. It is a copy from the Post Office Department.

Mr. PECKHAM. I rise to a question of order. I would inquire whether the gentleman from Kentucky has a right to select the gentleman to whom he will yield the floor—to yield it to one gentleman and refuse it to another?

Mr. BRECKINRIDGE. Why, Mr. Chairman, I have not yielded the floor to any one. I did not even know that my friend from South Carolina was going to say a word.

The CHAIRMAN. The Chair did not understand that the gentleman yielded the floor.

The Clerk then read Mr. Vanderbilt's letter; which is as follows:

WASHINGTON, *February* 15, 1855.

SIR: The Cunard line between New York and Liverpool having been withdrawn, and a frequent and rapid communication with Europe being so essential to the interest of our commerce, I submit the following proposition to the Postmaster General:

I will run a semi-monthly line, which, by alternating with the Collins line, would form a weekly communication. And I will perform this proposed mail service for the sum of $15,000, the voyage out and home—the contract to exist for five years—providing, that in the event of a war with any European Power, the Government shall take the steamers at a fair valuation—and may at any time in their discretion take them at such valuation. And further, whenever our Government shall abandon the policy of extending protection from the Treasury to ocean steamers, I will agree that my proposed compensation shall be withdrawn. Good and sufficient steamers shall be put on the line within thirty days after the contract is signed.

With great respect, sir, your obedient servant,

C. VANDERBILT.

To the Hon. JAMES CAMPBELL, *Postmaster General.*

Mr. BRECKINRIDGE. Mr. Chairman, on that letter I want now to make this statement to the committee: You made a contract with Mr. Collins and his associates at the rate of $19,250 the round trip. Afterwards you gave them $33,000 per trip, reserving the right to terminate that arrangement on giving six months' notice. The proposition now is to terminate the arrangement for the additional allowance, and this being agreed to, it would still leave them their $19,250 per trip. Can you refuse to direct such notice to be given in the face of the fact that there is a proposition made to perform the same mail service for $15,000 per trip?

Mr. OLDS. Will the gentleman from Kentucky allow me to say a word?

Mr. BRECKINRIDGE. No; not just now.

I ask this committee, how are you to refuse giving this notice? I speak in no harshness towards the gentlemen connected with this line, for, I repeat, if Congress goes into such business as this, these gentlemen are right to get all they can. They are perfectly right to do it. If we are to set ourselves up to make contracts, and to give bounties, they may as well take them as anybody else. But how can we do it? How can we justify ourselves to the country if we do it? How can we do it, I ask, in the face of the additional fact that, by the best estimates which we have been able to procure, this line has been profitable, and that, therefore, there can be no appeal to the bounty of Congress on the score of losses? No, sir; we cannot do it. Look at this subject calmly. There is no breach of faith; nothing involving our honor. The original price of $19,250 a trip, which we would still give them, is more than other citizens of the country are willing to do the service for. And, according to the best light that Congress can get, this company has made profits, large profits, under the old arrangement. Shall we continue the bounty under the pretext that these vessels will answer for war steamers, or under the delusive cry of Cunard competition? Why should we ingraft a false system on the country? Shall we retrace the steps which we have recently taken to abandon the ill-advised policy of 1847 in regard to the getting up of war steamers for commercial purposes?

Sir, the facts, the arguments, the political philosophy, are all on one side of the question, and if you refuse to terminate the bounty, public retribution will follow this day's business.

ACQUISITION OF CUBA.

SPEECH OF HON. E. W. CHASTAIN,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

February 17, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. CHASTAIN said:

Mr. CHAIRMAN: Were I to consult my own feelings, I would allow the remainder of the session to pass without taking any further part in its proceedings than answering to my name, and recording my vote on such questions as may come before the House, convinced, as I have long been, that the greatest obstacle to legislative action, and, consequently, the most common subject of well-founded complaint, on the part of our respective constituencies, is our inveterate proneness to oratorical display.

It has ever been my habit to act promptly; nay, boldly, when my judgment has been formed, and my course decided; to halt at no stopping places; to lose no time in useless parade, nor delay my purpose by ostentatious harangues, either in laudation of my wisdom or explanation of my course. Action, sir, is my principle, and I have ever been willing to permit that action to speak for itself. Justice, however, to myself, to my constituents, to the South, and to the country, demand that I should trespass, for a few moments, on the patience of the House, whilst I protest, in the most emphatic manner, against the propositions submitted to this House, a few days since, by the honorable member from South Carolina, [Mr. BOYCE,] in reference to our present and prospective relations with Spain and the Island of Cuba. No gentleman in this House, or out of it, is more willing than I am to acknowledge the abilities, and the patriotism, of the honorable member from South Carolina; that he should labor under what I conceive to be so extraordinary a hallucination—extraordinary, because the gentleman represents, in part, a gallant State, that has ever been foremost in defense of southern interests—is to my mind a political paradox of ominous import. It can only be accounted for by analyzing the facts and the data upon which the gentleman's speech is predicated. If we find that these facts and these data are incorrect, that the honorable gentleman has been misled by the authorities on which he relied, we can easily find a solution of what would otherwise appear strange—even inexplicable, in view of the section of country which the honorable gentleman so ably represents, and the subject which formed the theme of his eloquent remarks.

I propose, then, sir, to follow the course of argument adopted by the gentleman from South Carolina. I shall endeavor to show that national honor, as well as national necessity, imperatively demand a prompt, definitive, and satisfactory settlement of the long standing grievances and multiplied and accumulated outrages which we have experienced at the hands of Spanish officials, and which we have already permitted to remain too long unredressed and unpunished. Sir, our national honor and our commercial rights are represented by every flag that floats in the breeze from the mast-head of an American ship, no matter in what sea she may be found, or in what port she may choose to anchor. Insult that flag, and you insult the whole American people; you rouse a feeling throughout the length and breadth of the land which nothing can appease short of full, honorable, satisfactory, and prompt reparation. But we will come to this point presently.

The honorable gentleman charges, at the outset of his remarks, that a feverish impatience seems to be seizing upon our people for territorial extension, and to support this charge we are told that the people upon the northern frontier look with deep feeling to the annexation of the British provinces of North America. That, sir, is a question which these provinces must decide for themselves—one with which this country at this time has nothing whatever to do. When these provinces present themselves at the doors of Congress, asking for admission into our Confederacy of States, clothed with the attributes of sovereignty, and capable of treating on subjects of such grave importance, should I occupy a seat in this House, I shall act, I trust, as becomes an American legislator, and as a member of the great Democratic party of this nation. I shall be ready to extend the hand of friendship to every man who has passed through the fiery ordeal of oppression, and may desire to worship at the same altar of liberty with myself. I care not under what sun he may have been born—I shall ask not what tongue he speaks—if his heart throbs for *liberty*, and he is worthy to enjoy it, I can greet him as a friend, and receive him as a brother.

But, sir, it may be owing to my obliquity of judgment, or to some obtuseness of comprehension, but, I confess that I am unable to discover the slightest analogy between the relative positions of Canada and Cuba towards the United States. When, sir, I would ask the gentleman from South Carolina, has our flag been insulted with impunity

*At a late period in the debate, the statement referred to by Mr. CHANDLER, was introduced. It was a statement made by a citizen of Philadelphia, a stockholder in the company—in a letter to a friend—unofficial, unsworn, general in its character, and not containing any particulars of expenditures and receipts.

by the authorities of the North American provinces, our citizens immured in subterranean dungeons; despoiled of their property; shot down and publicly butchered by a brutal and ferocious soldiery, without trial, without a defense, without a hearing, contrary to every principle of international law, and in the very teeth of existing treaty stipulations. Tell me, sir, that these outrages have been perpetrated by British officials in North America; that our commerce has been crippled and paralyzed by odious exactions and onerous imposts, and that the very name of American, the proudest that man ever bore, is with them a by-word of insult and contumely; show me when these things, and such as these, can be charged by our Government upon the British authorities in the North American provinces, and I am ready to vote the last dollar in the Treasury to blockade their ports, take possession of their territory and hold it as an indemnification for the past, and a pledge for their good behavior in the future. Gentlemen may talk of the evils of extension, and preach didactic homilies to this House on the divine attributes of acquiescence and submission under insult and injury; but our honor as a sovereign and independent nation rises above all such considerations, and demands that neither should be imperiled by cowardly submission to wrong, or groundless apprehensions at dangers that have no real existence.

The whole argument of the honorable gentleman in reference to the dangers to be apprehended from territorial extension, however sound it may be on general principles, or however applicable under different forms of government from ours, has no relevancy, in my humble judgment, to our present position with respect to Cuba. I trust, sir, that I am as free from the spirit of filibustering as the gentleman from South Carolina. I am willing and ready to go as far as he who goes farthest in observing faithfully all our treaty stipulations—not only with Spain, but with all nations. If the inhabitants of Cuba are groaning under the weight of oppressive laws, and writhing under the lash of heartless despots, they have, in our own history, an example of what the "unconquerable will," the fixed resolve to die as freemen rather than live as slaves can accomplish, if they should strike for freedom and wrest the scepter from the tyrant's brow. In such a contest, it is true, they would have all the sympathies of my soul, and I doubt not that many of our more ardent and patriotic young countrymen would be found fighting, side by side, with the Cuban patriot, willing to share with him all the disasters and the perils the occasion might bring forth. But as a nation we would have no right to interfere—we could do no more than we did on similar occasions—be the first to acknowledge the independence of their country, so soon as that independence shall be fairly won. Should such ever be the condition of things in Cuba: should her patriot sons ever rise in their strength and crush the tyrant power that has so long enslaved them, and then formally apply to be received into our Confederacy, the time will have arrived for the gentleman from South Carolina, should he occupy a seat on this floor, to expatiate on the evils of territorial extension, and calculate, with such mathematical precision, the number of human beings that can comfortably subsist upon an acre of ground.

But, sir, let us suppose that Cuba has thrown off the Spanish yoke, established her independence, and asked to be admitted into the American Union. The honorable member meets the application with an objection on which he seemed to lay much stress, namely, that the admission of Cuba would paralyze the vast slave interest at the South engaged in raising sugar. This, sir, is a fallacy, and, I regret to add, a somewhat popular one. The sugar-growing region of the South, and the slave interest engaged in that pursuit, would be immeasurably benefited by such an acquisition. Such, at least, is the opinion of those who have examined this subject carefully and practically; whose opportunities for acquiring correct information have been ample, and whose interests, and feelings, and sympathies are all identified with the sugar-growing interests of Louisiana. I will quote from an article on this subject which appeared in De Bow's Review for July, 1854, from the pen of one of the most accomplished and patriotic of Louisiana's sons:

"The establishment of a free Government in Cuba could not produce any immediate prejudice to the sugar planting interest of Louisiana, for it would not distrust in any way the fiscal protection which the present tariff extends to it. It is the subsequent admission of that Island as one of the States of this Union which is supposed to nurture disaster and ruin for the sugar planters of Louisiana." * * * "But I do not entertain the belief that this event is pregnant with ruin, or even with injury to the sugar planting interests of this State; and to such as suppose that such a result would follow the admission of Cuba into the Union, I would suggest the following reflections:

"The product of sugar to the acre in Cuba, differs very slightly from that in Louisiana, while the difference in the amount produced per hand, is even less than the difference of product to the acre, and is probably in favor of the Louisiana planter, from his improved system of culture, and better care and feeding of his hands.

"The great elements of the less cost of production of sugar in Cuba than in this country, consist in the superior cheapness of labor, and the lower value of land there. The average value of field hands in Cuba is $500, while in Louisiana their value is $1200! and the mean value of land is well known to be far less than here. In these great items consist almost the entire advantage which the planter of Cuba possesses over him of Louisiana. In other respects, he labors under disadvantages; for instance, the cost of his supplies, which is greater, from his greater distance from their place of production.

"The first great result of the establishment of a free Government in Cuba, or of its admission to this Confederacy, would be the immediate cessation of the African slave trade, and the appreciation in value of the slaves there, consequent upon the cutting off of this source of cheap supply. Next in the scale of economic results attending the admission of Cuba to the Union, would be the equalization of the value of slaves. They could not remain at an average value of $500 there, while they bore that of $1,200 in Louisiana, and freedom of intercourse between the two countries existed. Such an equalization in the value of labor in this country and in Cuba, would contribute, in a great degree, to an equalization of the cost of production of sugar in each, increasing it in Cuba and diminishing it in Louisiana, in the exact proportion of its effects upon the value of labor respectively. * * * *

"The increase in the cost of production of this staple in Cuba would afford a far more permanent and efficient protection to the sugar planter of Louisiana than the present fiscal impost upon sugar, while, so long as Cuba is enabled to produce it at less cost than Louisiana, and the desire in the North to obtain cheap sugar exists, the danger to the sugar planting interest in this country will not only remain, but continue to increase."

Such, Mr. Chairman, are the well digested views of a citizen of Louisiana, long a resident of Cuba, familiar with the subject in all its bearings; and, one should suppose, as keenly alive to all that can affect the prosperity and interests of his native State as the gentleman from South Carolina.

But, sir, so far from paralyzing, or even injuriously affecting, the sugar-growing interests of Louisiana, I think I can demonstrate that the admission of Cuba into our Union will prove the best, and, perhaps, the only measure that will confer stability upon the culture of the sugar-cane in that State, and promote the permanent welfare of its planting interests.

We have had official information that the Spanish Government, instigated, beyond all rational doubt, by British diplomacy, have, during the past few years, been devising every imaginable scheme to increase the supply of labor in the Island of Cuba at every hazard. European, Indian, and African laborers have, from time to time, been introduced to that end, and the authorities of the Island have even officially declared that, if the planters of the Island will sustain them in the measure, they will introduce, in one year, one hundred thousand negroes, who shall be apprenticed out, as the wants of the planters may require, for a series of years, and at prices merely nominal. In the mean time every encouragement is given to the slave trade; and here I would take occasion to thank the honorable gentleman for his admission that, notwithstanding the treaty of 1817 between England and Spain, Africans in vast numbers have been imported into Cuba. Yes, sir, they have been imported into Cuba; they are at this day imported, and they will continue to be imported—for it is the secret and settled policy of Spain to cheapen labor in Cuba as much as possible—until that Providence which watches over the destinies of men, and of nations, shall interpose the stars and stripes of our Union to put a stop to this nefarious traffic.

But to return. Let us suppose this policy to be successful, and the cost of labor to be reduced by it to $200 per hand, (and this is the ultimum fixed upon by the Spanish officials in Cuba,) what protection will thirty per cent., the present duty on sugar, under the tariff act of 1846, afford the Louisiana planter against the almost costless sugar of Cuba? The writer, whose able reflections on this subject I have cited, justly and truly remarks that, under such a condition of things, "five years of such competition would suffice to ruin every sugar planter in the State of Louisiana." "They would," he continues, "follow the coffee planters of Cuba in poverty to the grave." The gentleman from South Carolina may, therefore, dismiss all fears as respects the sugar planting interests of Louisiana. If he has at heart, as I am sure he has, the true welfare and interest of that State, he will never have a better opportunity than now to convince the world of that fact. Let him lend his powerful influence, and exert his superior talents in facilitating, in every honorable way, the acquisition of Cuba, and annexing it to this union, and he will contribute in making his country the great sugar market of the world; Louisiana and Cuba, as neighboring and sister States, encouraging and stimulating each other in the arts of commerce and industrial progress, and both fulfilling their high destiny as two of the brightest stars in our galaxy of States.

There was one portion of the speech of the gentleman from South Carolina, to which, I must confess, I listened with mingled emotions of surprise and regret. I cannot believe that the gentleman designed to reflect upon our Government because it has been compelled, in self-defense, to adopt a retaliatory policy with respect to Spanish vessels entering the ports of the United States. But the language used by the honorable gentleman admits, in my humble opinion, of no other construction. I quote from the speech, as printed in the Globe, of this city. In referring to the onerous and discriminating regulations which prevail in Cuba against the commerce of the United States, the gentleman holds the following language:

"Under the influence of our acts of 1832 and 1834, the imports into Cuba, in Spanish vessels, from the United States, amounted, in 1849, to only $11,000, whereas the imports from England for the same period, in Spanish vessels, amounted to $4,345,300. That this striking difference is mainly attributable to our own regulations, is obvious, from the fact that England stands on no more favored footing in reference to the commercial regulations of Cuba than the United States, except her freedom from our own enactments."

Here it is distinctly charged that the discriminations and restrictions with which our commerce has so long been fettered in Cuban ports, are attributable to our own regulations. Surely, if this assertion can be borne out by facts, our Government must have been strangely infatuated, if not culpably reckless, in adopting a line of policy so disastrous to the commercial interests of the whole country, and particularly of the South.

But let us examine this question. What, I would ask the gentleman from South Carolina, was the condition of our commercial relations with Spain and her colonies prior to 1832? Were not our vessels virtually driven from their ports by unjust and prohibitory discriminating duties? If the gentleman from South Carolina will take the trouble to examine the documents now on file in this House, he will find that such was the case, and I would especially refer him to House document No. 163, Twenty-Seventh Congress, second session. This document will inform him that our own regulations, so far from being aggressive, were forced upon our Government as a measure of self defense, and proved to be the means of compelling Spain to abolish her prohibitory policy as respects the United States. On page 19 of this document the gentleman will find that there is a wide difference of opinion between himself and the Department of State, from which that document emanated, with respect both to the policy and effect of these regulations. If the gentleman should not be able to put his hands on this document, I will quote a few lines from it for his benefit:

"The tonnage duties upon vessels of the United States, formerly enormous, were, in 1832, under the action of countervailing duties, reduced to five cents per ton—the same which Spanish vessels pay in ports of the United States."

And on page 20, he will find another illustration of this policy—if not a justification even of measures more rigorous than those adopted by our Government in 1832 and 1834:

"One important restriction is imposed on vessels of

the United States, to which English, French, and Danish vessels are not subject, viz: Masters of United States vessels are not permitted to make *post entries* on their manifests, should the cargo actually on board exceed, from any chance, the amount expressed. This is not only derogatory to the United States in a national sense, but is injurious to the interest of the merchant, any excess in the cargo over the manifest, from whatever cause arising, being liable to confiscation."

If under such circumstances as these, and I have adverted to but few of the restrictions placed upon our commerce by the Spanish Government, Congress should have deemed it to be its duty to devise some means for the protection of our merchants from plunder, and our flag from insult, the motives of that body should at least be understood, before its action is so severely criticised. Would the gentleman submit to such unequal terms in his own individual dealings with his fellow man, in whom he recognized no title of superiority, and no claim to his submission?

But I can best illustrate the necessity which dictated the acts of 1832 and 1834, by referring to an actual case of shipment of merchandise from New Orleans to Havana, under the restrictive policy which, to this day with scarcely any diminution of its hardships upon our merchants, characterizes the Government of Cuba, with respect to our commerce. In the month of November 1841, a vessel of the United States, registered one hundred and forty tons, entered the port of Havana with the following manifest of cargo, shipped at New Orleans: 650 barrels of flour, 28,292 pounds of lard, 8,400 pounds of hams, and 1 sofa.

Estimated cost of cargo in New Orleans:	
650 barrels of flour at $6 per parrel	$3,900 00
28,292 pounds lard at 6c. per pound	1,697 52
8,400 pounds hams at 6c. per pound	504 00
1 sofa	20 00
Total	$6,121 52
Value of cargo in Havana:	
650 barrels of flour at $15 per barrel	$9,750 00
28,292 pounds of lard at 12c. per pound	3,396 00
8,400 pounds of hams at $14 per 100 pounds	1,176 00
1 sofa	35 00
Total	$14,357 00
Import duties paid:	
650 barrels of flour at $10 10 per barrel	$6,565 00
28,292 pounds of lard at $4 19 per 100 pounds	1,185 77
8,400 pounds of hams at $3 14 per 100 pounds	263 76
1 sofa	14 40
Tonnage dues $1 50 per ton	210 00
Dredging machine duty 21 ¾c. per ton	30 62
Wharf dues for ten days $1 55 per diem	16 50
Total	$8,286 05
From value of cargo in Havana	$14,357 00
Subtract duties and port charges	8,286 05
Net	$6,070 95
From original cost	$6,121 52
Subtract net in Havana	6,070 95
Balance against the cargo	$50 57

In reference to the state of things which this case exhibits, the Department of State very curtly observes "the restriction imposed on the commerce of the United States particularly, is a sagacious policy on the part of those having the control of the commercial relations of those islands." A sentence, sir, pregnant with meaning.

Sir, if our Government, or any Government, should submit to this state of things without an effort, at least, at retaliation, it would betray a degree of forbearance or pusillanimity equally unworthy a people capable of appreciating their rights.

But, sir, let us see what are these regulations to which the gentleman from South Carolina ascribes our failure to establish reciprocity of commerce with the Island of Cuba. In the United States Statutes at Large, vol. iv., p. 579, we find the act of 1832, to which the gentleman referred. I will read it:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no other or greater duty of tonnage be levied in the ports of the United States on vessels owned wholly by subjects of Spain, coming from a port in Spain, than shall, by the Secretary of the Treasury, be ascertained to have been paid on American vessels in the ports of Spain previous to the 20th of October, 1817.

"SEC. 2. Spanish colonial vessels to pay the same tonnage duty as American vessels in Spanish colonial ports.

"SEC. 3. Provision in case any foreign nation should abolish its discriminating duties on American vessels."

And on page 741 of the same volume, we have the act of 1834. This I will also read:

"SEC. 1. Spanish vessels from Cuba or Porto Rico to pay a tonnage duty equal to discriminating duty on American bottoms.

"SEC. 5. *Resolved*, &c., That whenever the President of the United States shall be satisfied that the discriminating duties in favor of Spanish bottoms, levied upon the cargoes of American vessels in the ports of Cuba and Porto Rico, have been abolished, or whenever, in his opinion, a satisfactory arrangement upon the subject of the said duties shall have been made between the United States and Spain, the President is hereby authorized to declare the same by proclamation; and thereupon this act shall cease to have any further force or effect."

Sir, both these acts vindicate themselves, and the sound policy which dictated them; they need no explanation or comment at my hands; whether they are obnoxious to the criticism of the gentleman from South Carolina, or whether they could have been designed to produce the effect imputed to them, I leave to this House and the country to decide.

I had intended to show that the gentleman was also led, by the authorities which he consulted, into other errors, but as I have already detained the committee longer than it is my habit to do, I will content myself by selecting one of those errors as an illustration of the rest.

The gentleman in referring to the excess of importations from England into Cuba over those from the United States, says: "that England stands on no more favored footing in reference to the commercial regulations of Cuba than the United States, except her freedom from our own enactments." It is my misfortune to differ from the honorable gentleman in his conclusions on this subject. I deny that such is the case at this time, or that such has ever been the case, unless, indeed, during a time of war between Spain and England. France, and England, and every country that has a merchant marine enjoys commercial privileges which are denied to the United States, and is exempt from restrictions which are imposed upon us.

I have carefully examined official documents giving the amount of imports and exports to and from Cuba and the United States for a number of years past, and a rigid analysis of the several articles of merchandise which have constituted the totals of the trade between the two countries, and the duties to which our exports to Cuba are subject, gives as a result the average amount of duties paid by England and the United States respectively, on their chief products exported to that island. These calculations, which I have carefully examined, give as a result an average duty of forty-eight and a haf per cent. on the chief products of the United States exported to Cuba, against twelve per cent. charged upon the products of England. But, as the documents which I have consulted may not be accessible to the honorable gentleman, I will again tresspass on the patience of the committee by referring to the tables from which I have derived my conclusion:

Duties in Cuba on articles supplied by the United States.

	U. S.	Duty.
Beef, per barrel, valued at	$6 00	$3 14
Pork, "	8 00	4 89
Cod fish, per 101¼ pounds	2 37½	90
Hams, " "	9 00	3 14
Lard, " "	7 00	4 19
Butter, " "	20 00	4 90
Candles, tallow	11 00	4 20
Candles, sperm	35 00	8 96
Flour, per barrel	6 00	10 00
Oil, fish, per gallon	40	16¼
Rice, per 101¼ pounds	2 75	2 09
Potatoes, per barrel	1 12	70
Cheese, per 101¼ pounds	6 00	3 07
Saddles, each	10 00	7 00
Tar and pitch, per barrel	1 75	84
Coaches, each	400 00	280 00
Gigs, each	150 00	150 00
Lumber, per 1,000 feet	10 00	5 60
Hoops, per thousand	25 00	8 39
Shooks and heads for hogsheads, each	1 00	28
Ale and cider, per dozen bottles	1 75	1 19
Chairs, cane bottom, per dozen	12 00	10 82
Chairs, wooden, "	6 00	7 00
Nails, per 101¼ pounds	6 00	1 96
Beans, " "	1 75	1 04
Lead, in sheets, per 101¼ pounds	5 75	1 69
Salt, " "	50	1 25
Castile soap, " "	14 75	3 79
Indian corn, per barrel	2 20	1 23
Indian meal, "	3 35	1 47

Making a total value of $766 34, and of duty in Cuba, $517, and giving an average duty of forty-eight and one half per cent.

We will now institute a similar analysis of the articles usually supplied by England, directly or indirectly, and of the duties thereon, in Cuba:

Broadcloths, superfine, one and a half yards wide, first and second class per yard	$5 00	70c.
One and a half yard wide, third class per yard	3 00	49c.
Ordinary do., per yard	1 25	36c.
Silk cloth, per yard	75	14c.
Muslin, wide or narrow, plain or figured, per yard	1 75	17c.
Table knives and forks, with pearl, ivory, tortoise shell, or plated handles, per dozen	10 00	84c.
Do. common per dozen	3 00	37c.

Making a total value in England of $24 75 and $2 97 of duties in Cuba, and giving an average duty of twelve per cent. nearly. These articles are given at the market prices when the report from which I have taken them was prepared, and exhibited, in the opinion of the State Department, a fair statement of the average rates of duty on all similar articles.

But, perhaps the gentleman from South Carolina may contend that the restrictions of 1842 have yielded to a more liberal policy in 1855. Quite the contrary, sir; instead of any relaxation of these onerous and insulting discriminations in favor of England, and against the United States, the present imposts on our commerce are even more unjust and oppressive, and the existing fiscal regulations in the different ports of Cuba more stringent and prohibitory.

This proposition I can demonstrate in a few words. The average of imports to Cuba for three years, 1848, 1849, and 1850, was: flour, 234,264 barrels; lard, 10,168.595 pounds; olive oil, 8,451,900 gallons; beef, dry and wet, 502,825 pounds; pork, dry and wet, 1,434,778 pounds; jerked beef, 30,556,950 pounds; hams, 2,047,406 pounds; butter, 685,349 pounds.

Let us now see whence the above articles were imported, and at what rate of duty:

From United States.	*Duty.*
Flour, 5,642 barrels	$10 81 per barrel.
Lard, 10,193,370 pounds	4 30 per 101¼ pounds.
Olive oil	2 87 per 101¼ pounds.
Beef, 359.161 pounds	1 75 per 101¼ pounds.
Pork, 1,322,655 pounds	2 86 per 101¼ pounds.
Jerked beef	1 96 per 101¼ pounds.
Horns, 1,228,443 pounds	3 58 per 101¼ pounds.
Butter, 619,107 pounds	4 77 per 101¼ ponnds.
From other places.	*Duty.*
Flour, 228,602 barrels	$2 52 per barrel.
Lard, 121,225 pounds	4 30 per 101¼ pounds.
Olive oil, 8,451,900 pounds	57 per 101¼ pounds.
Beef, 143,664 pounds	1 75 per 101¼ pounds.
Pork, 112,123 pounds	2 16 per 101¼ pounds.
Jerked beef, 30,568,990 pounds	1 17 per 101¼ pounds.
Horns, 818.963 pounds	3 58 per 101¼ pounds.
Butter, 66,252 pounds	4 77 per 101¼ pounds.

I am indebted to the same distinguished authority referred to at the commencement of these remarks, for these tables; and so unanswerable are the views which the writer takes of this whole subject, and so diametrically opposed are they to those of the honorable gentleman from South Carolina, that I cannot forbear quoting another passage from the able article already adverted to:

"Here we find that unequal fiscal impositions change the natural current of trade; and that flour, instead of being brought from the cheapest mart in the world, is sought on the other side of the Atlantic; that olive oil of the most inferior quality is enabled to compete largely with lard, for domestic purposes; and that of 34,581,959 pounds of meats consumed, only 2,890,259 pounds, or a fraction over eight per cent., is imported from the United States. Butter and pork, being subject to an equality of fiscal exactions, are imported to the extent of more than ninety per cent. from this country."

And in the face of such facts and figures as these, the honorable gentleman gravely tells this committee, and the country, that we are on "an equal footing" with England in our commercial intercourse with the Island of Cuba. I fear but few will think as he does on this subject—I am sure my constituents will not. If, however, the honorable gentleman should still continue to be skeptical on this point, I would commend to his careful perusal a most interesting document which emanated from the Spanish Court at Madrid, in the year 1839, and dignified with the high sounding title of a royal decree. This morceau of diplomatic civility towards the United States beats date 19th January, 1839, and a very brief extract will suffice to portray the spirit of the whole:

"It is particularly recommended to the Governors of the American Colonies (to be by them communicated to the

subordinate authorities) *to treat the subjects of the English and French nations with all the consideration which may be compatible with national decorum, procuring, before proceeding against one of the subjects of those nations, convincing proof of their guilt, and the degree thereof; always avoiding measures which may call for indemnity of damages; for, needing in the present critical state of affairs the powerful aid of both these nations, it is just to accord them every consideration. The authorities are held strictly responsible for the fulfillment of this order.*"

Will the gentleman from South Carolina point to any incident, any expression of good will, similar to this in the entire history of our relations with Spain? Think you, sir, that if the gallant Crittenden, and his brave compatriots, could have referred the *Butcher Concha* to such a document in favor of the United States, that their blood would have deluged the streets of Havana, and their bodies have been mutilated and mangled by a brutal and ferocious soldiery? No, sir; the miscreants who acted as Concha's executioners on that revolting occasion would never have satiated their demoniac thirst for the blood of American citizens—"*the authorities would see to the fulfillment of the order.*"

There are many other points in the gentleman's speech which I would desire to notice, did time permit. I will leave them to others, who, no doubt, will do them ample justice. My main object in taking the floor is accomplished. I desired only to afford the gentleman from South Carolina an opportunity of revising his facts, and of procuring some more reliable authorities than those from which he derived impressions so manifestly at war with the realities of the past twenty-five years.

At the opening of my remarks, I said that the acquisition of Cuba, by the United States, was demanded alike by our national honor and our national safety. I need not, at this day, recapitulate the grievances and the acts of official tyranny to which our citizens visiting Havana have been so long and so repeatedly subjected. I have been informed that the documents setting forth these outrages, now on file in the appropriate department of our Government would, of themselves, make up a volume. No reparation has yet been made, no apology offered, no indemnity for the past, and no guarantee for the future. It is not for me to ask what course our Government proposes to adopt, in view of this state of things. Should our late minister to Madrid, now on his return home, inform the country, as he doubtless will, that Spain obstinately refuses to accord any satisfactory reparation for the wrongs inflicted on our commerce, and the indignities offered to our flag by Spanish minions in Cuba; that the cabinet at Madrid hurls defiance at our Government, and haughtily plants itself upon the declaration of Lord Clarendon, that the recent treaty between England and France looked beyond the eastern continent; what, it may be asked, under such circumstances, will be the course of the Government of the United States? I, sir, have too much confidence in the zealous and patriotic solicitude of President Pierce, in everything that can affect our honor abroad or our interest at home to entertain, much less express, any doubts on this subject. There is only one fear that gives me uneasiness, and that is, that our ardent and patriotic young men of the South—animated by those noble and chivalrous impulses which ever lead them to succor the oppressed, and justified by the unredressed insults which we have so long borne with a degree of forbearance almost amounting to dishonor—may not longer brook the tardiness of diplomatic forms, but, seizing upon the first favorable moment, anticipate what, sooner or later, must inevitably be the course—the only course which our Government can adopt. We cannot, as a nation, if we desire to command the respect of the world, submit much longer to Cuban insolence.

It is needless for gentlemen to say that England has no motive or desire to interfere in our diplomatic relations with the Government of Spain. She has every motive that national selfishness and commercial rivalry can inspire. She looks forward to the day when that island, under the policy which she has long been dictating to the Spanish court, shall become thoroughly Africanized; and well she knows how disastrous, how fatal to the interests and institutions of the South, such a condition of things would inevitably prove to be. She knows also the value, commercially, of such an acquisition to our southern territory. She is not ignorant of its importance to us in a military point of view, and hence her fears, and her jealousies, and her half concealed hostility to the American Union, and her *underground* diplomacy with the Cabinet of Spain. England knows what nature, and nature's God has done for that western *Eden*. Rich in all the varied productions which spring forth spontaneously from her soil—salubrious in climate—exhaustless in her natural resources—she needs but the influence of American institutions, and the progressive spirit of American enterprise to raise her to a condition that would challenge the admiration of the world. Under her present rotten and despotic system of Government—her industry paralyzed—her spirit galled and broken—her sons enslaved, and her soil neglected, it is almost incredible that she could retain even a breath of commercial vitality. And yet her commerce, restricted and fettered as it is, exhibits annual returns perfectly astounding.

In 1851, her imports amounted to $32,311,430, and her exports to $31,341,683. In 1852 her imports reached the sum of $29,780,242, and her exports $27,453 936, and in 1853 she imported merchandise to the amount of $27,789,800, while her exports reached as high as $31,210,405. Of this latter sum the products of the island covered $30,328,320. The remaining $882,084 was the amount of foreign products exported during that year. Figures would fail to calculate the commercial greatness of that island, if she could only take her rank in this great Confederacy of States. Nature has stamped upon her soil her long neglected claim to this proud distinction, and the hour is hastening when that claim must be recognized. The perfidy of her rulers, the duplicity of their advisers, and in the patriotic and eloquent language of President Pierce, in his inaugural address, when referring to this subject, "the preservation of the rights of commerce and the peace of the world," demand that no more time shall be lost in useless diplomacy, or in fruitless efforts to vindicate our rights.

Sir, I am opposed to any further half way measures. The repeal of the neutrality laws, would, in my judgment, belong to such a category. The effect of such a measure would be to stimulate and legalize the spirit of filibusterism, and bring, perhaps, merited rebuke upon our Government. Our true course, indeed, the only course we can adopt consistently with our professions, and creditably to our Government, is to send a sufficient naval force to the Island of Cuba; blockade her ports; take possession of her territory in the name of justice, and hold on to it in the name of freedom. Providence will do the rest. I am willing to trust to its wise and beneficent dispensations. Then, sir, will Cuba become what God designed she should be—tyranny, oppression, the lash, the dungeon, and the horrible garrote will disappear, and peace, prosperity, the arts of civilized life, education, public virtue, and universal happiness shall smile and reign throughout that Heaven favored isle. In the language of one of her own gifted and patriotic sons, "Cuba will then find peace and consolation, strength and protection, justice and freedom; and resting upon these solid foundations, will, in a short time, exhibit to the world, the portentous spectacle of a people rising from the most profound degradation and passing, with the rapidity of the lightning's flash, to the highest point of greatness."

DUTY ON RAILROAD IRON.

SPEECH OF HON. R. BRODHEAD,

OF PENNSYLVANIA,

IN THE SENATE, *February* 8, 1855.

The Senate having under consideration the bill granting to Railroad Companies three years in which to pay the Duties on Iron imported for Railroad purposes—

Mr. BRODHEAD said:

Although not very well prepared I feel it to be my duty to submit a few remarks on the subject now under consideration. Notwithstanding the able and ingenious argument which the Senator from Tennessee [Mr. JONES] has just presented, I cannot yield my assent to the measure. I think it is violative of principle, and of the settled revenue policy of the Government. It is unjust and ungenerous—though not so intended by the Senator, and ultimately it will be injurious to the consumers of railroad iron themselves.

Before proceeding, Mr. President, to sustain these propositions, I have a few preliminary remarks to make in reply to some points made by my friend from Tennessee. For several years past it has been evident that the railroad interest is one of the most powerful combinations of capital and energy in this country. I find that in New York there have been meetings of railroad gentlemen who propose to send committees here, and one of their committees has issued a circular in which they call upon the different railroad companies to furnish them with a contribution of $100 each; and to give them five per cent. on the amount of the duties which may be remitted.

At a meeting held in Richmond on the 5th and 6th December, of all the State proxies, presidents, directors, chief engineers, and superintendents in the State, the following resolution, offered by a Mr. Garnett, was passed:

"*Resolved*, That we do urge on our Senators and Representatives in Congress the propriety of taking prompt measures to secure the passage of an act to refund to railroad companies all duties paid by them on railroad iron since March 4, 1851, and to reduce the duty on railroad iron hereafter imported."

Well, sir, these Virginia gentlemen request their Senators and Representatives to adopt "*prompt measures*" to take about $12,000,000 from the public Treasury and give it to railroad companies; and I would like to know in what part of the Constitution they can find authority for so doing. Money collected, and in the public Treasury, becomes the property of the people of the United States, and we have no right to pay it out in the way indicated in the resolution. It is a most extraordinary resolution to come from a State which has always advocated a strict construction of the Constitution, and opposed anything like a system of internal improvement upon the part of the Federal Government. I might enlarge upon this point, but do not think it necessary. I only allude to the fact for the purpose of showing that there must be a very great outside pressure when such a resolution comes up from "Old Virginia."

Such, Mr. President, is the powerful interest which is formed throughout the country to put down one great branch of American industry for the benefit of railroad corporations and railroad companies; and these gentlemen, according to the New York circular, are to have five per cent. upon all the duties they may succeed in causing to be remitted.

Mr. HUNTER. Does the Senator mean to say that the gentlemen who signed that memorial are to have five per cent.?

Mr. BRODHEAD. By no means. I allude to the circular which is signed by five gentlemen in New York. I have it here.

Mr. SEWARD. Read it.

Mr. BRODHEAD. The circular is dated New York, March 21, 1854; and among other things, it says:

"To make provisions for the expenses unavoidably incident to the prosecution of the measure, it was agreed at the meeting that each company coming into the arrangement should advance for this purpose the sum of $100; and that, in case of success, there should be paid by each company to the committee, for the further expenses that may be incurred, and as a compensation for their time and services, (in addition to the above advance,) five per cent. on the amount of duty remitted, or which may be saved to such company, on railroad iron heretofore imported by it, or which it may import or contract for prior to July 1, 1855, by the passage of the law or laws repealing, remitting, or suspending for a limited time, the duty on such iron."

The circular is signed: S. F. Vinton, Noah S. Wilson, John Stryker, Geo. Ashmun, H. V. Poor, committee.

It will be seen that I was correct in saying that they are to have an allowance of five per centum on the amount that may be remitted. The duty paid on railroad iron per annum amounts to between $3 000,000 and $4,000,000; hence these gentlemen will receive, if they succeed, about $200,000. In alluding to this, I do not intend to intimate that any Senator, or member of the House of Representatives, would be improperly influenced. I use it for the purpose of showing that there is a com-

bination of capital and energy for the purpose of obtaining a suspension or the entire repeal of the duties on railroad iron; and, Mr. President, say what you please about the measure now under consideration, which proposes to give a credit of three years upon the duties on railroad iron, it is a proposition to take off the duty. The duties on railroad iron for the last three years have been, and for the next three years will be, about $12,000,000; and that amount will be remitted under this bill, for, though bonds may be given, the amount will never be collected. We all know that. It is, therefore, a proposition to give a bonus of $12,000,000 to those who are now engaged in constructing railroads. If that is proper, why not return the $12,000,000 to those who have constructed railroads within the last three years? Surely, sir, if those who are now about to construct railroads, when the price of railroad iron is from fifteen to twenty dollars less per ton than it was last year, are to be relieved to the amount of $12,000,000, those who have paid the duty when the price was high, have an equal or a superior claim upon your justice to the amount which they have paid; and those who have laid their roads with American rails will also have an equitable right to ask for the amount per mile of duties on foreign iron which will be given to other companies if this bill should pass.

The honorable Senator from Tennessee alleges that, if the railroad companies are not relieved, the great railroad interests will be seriously affected. Now, sir, who are entitled to the most consideration at the hands of Congress—those who are engaged in a great branch of American industry, or those who have been engaged in giving their bonds in Europe for railroad iron? Those who are engaged in the railroad interests of the country are not entitled to especial and particular favor at the hands of Congress, for they have brought the crisis upon us. They have given their bonds in Europe for railroad iron, running up, to a fearful amount, the foreign indebtedness against us. Thus, they have withdrawn our specie from other legitimate branches of commerce; and now they propose to issue other bonds, that they may pass their iron through the custom-house without the payment of the duties.

How is it with those who are engaged in the manufacture of iron, and especially of railroad iron? This is the second proposition of this kind which has been made. In 1844, it was made by a then Senator from Maine, and why? Because there were no persons engaged in the manufacture of railroad iron in this country. That was the great argument then used; but, sir, in 1845 that great enterprise was commenced here. It required skill, it required labor, it required great energy, it required a large amount of capital, and $10,000,000 have been invested in it. That is a high sum to be invested in so brief a period in a new and hazardous business. In five years more I have no doubt the amount will be doubled, besides the increased amount required to be invested in furnaces.

The Senator from Tennessee says that unless this relief be granted, the great railroad enterprise will have to stop. I tell him, sir, that the great enterprise which has been engaged in this country in making railroad iron will have to stop if he succeeds. What will be the effect? He informed the Senate that, from 1824 to 1844, almost all the railroads in the older States were constructed. That is true, but they paid much higher for their iron when there was no duty on it than the honorable Senator can purchase it for now. They were pioneers in this great enterprise; those who are now engaged in it are mere imitators. Those who engaged in it in my own State, at an early day, paid down their money and their capital; they risked it all; but how is it now with those who are engaged in making railroads? Why, sir, they attempt to do it by "kiting" on bonds given for their railroad iron, on bonds given at the custom-house, and on bonds given to contractors. That is what has produced this state of affairs in the country.

In the spring of 1853, I undertook, in a few remarks which I then submitted the Senate, to foretell the present state of things, and to arrest the railroad mania by exhibiting the balance sheet. I submitted a resolution calling upon the Secretary of the Treasury to furnish the Senate, at its meeting in December, 1853, with the amount of our foreign indebtedness. He did so, and look at the fearful result which has been run up against us by these railroad companies, draining from us our gold and silver. Is it wise for an individual or a nation to contract large debts? If a nation does so, what is the result? An exportation of gold and silver larger than the importation. Does not that lessen the ability to do business, and consequently the productive power of the country? Is not gold and silver the only basis for legitimate banking? Is not a good currency the life-blood of the body politic?

The total amount of railroad stocks was $309,893,967; the total amount of railroad bonds was $170,111,552. The total amount of stocks and bonds was $480,005,519. Railroad stocks held by foreigners amounted to $8,244,000; and railroad bonds held by foreigners amounted to $43,888,752; making stocks and bonds held by foreigners $52,132,752; and that is a mere approximation. This is the amount of foreign indebtedness upon railroad account alone. The whole amount of foreign indebtedness is over $225,000,000, according to the documents to which I have before referred. Yes, sir, the amount of indebtedness on railroad account is much larger than I have stated, because many of the city and corporation bonds which were held abroad were issued on the railroad account for the purpose of constructing railroads. These railroad corporations, therefore, have deranged the currency. The honorable Senator from Tennessee says, if you pass this bill, a thousand miles and more of railroads will be constructed than otherwise would be. Sir, we have been constructing our roads too fast; it has withdrawn capital from other enterprises. We ought not to construct, in this country—the legitimate wants of the country do not require—more than twenty-five hundred miles per annum. Mr. President, the bill does not propose that the credit shall be given on the railroad iron imported for first tracks only. It goes the whole figure, and extends to railroad iron, imported for second tracks, for repairs, and spikes, and chairs connected with them. If it was confined to first tracks, it would not be so objectionable.

The iron interests of this country have now as hard times as those who are engaged in constructing railroads. Will you interfere? If you do, I claim special legislation for the great iron interest, as well as for the great railroad interest. A nation is great, prosperous, and progressive, in proportion to the iron which is manufactured and consumed. A classic German writer has said that, "The preparation of iron has become the most essential branch of industry by the immediate benefit it gives to the producer, the general benefits it yields to society, and the advantages it offers to the consumer." But the honorable Senator from Tennessee informs us that this bill will not injure the iron interest generally, because the manufacturers of iron will turn their attention to making other articles, and will not engage in making railroad iron. How is that?

In the year 1854, about one hundred and sixty thousand tons of railroad iron were manfactured in this country. In that business there was a capital invested of $10,000,000. They consumed over two hundred thousand tons of pig iron, eight hundred thousand tons of coal, and over two hundred thousand tons of limestone; so that there is a large amount of iron used in the manufacture of the rails. The iron business of this country will have a hard time of it for years to come. I doubt whether it will ever be a money-making business. Railroad companies make much more money, as I can show by statistics which I have on my table, than those who are engaged in the manufacture of iron, and it will continue to be so; because, in 1852, it was supposed that all the available spots for making iron in Great Britain had been occupied. Here is an important fact, to which I wish to call the attention of the Senate: In 1852, it was supposed that all the available spots for making iron in Great Britain had been occupied, but in that year a new discovery of ore was made on the east coast of England, where heretofore no iron industry had existed. In the oolitic formation of the Cleveland Hills, an immense deposite of iron stone was found. A minute description of these and other recently discovered deposits in England can be found in Mr. Blackwell's lecture on the iron making resources of the United Kingdom. The lecture was delivered in 1853. With what extraordinary energy these resources have been turned to account, the following extract of a letter written to a friend of mine, by Professor Wilson, who was in this country in 1853, and who has recently been appointed Professor of Agriculture in the University of Edinburgh, will show. His letter bears date the 5th of September, 1854:

"In the iron manufacture here, all is thriving and increasing enormously in production. The oolite beds have proved most valuable. Indeed, already in the Cleveland district there are about seventy to eighty large furnaces either in work or in progress, equal to a make of something like five hundred thousand tons per annum. In Staffordshire, too, where both ores and fuel were getting scanty, large deposits of both have recently been hit upon in Cannock Chase. These have quite revived the midland iron masters."

The annual production in Great Britain is about two million seven hundred thousand tons. During the last year, more than seventy new furnaces have been put up there, which will afford an addition of over five hundred thousand tons. So that the product in England is almost equal to the entire demand of the whole world. When that market is pressed upon, the price of iron becomes high, and when that market is abstained from, it becomes cheap; so that whenever we cease to manufacture iron in this country under a proper competition tariff, we have to pay more for it in England. Since 1845, millions of dollars have been invested by our own citizens in the enterprise of getting skilled labor, and carrying on the business of making railroad iron, and they now produce one hundred and sixty thousand tons of a first rate article, (and they will, in a few years, produce twice that amount, if not legislated out of existence,) which comes in competition with the English article. If this competition be broken down by such a measure as this, the effect can easily be seen.

Mr. President, I stated in the commencement of my remarks that this measure was contrary to principle and the settled revenue policy of the country. It is a proposition not to relieve the people from taxation by a reduction of duties, but to give a bonus to railroad corporations, and indirectly embark the Federal Government in a system of internal improvement. It is a well-known fact that most of our revenue is derived from the duties imposed on iron, broadcloths, woolen goods, silks, and sugar. Will any gentleman tell me why the duty should be taken off railroad iron, and not off woolen goods or sugar? You receive about the same amount of revenue from sugar duties that you do from duties on iron of all kinds. Can any one give a reason why the duty should be taken off railroad iron, and retained on sugar, which is an article of general consumption? Why not extend the same privilege to the consumers of woolen goods? Why do not those who use salt, sugar and woolen goods ask this favor at our hands? It is because capital is not combined for the purpose. There are no large corporations, such as these railroad companies, to press such a measure with the influence of capital. When you get the duties taken off these articles, how are you to get your revenue?

I know, sir, there are many gentlemen who are for absolute free trade, or for the lowest duties; but they are the men who always vote the largest appropriations; and that is a very good way to get popular. During the war of 1812 there was a member of Congress who voted for the war, who voted for the largest supplies, the largest number of men, and the highest pay; but who would never vote for a dollar of taxation. "Liberal appropriation and no taxation" was his motto. It is very easy to become popular by proposing not to tax the people at all; and give them all the money they ask.

Sir, this is a proposition for class legislation, to build up the railroad interest at the expense of one of the great manufacturing interests of this country, which, it seems to me, is not sustainable on any ground of justice or policy. It is violative of one great principle of taxation—to impose the burdens of the Government on all alike. Why should you make the poor man who wears broadcloth or woolen goods pay duty on those articles, and not

tax the gentleman who rides on railroads? This proposition is unjust to those who have heretofore constructed railroads; because it will enable those who construct them now to derive advantages which have not been extended to others. Iron can now be obtained for a less price than formerly. The duty has not heretofore varied the price, it has been supply and demand. From 1832 to 1842, when there was no duty, the iron was higher than it is now, with a duty of thirty per centum. Railroad iron was never so cheap as under the thirty per centum act of 1846, and never so high as when it came in free of duty.

Mr. WELLER. I wish to ask my friend from Pennsylvania a question. He seems to have devoted a good deal of time to the examination of this subject, and he has no doubt acquired all the information that is necessary to put the Senate in possession of the facts. Now, I desire to know from him how many manufacturers there are in the United States of railroad iron, and how many persons are employed in its manufacture? My object is to get at the number of persons interested in keeping up the present high duty upon railroad iron.

Mr. BRODHEAD. I will endeavor to accommodate my friend from California. In 1854 there were sixteen rail-making manufactories, and they made that year about one hundred and sixty thousand tons, according to the best information that I have obtained from those engaged in that trade. But my friend should remember that rail manufacturing establishments consume large quantities of pig iron, and the manufacturers of pig iron consume large quantities of coal. So that this measure will affect injuriously the whole iron and coal trade. The reciprocity treaty takes the duty off of all foreign coal which can come in competition with our own, and yet that measure is not half so injurious to the owners of coal mines and those engaged in the coal trade, as this. Iron manufacturing establishments are the great consumers of coal in Pennsylvania.

Mr. CLAY. I wish to ask the Senator whence he derives the information which he has just stated to the Senate?

Mr. BRODHEAD. I obtained it from a newspaper publication, which has never been contradicted, so far as I know.

Mr. CLAY. It is an anonymous one. I have seen it myself.

Mr. BRODHEAD. I could read over the names of the mills which it states, and show, if it were necessary, that they are in blast, or have been in blast, that they were built for the purpose, that they are struggling along; and that, when you strike down these establishments, you have to depend entirely on the English market, which, when pressed upon, becomes very high. It appears, from official tables, as I shall presently show, that we paid more for railroad iron when it was admitted duty free than we do now. This is the effect of depending on England for our supply. In 1845 the manufacture of railroad iron was commenced in this country. It is a new branch of industry in the United States, requiring great capital, much skilled labor, and great energy. Why should it be stricken down by railroad jobbers? I say this is pressed by railroad jobbers. They are the leaders in the movement. However much railroads may be desired by honest people, they are frequently pushed forward by jobbers. You cannot properly construct more than two thousand five hundred miles a year. When you go beyond that, you press upon the English market, and of course the price of iron becomes high.

Mr. WELLER. I asked what was the number of persons employed in this country in the manufacture of railroad iron?

Mr. BRODHEAD. I do not know how many persons the mills employ, but the number must be very large; and besides the number of those directly employed, you should take into consideration the persons who raise breadstuffs for them, and those who produce the coal, iron ore, lime stone, and pig-iron necessarily consumed in the production of iron for rails. I have before remarked that the price of railroad iron has been highest when it has come in duty free. Here is an official table showing the price of railway iron from 1832 to 1840 when no duty was imposed on it:

1832	£6	17s.	6d.	$34 73
1833	7	0	0	35 00
1834	8	5	0	41 25
1835	11	0	0	55 00
1836	12	10	0	62 50
1837	10	7	0	51 75
1838	11	2	0	55 50
1839	11	2	0	55 50
1840	11	17	0	59 37

At the present time the best rails can be bought for fifteen or twenty dollars per ton less than at this time last year. Is not this a large decline in one year? Does not this reduction weigh heavily upon our manufacturers, without adopting a measure like this the effect of which will be ruinous to them?

I have intimated that the manufacture of railroad iron in this country is not only a great enterprise, and, if not broken down by adverse legislation, would become a great branch of industry alike beneficial to the producer and consumer. On the first day of January, 1855, there were twenty-one thousand three hundred and ten miles of railroad actually constructed and open for public use in the United States. Upon most of the roads, English rails of an inferior quality have been used. The number of miles opened for public use during the last four years, is as follows: In 1851, one thousand two hundred and seventy-eight were opened; in 1852, two thousand two hundred and eighty-two; in 1853, three thousand nine hundred and sixty-four, and in 1854, three thousand five hundred and ninety-nine. It takes about one hundred tons of railroad iron to make a mile of railroad. About one thousand miles of old road per annum will have to be relaid, and the wants of the country will require about two thousand five hundred or three thousand miles of new road, so that the demand for railroad iron will be about three hundred and fifty thousand tons per annum. Great as is the productive power of England, is it wise for us to depend upon that market when we have the raw material in such abundance? I put the question to those who wish now to discriminate against manufacturers of railroad and other iron.

This bill, in my judgment, is violative of the plighted faith of the Government. By the pledges given when the tariff act of 1846 was adopted, the manufacturers of railroad iron were encouraged to go into the business; they are now engaged in it after the expenditure of a very large sum of money; and this bill will be destructive to them. I have some evidence as to the principle on which the act of 1846 was founded. Mr. Robert J. Walker, in his annual report as Secretary of the Treasury, in December, 1845, said:

"Whilst a due regard to the just and equal rights of all classes forbids a discrimination in favor of the manufacturer, by duties above the lowest revenue limit, *no disposition is felt to discriminate against them*, by reducing such duties as operate in their favor below that standard."

Is not this a proposition to discriminate against the manufacturer in favor of the consumer? Is it not, therefore, a violation of the principle on which the act of 1846 was based? Again, when the bill of 1846 was presented to the country as a revenue measure, Secretary Walker, in his report, held the following language:

"Stability in the tariff and currency is what the manufacturer should most desire. Let the tariff be permanently adjusted by a return to reasonable and moderate revenue duties, which, when imposed truly and in good faith for that purpose, will yield sufficient advantage to afford reasonable profits; and let this *permanent* system (and none other can be permanent) be established, and the manufacturer, in a series of years, will derive the greatest benefits from the system. The tariff has been changed and modified thirty times since the first bill, being more than once on an average for every Congress since the Government was founded; and it is vain to expect permanency from anything but a *revenue* tariff. Stability is what the manufacturer should desire, and especially that the question should be taken out of the arena of politics by a just and permanent settlement."

Thus, it appears that, in 1846, we were promised by the Secretary of the Treasury, who had a large share in the preparation of the tariff act of that year, that it was to be a permanent measure. The same promise was made in the House of Representatives, by the gentleman who reported that bill, [Mr. McKay.] It was supposed that a permanent system would suit the manufacturers better than the fluctuating policy which had before prevailed. The same idea is to be found in the reports of Mr. Guthrie, the present Secretary of the Treasury. In his circular issued nearly a year ago, with a view to obtain information which would enable him to recommend a revision of the act of 1846, he held this language:

"The existing tariff having been designed, generally and substantially, for revenue, and for a fair and equal operation both as between the various sections of the country and the various branches of industry, the same objects should undoubtedly be kept in view, and the reductions, if any shall be made, *should be so arranged as to afford an equal participation in the benefit to every interest and to every section.*"

And upon the information thus obtained, in his annual report he makes the following wise suggestion, upon which I hope we shall be able to come to some compromise between the producer and consumer:

"It is not proposed to change the principle of ad valorem duties, but it is for the consideration of Congress, whether a specific duty on iron, made from the average of the last three or four years' ad valorem duties, might not give greater stability to the iron business, and more satisfaction to consumers, and, at the same time, prove equally beneficial to the revenue."

I consider it unnecessary to adduce further evidence to show that this bill is a violation of the settled revenue policy of the country as adopted in the act of 1846. The evidence which I have already presented is, in my opinion, conclusive on that point.

The honorable Senator from Tennessee, as a reason for the passage of the bill, said, that we have now a redundant Treasury. I admit we have a full Treasury; but we shall not long remain in that condition. I think the probability is, that much of it will be got rid of by legislation; and besides, there is a great falling off in the revenue. I have tables from the Treasury Department, showing a very large decrease of revenue within the last few months. It is not wonderful that it should be so. The railroad corporations have brought a crisis on the country. They have run up a fearful amount of foreign indebtedness against us. Our gold and silver are sent abroad to pay this indebtedness. This withdraws from the country part of the capital necessary for its business, and acts injuriously on all branches of industry.

I do not intend, as I have already suggested, to go into a discussion of the tariff policy of the country; but I will make this general remark: I hold it to be a sound rule that no other or higher duties should be laid than are both necessary and proper for the purposes of revenue. In the imposition of such duties it is wise so to select the objects that, while the original intent is secured, the interest of the manufacturer may be regarded as an incidental consideration. To attempt more is to go out on the wide ocean of uncertainty, guided by false lights, emanating from the selfishness alone of those who tender them, and which never can be relied upon for purposes of wise legislation. I reject alike the free trade and the protective theory. Neither can be carried into successful effect. I do not believe human wisdom can make a tariff law which will stand against the designs of Providence, and overrule the natural laws of trade and commerce. When the act of 1846 was adopted, it was supposed to be a rash measure; but that act was aided in a manner which was not expected by those who designed it. In 1847 there was a famine in Europe, and we received $20,000 from abroad for our breadstuffs. In 1849, gold was discovered in California. Both these circumstances operated in favor of the act of 1846, and contributed to swell the revenue under it. The great reason urged now for a reduction of the tariff is, that we received too much revenue. I think that in a year or eighteen months from this time, we shall not complain of a redundant Treasury. But admit the force of this argument; admit that it is proper to reduce the duties for the purpose of lessening the revenue; I say it should be done generally and impartially. You ought not to take off the duty on railroad iron, and retain it on sugar and woolen goods. You ought not to sustain the railroad-making interest at the expense of another great branch of American industry. Are not those engaged in the manufacture of iron as good and enterprising citizens as those who wish to *purchase* and *use* rails, or those who produce sugar?

Mr. President, I do not fear the passage of this bill, but I do fear the result of an effort which I expect will be made to amend the civil and diplomatic, or some other appropriation bill, by inserting a proposition to take off the duty on railroad

iron, or refund $10,000,000 or $12,000,000, paid heretofore by railroad companies. I am aware of the fact that gentlemen plead instructions to justify themselves in voting for such a proposition. The honorable Senator from Virginia, [Mr. HUNTER,] when it was offered two years ago, as an amendment to the civil and diplomatic appropriation bill, alleged that he was instructed by his Legislature to support it. My friends from Alabama tell me that they are instructed to vote to take off the duty which is now imposed on railroad iron. Well, sir, suppose the Senators from Michigan, and from Pennsylvania, had yielded to such instructions in regard to the Wilmot proviso, and the Missouri compromise, where would have been the adjustment measures of 1850, and the Kansas-Nebraska act of last year? I resisted the Wilmot proviso, notwithstanding the instructions of the Legislature of my State. I do not think gentlemen here should now yield to instructions for a measure like this, which are got up by the agency of those who have a deep interest in the question. For my own part I recognise instructions coming from my own party—not always those from the opposition.

I hope, sir, this measure will not be pressed upon us. Its friends have no assurance that, even if it be successful here, it will be taken up in the House of Representatives. They have declined to consider a bill proposing a general revision of the tariff policy of the country; and surely such a measure as this should be considered only as part of a general proposition to reduce duties. This is partial, class legislation, for the benefit of a particular set of individuals. In this respect, it comes before us in a most objectionable form. If this bill be passed, it should be accompanied by a proposition to refund these duties to those companies who have heretofore paid them, and to give to those who have used American iron a sum equal to that which they would have paid as duties, if they had used the foreign article. In every point of view in which I look at this bill, it strikes me as exceptionable.

Mr. President, old Pennsylvania has been a faithful member of this Confederacy, and why, therefore, should the representatives of other States attempt to legislate against two of her great interests? Why not place those interests upon the same footing with the interests of other States? Why impose a duty on cotton goods and not on iron, &c.? Where do southern men look for and get votes to maintain their constitutional rights against abolition fanaticism? And I beg to remind gentlemen and Senators from the eastern manufacturing States, that the fate of Pennsylvania's interests to-day may be theirs to-morrow. And I call the attention of western Senators to the fact that large grants of land have been made to them for the purpose of aiding in making railroads, &c.

Before the debate closes on this bill, Mr. President—for it opens the entire question of our revenue policy—I may have something more to say when I shall have had time to arrange my thoughts and review the speech of my friend from Tennessee. I will certainly have several amendments to propose, for I feel bound by a stern sense of duty to persist in my opposition to the last.

PACIFIC RAILROAD

SPEECH OF HON. H. S. GEYER,

OF MISSOURI,

IN SENATE, *February* 19, 1855.

The Senate, as in Committee of the Whole, having under consideration the bill for the construction of a Railroad from the Valley of the Mississippi to the Pacific Ocean, as amended by the adoption of the substitute of Mr. GWIN—

Mr. GEYER said: Mr. President, when this bill was before the Senate a few days ago, I expressed a hope that I should be able to vote for it, although I preferred the original bill reported by the committee at the last session. I have, since, had an opportunity (which I had not before) to examine into the provisions of this bill, as amended, and the result is, that I cannot reconcile it to my sense of duty to vote for it. I should be content to give my vote in silence, but that I am a member of the select committee by which both the original and the substitute were reported; and the subject is one in which my constituents take a deep interest; and, therefore, I feel called upon to submit the reasons which govern my vote.

We are all anxious to form, as early as possible, an easy and rapid communication between the Atlantic States and our Pacific possessions, so as to bring them readily within supporting distance, in case of any difficulties with a foreign Power, and for the purpose also, of carrying on the commerce of our own country, on our own soil, and by our own people. But, sir, we must look at this proposition as practical men, look at it with reference to the means and the hope of accomplishment, and with reference to its effect, also on other portions of the country.

In order to make the few remarks which I shall submit, in explanation of my objections to this bill, perfectly understood, I ask the attention of the Senate, for a moment, to some statistical facts which I deem worthy of consideration. Sir, there are now in operation in the world more than forty thousand miles of railway, requiring a large supply of iron annually for the purpose of repair, and involving a large expenditure of money. Of the railroads in operation, there are in the United States twenty-one thousand three hundred and ten miles, constructed at a cost of $621,316,000. We have now in course of construction sixteen thousand nine hundred and seventy-five miles. If the construction of these roads shall cost the same amount and no more per mile, on the average, than was paid for the construction of those now in use, there will be added, in the course of a few years, to the expenditure on railroads nearly $500,000,000. Of the cost of the roads already constructed, there are, perhaps, $300,000,000 of debt outstanding; and now it is proposed, under these circumstances, to undertake three railroads between the Mississippi and the Pacific ocean, adding six thousand miles more, at a cost of from $300,000,000 to $400,000,000 for the roads alone, exclusive of depots, stations, rolling stock, and equipments.

These facts, about which there can be no dispute, should, I think, induce us to pause before we commit ourselves to the measure before the Senate. We consume now, annually, in the United States about three hundred and fifty thousand tons of railroad iron for purposes of repair, for additional tracks on roads in use, and for the construction of new roads. We have been enabled to obtain from Europe two hundred and eighty thousand tons, and about one hundred thousand tons are manufactured in the United States, making three hundred and eighty thousand per year. There will be, without the roads contemplated by this bill, a large addition annually to the consumption of iron by the construction of new roads and repairs of the old ones, which will bring it up, perhaps, to four hundred and fifty thousand tons. Now, I would inquire where is that to come from? How is the demand to be supplied, if we increase it as proposed? The Senator from Pennsylvania [Mr. BRODHEAD] reminds me that a great deal of the old iron is rewrought. That may be so; but certainly, if we add to the present consumption of this country the amount required for the roads now contemplated by this bill, the demand for iron will be greatly beyond the supply, producing an injurious effect upon all the local enterprises in the United States. According to the laws of trade, the price of iron will advance when the demand shall be made to exceed the supply. The tendency, therefore, of this bill is to effect injuriously the operations on the roads on this side of the western boundary of the organized States. It will have that effect, if the roads contemplated by this bill are undertaken.

Mr. President, there has been some difference of opinion among Senators whether this bill contemplates three railroads or one. It is supposed by some that it will be submitted to the discretion of the Secretary of War, the Secretary of the Interior, and the Postmaster General, to contract for one or more. Others think that they will be obliged to contract for the three roads, if bids are offered within the terms proposed. The bill is not very clear on that subject, but my impression is that they are to go on and receive proposals until the three roads are contracted for. The first section provides for them; the second directs advertisements to be published inviting proposals for the construction of each or either of them; and, by the third section, when proposals are received, the Secretaries of War and the Interior, and the Postmaster General, are, under the direction of the President, "authorized *and directed* to contract with the party or parties whose proposals, as aforesaid, for said lines respectively, for the full and complete construction and keeping up *of either line or each of said lines of road and telegraph.*"

This clause, standing alone, would seem to vest in the Secretaries and Postmaster General the authority to select one road, and reject the proposals for the others, if made; but the eleventh section provides, that in the event that any one of these roads shall not be proposed for, new advertisements shall be issued, and continue to be issued annually, until contracts for all the roads are made. The bill, therefore, contemplates the construction of three roads, if proposals for them can be obtained upon the terms prescribed.

But, while it in terms authorizes the Secretary and Postmaster General to reject such proposals for any one of the roads, it makes no provision for receiving future proposals or contracting for the construction of such road. The eleventh section applies only to the case where proposals are not received, under the first advertisement, within the time prescribed, and not to cases of such proposals received and rejected. Suppose proposals should be received for the northern and southern routes, or the whole three, and the Secretaries and Postmaster General accept the proposals, and contract for the southern road, and reject the others, as they may, by the terms of the third section, they would not be required or authorized to receive new proposals, and contract for any road for which proposals, within the terms of the act, had been received and rejected. The bill, therefore, rests in the three heads of Departments named a very large and dangerous power, which I am undisposed to confer. The bill is, however, evidently framed with a view to the construction of three roads; and its friends maintain that there is no discretion vested in the Departments, and they say that the three roads must be contracted for, if proposals within the terms prescribed are at any time made, and in that view, if that is the interpretation of the bill, it is, in my judgment, extravagant and unpracticable.

After the proposals are received and contracts entered into, there are certain preliminaries to the commencement of the work, which I propose to examine. In the first place the contractors are to fix the termini of all the roads except the central, which is to have its western terminus at the bay of San Francisco. It will be seen, in the sequel, that this is a very large discretion; and it is one which, if the proposed contracts are made and executed, will operate very beneficially to your State, Mr. President, [Mr. WELLER in the chair,] and very injuriously to that which I have the honor, in part, to represent.

The termini are to be fixed and the general route of the roads located within two years from the date of the contracts respectively; and thereupon surveys of the lands for forty miles on each side of the roads are to be be made under the direction of the President. Now, I would ask how the contractors will obtain the information necessary to a judicious location of the roads in two years, which Congress, with all the resources of the Government at command, have not been able to obtain? This is now the fourth session that I have had the honor of a seat in this Chamber, and the subject has been before the Senate at every session, I believe. Two years ago, Congress made provision for surveys or explorations of several routes. We have not yet received all the reports, and it is only within a few days that we have had access to any; and now we propose to call upon the contractors to exercise the power and perform the duty which belongs to us. We assume that they will have information that we cannot obtain. We commit to them a discretionary power over a subject of great public interest, acknowledging ourselves incompetent or unwilling to perform the duty devolving upon us; a power which will doubtless be exercised by the contractors with reference to their own interest, and little or no regard to the interest of the public.

Well, sir, let us advance one step further, and see whether the scheme proposed would carry us. When the contractors have designated their routes, there is to be surveyed for each road a tract of eighty miles in width, for the whole extent through the territories of the United States to the waters of the Pacific. Estimating the average length of the lines at twelve hundred miles, the quantity of land to be surveyed will be two hundred and eighty-eight thousand sections, involving an expense of between one and two millions of dollars, if the surveys can be obtained at the rates now paid.

But no one supposes, I apprehend, that the surveys can be made in the Rocky mountains or even on the plains, at the rate now paid for surveying public lands. One of your engineers describes the country from the meridian of 97° to the base of the Rocky mountains, over six hundred miles, for the whole distance north of the parallel of 34° north latitude.

Mr. GWIN. If that is true they will not select that route.

Mr. GEYER. The honorable Senator from California says "they will not select that route." Well, sir, then there will be no road north of 34th° of parallel. The description given by the engineer embraces the whole country from that parallel to our northern boundary, and if his description is accurate, it will be next to impossible to construct or maintain a railroad anywhere between the 34th° and 49th° of parallels. I refer to the report of Captain Pope, page 9:

"The great deserts, commencing about the meridian of 97°, extend over a distance of six hundred miles, to the eastern base of the Rocky mountains." * * * "In this whole extent they are badly watered by a few sluggish streams which intersect them, many of which disappear altogether in the dry season, and are destitute absolutely of timber, except a sparse growth of dwarf cottonwood along the streams." * * * * * * * * *

"From the northern frontier of the United States, at the parallel of 49°, this immense region of desert country extends, without interruption, as far south as the parallel of 34°; at this parallel its continuity is suddenly and remarkably interrupted."

He seems to entertain the opinion that the only practicable route is that explored by himself between the parallels of 32° and 34°. The engineers who explored the routes farther north report them to be practicable, and their description of the country examined by them is far more favorable. But when interrupted, I was inquiring into the probable expense of the survey of two hundred and eighty-eight thousand square miles of country, most of which is uninhabited, and a large portion mountainous and scarcely practicable, and another large portion of plains, which, though not inhospitable deserts, are infested by roving bands of predatory or hostile Indians. Every one must see that the surveys cannot be made at the ordinary rates, and the country will be involved in an enormous expense for surveys, preparatory to the construction of the roads.

Another objection which I take to this bill is, —even if it provided for only one road—it by its terms interposes obstacles to its construction. I took occasion the other day to say that it is indispensable to the construction of a road at all, that you should have established military posts and advanced the settlements. In my judgment that is not only not provided for in this bill, but it interposes obstacles which will prevent the settlement until after the road is commenced or perhaps nearly finished. No settlement is to be allowed, nay, it is positively prohibited by the terms of the bill, until after the surveys are made. No grant is to be made to the contractors until they shall have constructed one hundred miles of road, and then only three fourths of the quantity of land due to that portion of the road is to be conveyed to them by patent.

You will observe, then, Mr. President, that this bill provides that before there shall be any settlement or sale of the lands granted to the company the road shall be made. Now, how is it with respect to the reserved sections? Is it true you grant preëmptions by this bill, but you do not allow a man to go upon the land until after the survey is made, and you grant preëmptions at $2 50 per acre. That is the price demanded for land on the prairies where there is no timber, and on the Rocky mountains, where there is only a small portion fit for cultivation. Who that understands anything of the nature of the country, the privations and the dangers to which the settler is exposed, will settle in the wilderness, occupy your lands, and reduce them to cultivation upon the terms prescribed by this bill?

Sir, the man who goes upon these lines of road and cultivates the land is a public benefactor, and he ought not to be taxed at the rate of $2 50 an acre for the land he reclaims. It is very proper, doubtless, in countries which are settled, such as Illinois and Missouri, in which railroad grants have been made, to hold the lands reserved at double the minimum price; but in those cases, the settlement and cultivation of the land is not necessary to the construction of the road, but the enhanced value is given to the land by the road, before the purchase. Not so along the lines of road provided for by this bill, the settlement and cultivation of the lands, to a considerable extent, is indispensable to the success of the enterprise, to furnish supplies and shelter to those engaged in the construction of the work, and protect the road when built. This bill does not afford the necessary encouragement to settlers, and practically, its provisions tend to defeat the construction of any road.

Mr. President, I have before adverted to the probable cost of the roads proposed, and the large increase of our liabilities, but I wish again to call the attention of Senators to that subject. Debtors as we are to the amount of $300,000,000 on account of roads in use, having under contract, and in process of construction, nearly seventeen thousand miles of road, to cost in round numbers $500,000,000, I submit it as a financial question, whether it is wise or prudent to invite, encourage, and promote so large an increase of the demands upon our resources? It is true the money is not to be paid out of the Treasury, but it adds to the burdens of the country, and a pressure upon the people is as carefully to be avoided as the embarrassment of the Treasury. Already the demand created by the roads in process of construction is ascertained to be beyond the available resources of the country, and many of the works are stopped altogether, or prosecuted feebly and despondingly. The pressure in the money market has reduced railroad securities to almost a merely nominal value. Is it wise to create by a single act a demand for three or four hundred millions more? Ought we—can we afford to expend eight or nine hundred millions upon railroads, within the next ten years?

As an inducement to persons to undertake the construction of the proposed roads, the bill provides for a contract by which the Government is to pay for the transportation of the mails daily, not exceeding $300 per mile, and for the transportation of troops and property at the rates now paid on other roads. That is, the bill contemplates three daily mails between the Mississippi and the Pacific, and the transportation of troops and property upon all the roads. The contracts are to be carried into effect, and payments made for transportation of the mails, troops, and property upon the road while in the course of construction, for the portion, from time to time in operation.

Now, let us see how this will work. A road may be commenced at either or both ends, or any where along the line, and whenever any "portion is in use" the mails are to be transported upon it or whether transported or not, payment is to be made at the contract price, $300 per mile. The mails and property are to be carried by railway from the beginning to the end of "the portion in use," and then other means of transportation must be provided for the residue of the way across the prairies and the mountains. The place of transfer will be advanced as additional portions of the road are put in operation, but there must be at least one on each road until it is completed.

You may refuse to deliver the mails and property for transportation, but you cannot withhold payment. You must adopt other means of transportation, the whole distance, or you must furnish them at the end of the road in use, in whatever part of the prairies or the mountains that may be. In either case you must perform your contract, and pay the price agreed on. I do not misinterpret the bill. The second section contains the terms of the contracts to be made; the third clause provides for the contract for carrying the mails and property of the United States "for the period of fifteen years from the completion of the road, and while in the course of construction, for the portion in use." Yes, sir, they are to make a contract to carry the mails, military and naval stores, and other property, while the road is under construction, upon so much as is finished, and they are to leave them at the end of the road, to get forward in the best way they can.

Mr. President, I have thus taken a general view of the provisions of this bill, so far as it affects the country at large. I now propose to consider it with reference to its effect on particular States. The bill proposes to give to the contractors—not to the State—twelve sections of land per mile of road in the State of California; but contains no such provision for the road within any State west or east of the Mississippi. Illinois applied for a grant of land for railroad purposes, and it was hard work to obtain alternate sections for six miles in width. So with Missouri and Arkansas. Iowa has not been able to obtain even such a grant to this day. If, as I suppose it may be intended, one of these roads shall go through Iowa, I think it would have been but fair to provide twelve sections per mile for the road through that State. We have a grant in Missouri of six sections per mile, to be selected within fifteen miles of the road, and not fifty, as in California.

I do not complain of the proposed grant in California, because that State is eventually to become the owner of the road within her limits, but of the discrimination made in her favor against the other land States. Illinois, Missouri, and Arkansas, in consideration of six sections of land per mile, are required to transport the mails at such price as Congress shall prescribe, and the troops and property of the United States free of charge. In California we propose to appropriate twelve sections of land per mile to pay for carrying the mails, $300 per mile, and for troops and property a full compensation. To this inequality I object, and, I may ask, why were the States west of the Mississippi, through which one of the roads may pass, altogether overlooked by the framers of this bill? Why not make the eastern terminus of the central route (so called) on the west bank of the Mississippi, appropriate the same quantity of land per mile within the State through which it may pass, and afford the same inducements for the construction of the road as in California? Certainly there were no constitutional scruples to be overcome. If the provisions of this bill are wise and constitutional in respect to California, they would be no less so if extended to Iowa or Missouri. The objection to the discrimination in favor of California does not, of course, address itself to Senators from the Atlantic States, and perhaps may not be appreciated by any but the Representatives from Missouri, and other States immediately interested. To my mind, it is decisive against the bill.

Another, and to me an insuperable objection to the bill is, that it presents inducements to form combinations against the interest of the State which I in part represent, so that there is scarcely a remote possibility that the eastern terminus of either road shall be on her border. Ostensibly the bill fixes only the western terminus of the central road, and that at the *Bay* of San Francisco. But, in reality, it also determines the eastern terminus of the southern road. *The western "border of Texas"* on the Rio Grande, above the north boundary of Mexico, being only about thirteen miles long. The contractors are to select the routes and fix the western terminus of the southern road, and the eastern terminus of the central. The southern road is to "commence on the western border of Texas, and pursue the most eligible route to the navigable waters of the Pacific, in the State of California." The contractors for this road will have a large discretion which will be used to their best advantage. Now, when the most valuable, if not the only valuable lands to be appropriated to that road are in California, there can be no doubt that the city of San Francisco will be the western terminus of the southern road. The contractors will have the power to fix that point, and will have no inducement to select any other. I hazard nothing in predicting that the undertakers of the road will find "*the waters of the Pacific*" mentioned in the bill, at or very near the city of San Francisco.

It is for the interest of California that the central road should enter that State on the north, and proceed southward to the Bay of San Francisco. It will secure a road extending nearly the whole length of the State, which is eventually to become its property. The interest of the contractors for the southern road is, in this respect, the same as that of the State. They would not desire a second road, entering California south of San Francisco, to compete with theirs. The State and the southern company having thus a common interest, would make common cause, and their united influence would be felt in the location of the central route. Their efforts would be to secure a location as far north as practicable, in order to make the road within California as long and as valuable as possible.

Another and most powerful interest will be arrayed against that of Missouri, which, aided by California and the contractors for the southern road, will secure the location of what is called the central road, north of that State. According to the bill the contractors for that road may select any point on the west boundary of Iowa or Missouri as the eastern terminus, (though Iowa is not properly a central State,) a range of selection quite remarkable, when it is observed to how small a space the commencement of the southern, and even the northern, road is limited. Now, a road, commencing north of Missouri, at Rock Island, for example, and passing through the South Pass and Noble's Pass, to the Bay of San Francisco, would precisely accommodate northern Illinois and California. The northern road, which is to have its terminus on the west boundary of Wisconsin, will, of course, connect with some road to Chicago. Thus that city, and those who own the road thence to Rock Island, and those extending eastward, and who are engaged in the construction of the road from Rock Island westward, will all be accommodated.

The bill, therefore, presents irresistible inducements to a combination of all the interests to which I have referred. The South, and the contractors for the southern road, the States of California and Illinois, and the capitalists who own the roads from Lake Erie, by Chicago, to Rock Island, and through Iowa, are invited to coöperate in securing the location of the eastern terminus of the central road on the western boundary of Iowa. That they will coöperate can scarcely be doubted, and their success will be almost certain. Hence I am not surprised that the Senators from Illinois and California manifest so much earnestness in pressing this bill. If it secures the construction of any road, the States they represent, and probably Texas, will be more benefited than all others.

As a member of the Senate, I have been at all times prepared to support any bill for a single road with adequate provisions to secure its construction. Though, as I stated a few days ago, I would prefer to commence at two points on the western boundary of the States, and proceed thence to a convenient point of junction in the Territory, and thence to the Pacific; I should not object to a proposition which left the whole frontier of the States west of the Mississippi open to selection for the terminus of the road, as the original bill proposed. If such a road were authorized or located, connections might be formed by roads from all the States not touched by it. But the provisions of the amended bill under consideration are so obviously calculated, if not designed, to exclude the middle States, and especially that which I in part represent, from sharing the benefits so lavishly bestowed upon others, that I should be inexcusable if I gave it my sanction. Sir, when Wall street, and the other interests I have named, are brought into competition with a State that relies exclusively upon her own resources to build her roads, as they are by this bill, the result is certain against the State; so believing, it is my duty to oppose the measure.

Mr. President, I have now stated the principal objections I have to the bill, and, I believe, all that I intended to remark upon. My purpose in addressing the Senate was merely to place before my constituents my reasons for the vote I gave against a bill proposing to provide for the construction of a railroad to the Pacific, a measure in which they take much interest. I make no attempt to convince Senators of the validity of my objections. They have doubtless all long since made up their opinions. I could not suppose otherwise when the Senate, by a very large majority, preferred the substitute to the original bill. Having now discharged my duty, as I think, though imperfectly, I take my seat, leaving the bill to the decision of the Senate.

STEAM MAIL FROM SAN FRANCISCO TO CHINA.

REMARKS OF MR. J. A. McDOUGALL,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

February 20, 1855,

On the bill providing for a Steam Mail from San Francisco, by the way of the Sandwich Islands and Japan, to Shanghai, in China.

Mr. McDOUGALL said:

Mr. SPEAKER: At an early day in the last session I reported, from the Committee on the Post Office and Post Roads, a bill for a mail by steamships from San Francisco, by way of the Sandwich Islands and Japan, to China. That bill was referred to the Committee of the Whole on the state of the Union, and still remains in that committee without any prospect of its being reached. A bill with the same object has passed the Senate, and is now upon the Speaker's table; and as this bill may be reached in the course of the business of the session, I ask the attention of gentlemen to some of the leading features of the bill, and the considerations which, in my opinion, should govern the action of the House.

The Senate bill provides for the establishment of a monthly mail by steamships from San Francisco, by the way of the Sandwich Islands and Japan, to China, a measure necessary to complete the system of mail communication between the United States and some of the most important markets of the world. It is not a bill to establish a steam navy for the Pacific at the expense of the Federal Treasury. It is not (I say this to western and southern gentlemen) a bill to charge the revenues of the Post Office Department with the cost of an expensive foreign mail by which some portions of the country may be deprived of the facilities their necessities demand.

This bill provides that, upon due notice, the contract for transportation shall be awarded to the lowest responsible bidder, fixing the maximum of compensation at $500,000 per annum. The contract is to be made as all the mail contracts of this Government should be made, whether upon the land or sea, with persons offering the best terms and the most efficient service.

The bill further provides that any excess of cost over and above the amount received for postages shall be paid directly out of the General Treasury, and shall not become in any way a charge upon the Post Office revenues.

Why it is that our postal system is not, what was once contemplated, a self-sustaining system——why it is not in itself equal to all the demands and necessities of the country, is a question I do not feel now bound to discuss. It is a fact that it is not a self-sustaining system; and whether this fact results from bad legislation, bad management, or from proper legitimate causes, is not, in my judgment, material to the merits of the present measure. This measure, while it is brought forward to meet the necessary demands of the country, is designed to avoid, and does avoid, all claim upon that system; is designed to avoid, and does avoid, all collision with the claims of the interior, West, and South, for better postal service. It looks directly and solely to the general treasury and the abundant general resources of the country for whatever balance the proposed service may require.

I remember the objection made, at the last session, to the bill providing a weekly mail service to California, by gentlemen from the West and South, on account of their own insufficient mail service. I felt the force of their objection, although I did not then think, and do not now think, it was a sufficient one. The objection then made is obviated by this bill.

I wish to say here, that I may be perfectly understood, that it is my opinion that the Federal Government having assumed to furnish to the country postal facilities, having assumed the exclusive right to do so, to the extent of prohibiting all competition, it is the unquestionable office, business, and duty of the Federal Government to furnish all proper service, whether the revenues derived are equivalent to the expense or not. When I ask for a mail service to the State of California, or elsewhere in the United States, called for or demanded by the business and interests of the country, it is no answer to me upon this floor, or from the head of the postal Department, or, at least, it is no good and sufficient answer, that the revenues of the Department are exhausted. It is one of the obligations Government has assumed, and, therefore, one she is bound to discharge so long as she possesses the means, no matter whence derived. It is the duty of the Government to see that the means are properly derived. It is the right of the people to demand the discharge of the assumed obligation.

I make these remarks as explaining my position rather than as pertinent to the question under consideration. If the postal system requires reformation, let it be reformed, but I insist that, in the process of reformation, there is no sufficient reason why the offices and obligations of Government should be suspended.

I will state further, that this measure is not one for the benefit of the Pacific coast merely; but one called for as well by every interest that moves the hand of industry, whether agricultural, manufacturing, or commercial, throughout the Mississippi and Atlantic States. This last proposition, the importance of this measure, apart from the interests of the Pacific coast, is the one I propose particularly to maintain in the remarks I shall address to the House.

This great Atlantic is but a petty and a petulant sea compared with that broad and calm ocean which connects our western shores with the land of the primitive nations and races of mankind. Western Europe, although alive with human blood, intellect, and enterprise, is yet, compared with Eastern Asia, a sparsely populated country. It has been the superior, the commanding intellect and enterprise of Europe that has enabled her to make Asia her tributary and subject. The treasures of the immemorial East, moving westward with the sun, after having built a hundred cities, cities of palaces, both upon the desert and by the sea, after having built up many empires whose history mark successive ages, now find their way still westward, compelled to the ports of a little island rocked by the rough waves of our eastern Atlantic, compelled, their way compelled, by the intellect and enterprise of Englishmen. It is not alone India, conquered India, England commands the trade of most of the Southern ocean, the trade of China, the trade of the islands of the Pacific, the trade even of the Sandwich Islands, that almost American possession.

It is supposed by some that we have an eastern trade. It is true, we exchange our money for their merchandise, but this is not trade. We are mere carriers to the East, messengers, paid messengers it is true, still but messengers for the great commercial Power that has made the East her tributary. We are ourselves tributary to the East, or if not to the East, through the East tributary to England; for we buy of the East while we do not sell to the East. While we buy in the ports of China over twenty-five million dollars per annum, we sell but about five millions of dollars; the balance we pay in exchange on England. To meet this, to settle the balance of our China trade, each year we have to ship to England over twenty millions worth of our gold, cotton, and tobacco. This is an enormous drain upon the resources and industry of our country.

We have been, and we are, the carriers and messengers between Europe and Asia. It was a good, a profitable, and a sufficient business for a people as young as ourselves, and I hope we may continue to transact the same business upon terms as advantageous as heretofore; but the time has arrived, it seems to me, the time has arrived when we may emerge from the carrier to the trader, from the messenger to the merchant, from the servant to the master, and do the business, or, at least, enter into the business and exchanges of the East on our own account. How far we have heretofore failed in doing this, I cannot better

illustrate than by reference to a single article of commerce, cotton fabrics. Cotton is one of our great staples. Our cotton manufactures can now compete with the world. While we find a market in China for two hundred thousand pieces of cotton goods per annum, England sells to China three million pieces per annum. One to fifteen is the ratio. These goods constitute our principal item. We send out a little tobacco and a few Yankee notions; but we have nothing that deserves the name of an export trade to China.

Shanghai, the most prosperous commercial city in China, is almost entirely in the hands of American merchants. At Canton and Hong Kong, I believe, our merchants are in advance, in point of enterprise, of their English neighbors; but no American or other merchant of Shanghai, or Canton, or Hong Kong, ever orders a dollar of merchandise from our markets on the Atlantic. The orders of both American and English merchants all go to the markets of England, no matter what the commodity wanted, no matter how English prices compare with ours. Our exports are confined to chance ventures of our own merchants, sent out at their own risk, and they cannot be said to constitute a feature in the commerce of our country. What I have said of our trade with China, is more or less true of our trade with the States of South America, the Pacific Islands; and, indeed, the whole trade of the Pacific, except so much as is now commanded by the commerce of the infant city of San Francisco.

I have made these statements for the purpose, first, of having understood the condition of our trade with the Pacific as it now is; and second, of showing that the measure now under consideration will do much to make it what it should be. I do not hope to see it altogether what it should be, until I see the great iron horse, on his road of iron, with his lightning tread, passing and repassing our central mountains, and bearing the choicest treasures of the two hemispheres for his burden.

The people of the United States are the only thoroughly civilized and commercial people occupying an advantageous position in the Pacific. The city of San Francisco, on the bay of San Francisco, is the only commercial city in the Pacific occupying a commanding geographical position in respect to the Pacific commerce. That city possesses a population with the intelligence, enterprise, and spirit of progress, which, when taken in connection with the great resources and vital energies of (permit me to say it) the great State of California, must, in the consecutive order of things, by the force of laws absolute, absolute as the laws of physical nature, command and control the rich commerce of the East, despite England and the world. I say this must be. I will not undertake to say when; much depends upon the intelligent legislation of the Federal Congress; more depends upon the enterprising spirit of the American people.

For the commerce of that young city; in behalf of the interests of that great State, a State which is now sustaining the trembling credit of the whole Union; in behalf of the Pacific coast, the fairest, richest, most valuable portion of the Republic, I might insist upon this measure as a right, or I might insist upon it as one of essential policy, but I have not the time allowed me to discuss this subject in its various aspects, and I shall drop the question, so far as it relates to our western coast; I will drop, also, the considerations which relates to the Sandwich Islands, and I will say nothing of the great prospective advantages of our opening trade with Japan, considerations not to be overlooked or disregarded, contenting myself with calling your attention to the facts that we have vast possessions, we have an enterprising people, and we have a large commerce upon the Pacific. I am informed that the whale fisheries of the northern Pacific alone employ six hundred and thirty-four vessels, and eighteen thousand men, and yield an annual profit of $10,000,000. I am further told that the probable number of our people at this moment engaged in navigating the Pacific is over thirty thousand, having in their care, in port and upon the sea, some $70,000,000 of American property, and this independent of the local commerce of California, and the coast. The magnitude of these considerations might well justify the claim for ocean mail service on the Pacific, but, as I have proposed, I shall endeavor to present the question in another aspect.

The proposition is a mail from San Francisco to China. I ask your attention to the fact that the United States never had any regular communication with the Pacific until the establishment of the present California mail; that she has not now, and never had, any regular communication with Eastern Asia, except through England, and by the English overland route to India and China. It is a marked fact, that although a rival of England as a commercial nation, we have no mail communication of our own with any of the countries of the world, except those of Western Europe. England, English enterprise, on the other hand, has environed the whole world with a network of mails. She holds regular mail communication with every country upon the globe where there is to be found a market. London is made a great center, from which radiates and to which is returned the commercial intelligence which gives to England commercial ascendency in all directions. From London, by the Cape of Good Hope and Madagascar, she has a regular mail commanding Africa and reaching the East. The mail by Suez, Aden, and Singapore, and thence to Australia, New Zealand, China, and the whole of southern and eastern Asia, is the route upon which Europe and the United States depend for the facilities for eastern communication. By her line to Halifax, she communicates with her North American possessions; by her line to Boston, she communicates with the United States; with her lines to St. Thomas, Jamaica, Havana, Panama, Guayaquil, Callao, and Valparaiso, she communicates with the West Indies, and the western coast of South America. With another mail, by the Cape de Verd Islands to Pernambuco, and thence by Rio Janeiro to Montevideo, she communicates with the whole eastern coast of South America. She has, in fact, the promptest and most certain communication with all parts, not only of the civilized, but of the barbarous world, that human skill and enterprise can command.

It is this feature of British enterprise that has made and sustains the British empire as the first Power in Europe or the world.

In extent of territory, in fertility of soil, in native physical resources, the whole of Great Britain would rank below several of the States of this Union, and below many of the States of Europe; yet she supports a population of more than twenty millions. Her merchants are merchant princes; her landed aristocracy are the proudest and wealthiest in Europe. The annual income of many of her nobility and large proprietors would purchase a continental dukedom. She maintains a large standing army, and a navy that has never been equaled in extent or capacity; besides this she bears the burden of an enormous national debt. These burdens, all burdens—her great debt, her navy, her army, and her luxury—she bears them all; bears them as lightly as a knight might bear his armor, and moves unbent, first in place and power among the nations.

Cut off the communication of Great Britain with other and remote countries, where she finds the markets for the products of her work-shops, and, I ask, where would be the pride and the power of England? They would soon become things of the past, only known to history. I ask again—and to this question I ask the attention of gentlemen—why should our ships go in ballast from Boston and New York to Europe to take in cargo for China and the East? Why should we continue to be carriers and messengers for England? Why is not Boston or New York as good a market for the China merchant as London or Liverpool? Why may not the American merchant at Shanghai, or Canton, or Hong Kong, as well order merchandise from our own markets as from the markets of England?

The reply to these questions is mainly found in the single and simple proposition that facility of communication commands commerce; that markets being equal in point of commodities, price, and locality, in competing for buyers, their success will be in proportion to the facility with which intelligence can be transmitted between the place of the buyer and the respective markets. As, for instance, assume the markets of Boston and New York to be equidistant from St. Louis, the time and expense of transportation the same; assume, at the same time, that intelligence, by mail or otherwise, passes from St. Louis to New York in three days, and from St. Louis to Boston in six days, it is the simplest proposition in politico-economical science that the St. Louis merchant, trading to Boston, could not compete with the St. Louis merchant trading to New York; or, in other terms, New York would command the trade of St. Louis. The multitude of considerations entering into this conclusion I have not time to discuss. I will assume—I know that I may safely assume—that the correctness, the justness of this conclusion will be recognized by every gentleman who hears me. For the same reason that New York, in the case supposed, would command the trade of St. Louis, England commands the trade of China. For the same reason the St. Louis merchant could not afford to trade to Boston, the American merchant in China cannot afford to trade to New York.

The only China mail has, as I have before stated, to go from New York to London, and from thence, by the English overland route, to find its way to the place of its destination. London is sixty-five days from China; New York is nearly eighty days. The invoice in reply to an order from China or London would be received in China in one hundred and thirty days. The invoice in reply to the same order on New York would not be received until thirty days later. The merchandise itself ordered from England would arrive at an earlier day; besides this, a bill on London belonging to a China merchant is met and answered thirty days sooner than a bill on New York. The monetary and mercantile interests go together, and therefore it is that the first thing that an American merchant who is about to establish himself in China has to do, is to make his credits and arrangements both with bankers and merchants in England. He is compelled by English enterprise and energy to an English market. He has no choice. It is a condition necessary to his entering into competition with his commercial rivals upon equal terms.

This bill proposes to give an advantage, in point of communication, to the markets and merchants of the United States over the markets and merchants of England, equal to that which England now enjoys. By the steam mail now proposed, in connexion with the present San Francisco mail, the commercial points of China will be brought within forty days of New York. New York will be twenty-five days nearer China than London is now, and London will be dependent upon our mails for ten days' earlier intelligence from China than she now receives by her own. And let me say, when this advantage has been secured and its influence upon our commerce has been fairly felt, we will cease to have twenty-odd million against us as a balance of the China trade. England will not sell fifteen to our one of cotton fabrics in the China market. Our tobacco will supersede her opium, and, with the aid of our commercial position at San Francisco, we will in a few years drive England from all competition on the Pacific ocean.

The force and truth of what I state, and the importance of this measure, cannot fail to be recognized by every representative of the commercial and manufacturing interests upon this floor; let me suggest, however, that it is of equal importance to the agricultural interests of even the remote West. The late Commissioner to China, Mr. Marshall, a very able man, in a very able paper on our commercial relations with China, addressed to the Secretary of State, which is now printed and among the documents of the House, even goes so far as to express the opinion that when the China trade is fairly opened, California will have less interest in it than Mississippi or Arkansas. He says she will certainly have less interest in it than New York or Massachusetts. I do not entirely agree with Mr. Marshall, but there is much truth in his observations, and his opinion is entitled to great consideration. We know that we cannot improve the market of our manufacturers abroad without improving the market of our producers at home. With nothing but an agricultural and pastoral population, the whole country would be very much in the condition California was ten years ago, and cattle worth

two dollars a head, the value of their hides for exportation. The gold mines of California started another branch of industry in that State, and by furnishing an active market, made the same cattle worth fifty dollars a head. The manufacturing and commercial interests of this country are to its agricultural interests what the gold mines of California are to the farmers of that State. They furnish the markets for the surplus of our agriculture, and those markets will be active, extensive, and profitable, as by our energy and enterprise we make our manufacturing and commercial interests triumph over foreign competition in the markets of the world.

By our enterprise to conquer from England the markets of China would be a worthier and a more valuable achievement, than to conquer all the barren hills of Mexico, or all the sunny islands of the Pacific. I believe in, I have faith in, the peaceful triumphs of commercial enterprise. Commerce is the great civilizer, and more, she is the forerunner and companion of freedom. She is a builder, not a destroyer. She is a friend, not a foe to mankind, and her triumphs best become this age, while they will best promote not only the prosperity, but the permanency of our Republic.

I wish, earnestly wish, this bill to pass. It has received the sanction of the Senate upon grave and full discussion. It cannot be objected to upon principle. It is called for by the commercial and business interests of the country. We call ourselves a progressive people. This will be progress in the true direction. I indulge in no wild, or indefinite, or merely speculative views of progress. I am no enthusiast, but I believe in living, acting, and legislating up to our destiny, and even will confess that I have some sympathy with the sentiment:

"Better though each man's life-blood were a river
That it should flow and overflow, than creep
Through thousand lazy channels in our veins,
Dam'd, like the dull canal, with locks and chains;
Or moving, as a sick man in his sleep,
Three paces, and then faltering."

Gentlemen, permit me again to ask your support of this measure. I have urged it as one of common interest. In conclusion, let me ask it in behalf of our Pacific interests. Let me ask it in behalf of the commercial interests of San Francisco, a city the strange and wonderful history of which is the most astonishing evidence of the capacity of our people, and the most perfect illustration of the sufficiency of our free institutions.

INSANE ASYLUM.

REMARKS OF HON. JOHN G. DAVIS,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

THURSDAY, *February* 22, 1855.

On the "Bill to organize an Institution for the Insane of the Army and Navy, and of the District of Columbia."

Mr. DAVIS. On Monday last I made a motion to suspend the rules, in order to enable me to report a bill from the Committee for the District of Columbia, to organize an institution for the insane of the Army and Navy, and of the District of Columbia. Pending that motion the House adjourned. I am willing now to take that matter up and dispose of it, in order that other gentlemen may have the opportunity to make such motions as they desire.

Mr. HOUSTON. If the gentleman from Indiana is willing, I should like to have the vote taken without any debate, without speeches, upon the bill of my colleague, [Mr. COBB.]

Mr. CHASTAIN. I rise to a question of order. The gentleman from Pennsylvania has, as I understand it, moved to suspend the rules for the purpose of taking up the bill he indicated. Is it in order, pending that motion, for the gentleman from Indiana to bring up another question?

The SPEAKER. The Chair has so decided. The motion of the gentleman from Indiana, to suspend the rules, was made on Monday last, and takes precedence, or rather must be disposed of, before another similar motion can be entertained.

Mr. CHASTAIN. But I understand that proposition was voted down.

The SPEAKER. Not at all. The House adjourned pending the motion, and it held over. The Clerk will report the bill which the gentleman from Indiana wishes to report.

The bill was reported, as follows:

A bill to organize an institution for the insane of the Army and Navy, and of the District of Columbia, in said District.

The SPEAKER. Is it the pleasure of the House to consider the bill without objection?

[Cries of "Yes!" "Yes!"]

Mr. DAVIS. I desire to submit a few remarks in regard to this bill.

The SPEAKER. The object of the question of the Chair was to prevent the necessity of moving to suspend the rules. There was no objection.

Mr. DAVIS. Well, if there is no objection, I will defer any remarks for the present.

The Clerk read the bill through.

Mr. CHANDLER, of Pennsylvania. Is this bill, and the arrangements made under it, founded upon the current opinions of Dr. Kirkbride and others?

Mr. DAVIS. Yes, sir; and I shall take occasion to refer to the opinions of these gentlemen in the course of my remarks.

Now, Mr. Speaker, it will be remembered that, on the 31st of August, 1852, $100,000 were appropriated by Congress for the purchase of a site, and the erection, furnishing, and fitting up of an hospital for the insane of the Army and Navy, and of the District of Columbia.

The site, which is situated in this District, on the southeast side of the Anacostia river, better known, perhaps, as the Eastern Branch of the Potomac, and about two miles due south from the Capitol, came into the possession of the Government on the 1st of January, 1853, and on the 27th of May following the foundation of the hospital edifice was commenced.

At the close of the first session of this Congress a further appropriation of $36,809 was made for the same objects.

At the present time a portion of the building, capable of accommodating about forty patients, with their usual care-takers, is completed, and occupied by the insane of the District.

The external and internal walls of another portion, conforming to the original design, and with capacity for fifty patients, have been erected since the adjournment of the last session. A wash, gas, and engine-house has also been erected since the adjournment of the last session, and so far completed as to be used for its appropriate purposes, and arrangements have been made for supplying and storing an abundance of good water.

At this stage, in the progress of the work, an organic law, regulating the mode of managing the institution, is plainly demanded.

After a very careful and full consideration of the subject, the Committee for the District of Columbia unanimously concur in recommending the bill which I now have the honor to introduce.

The plan of organization for which it provides, appears from various authoritative documents touching the subject examined by the committee, to embrace all the provisions for the creation of a proper board of supervisory inspectors or visitors, and for the appointment of a resident principal, or superintendent, with powers suited to an efficient, economical, and useful conduct of the daily affairs of the hospital, which are found to be *usual and uniform* in similar establishments, situated in the different States of the Union.

The provisions of the bill for the admission and discharge of the several classes of patients which the institution is designed to accommodate, are believed to accord with the benevolent and liberal designs of Congress in establishing it, and with the laws and customs of the several departments of Government concerned, and, at the same time, to be equally applicable to any changes, that may, from time to time, be made in the legal relations of the insane of either the Army and Navy or of the District.

There are, Mr. Speaker, in our country, *thirty-three* public institutions exclusively devoted to the care and treatment of the insane, situated in *twenty-three* different States. *Three* other States are now building hospitals for their insane, and *five* are not known to have yet commenced any special provision for that afflicted class of our fellow men. Besides the institutions which I have mentioned there are in the United States *five private* establishments for the treatment of deranged persons.

The official *personnel* engaged in administering the affairs of each of *thirty* out of thirty-three of these establishments corresponds so precisely the one with the other that the organic act touching that point of any one of them might be applied to all without materially deranging their present respective modes of management. *Sixteen* of these institutions have gone into operation within the last *fifteen* years, and all with precisely the same internal and external *régime*.

This uniformity, sir, did not arise from a blind imitation of some early example, accidental in its character, in all subsequent enterprises of the kind, but is the natural result of mature experience interpreted and applied by men actuated by a sincere and enlightened benevolence.

The early institutions in this country started off in imitation of the then prevalent mode of management in British asylums. Their organization seems to have been derived from that of ordinary hospitals, at a time when the management of the insane was very different from what it now is. There was, accordingly, in the insane as well as other hospitals, a physician, or surgeon, who should visit the patients two or three times in the week; a house-surgeon or apothecary, to live in the house, prepare the prescriptions of the physician, and be ready for accidents and emergencies; a steward to manage the finances and household economy; and a matron to look after the female patients. The power intrusted to these officers was so equally divided between them, that responsibility was frittered away, and that unity of plan and of purpose so necessary in maintaining the ordinary routine of service, not to speak of any higher end, was entirely wanting. Each officer was constantly interfering with some other, and preparing for some fresh jealousy or heart-burning disorder or dissatisfaction. The ignorance, temper, and caprice of the keepers, as those having the immediate charge of the patients were styled, suffering but little check from the loose and ill-defined authority above them, literally rioted among their deplorable victims, and the English receptacles for the insane were popularly and justly known as *mad houses* or *bedlams*, and were the theaters of the grossest abuses. Finding our prototypes in the mother country radically defective, and there being here no prejudices of custom to overcome, as abroad, our countrymen lost no time in making such modifications as experience suggested, and were not long in reaching the present *regimé* the basis of which is the domiciliation of the patients and the whole household engaged in their care, with the superintendent to whom is confided the requisite authority, and upon whom is laid the responsibility of a humane and skillful direction of his charge. Practically, the simple and efficient system of executive government which prevails in American asylums creates a family of which the physician-in-chief is the head, to whom is confided the entire direction of the medical and moral treatment of the patients, and of the duties of all persons engaged directly or indirectly in their care. An assistant physician who acts as apothecary, and aids the principal in all his labors, and a steward and matron, also, reside in the institution with the superintendent. Holding this relation to the patients and all the employees of the establishment, the principal enjoys the best opportunities of studying the peculiarities of each case, and of adapting his treatment to the ever varying exigencies of such a peculiar household, and, at the same time, of knowing and promptly correcting the abuses which the care of irresponsible and exceedingly troublesome persons naturally engenders. Frequent inspections of the establishment by a board of visitors, composed of individuals well known in the community, and possessing the public confidence, is found to be an efficient practical means of preventing frauds and abuses from creeping into its service, and, also, of affording the medical head that support before the public, under difficulties, to which he is entitled.

It has been proposed, sir, that a consulting physician should be officially connected with the "Government hospital for the insane;" but in recommending such an office the committee would

have disregarded the great weight both of testimony and practice upon that point.

Dr. Kirkbride, physician-in-chief of the Pennsylvania hospital for the insane, distinguished alike for his great ability and long experience in the treatment of the insane, writes:

"No such officer as consulting physician, or visiting physician, or president of a board, as was formerly adopted in a few institutions, should ever be allowed, for such arrangements invariably lead to difficulties of a serious nature, and can be productive of no advantage. I speak without hesitation on this subject, because, in my seventeen years of service among the insane, I have had ample opportunities to witness the results of the different systems that have been proposed. All the schemes of having non-resident officers controlling institutions for the insane have proved signal failures, and I do not think you will find any one who has had much to do with the management of such institutions recommending any other course than that adopted unanimously by the association of medical superintendents. It seems especially important that the national hospital, located, as it is, at the seat of Government, should be a model, not only in its buildings, but, what is of still more importance, in its plan of government and system of management."

Dr. Kirkbride then refers to an essay written by him, and published in the American Journal of Insanity, for his views more in detail on this subject, and from which I beg leave to read the following extracts:

"*Physician.*—The physician should be the superintendent and chief executive officer of the establishment. Besides being a well educated physician, he should possess the mental, physical, and social qualities to fit him for the post. He should serve during good behavior, reside on, or very near, the premises, and his compensation should be so liberal as to enable him to devote his whole time and energies to the welfare of the hospital. He should nominate to the board suitable persons to act as assistant physician, steward, and matron. He should have entire control of the medical, moral, and dietetic treatment of the patients, the unrestricted power of appointment and discharge of all persons engaged in their care, and should exercise a general supervision and direction of every department of the institution."

* * * * * * *

"It would seem to require but little argument to show that a hospital for the insane should have but one official head—in reality, as well as in name—to whom every one employed about it must be strictly subordinate. It would be as reasonable to suppose that a proper discipline, or that good order would prevail in a ship with two captains, or in an army with two generals-in-chief, or in a school with several principals, as to expect to find them in an hospital of the kind referred to, where two or more individuals were acting independently of all others, or in which there were certain officers over whom the physician in-chief had no control. If such an arrangement ever worked well anywhere, it must have been owing to some very peculiar mental organization in those acting under it, and not because the principle was not radically wrong.

The very peculiar character of a majority of the patients received in such institutions, the numerous body of assistants required in their care, the large number of persons employed in the various departments, the necessity for active and unceasing vigilance, joined with gentleness and firmness in all our intercourse with the mentally afflicted, and for prompt decisions in cases of difficulty render it indispensable—if we wish the best results—that a large amount of authority should be vested in the chief officer."

Dr. Bell, of the McLean Asylum, near Boston, now the senior superintendent in office in this country, after expressing, substantially, the same views as the preceding, adds:

"I believe I only express the universal opinion of all engaged in the cause of the insane, when I say that we watch the operations of the national institution with the deepest interest. We feel that there should be a model in *régime*, and in detail, after which the hundreds of institutions to come may be wisely conformed. So far, it has met the entire approval of all those practically engaged in this speciality."

Dr. Stribbling, of the Western Lunatic Asylum of Virginia, and who is distinguished for the able manner in which he has conducted the affairs of that institution for the last eighteen years, has expressed his approval of the provisions of the bill under consideration in the following terms:

"After a connection with this asylum for more than eighteen years, I hesitate not to say, that if the responsible duty should devolve on me of framing a system of regulations for its reorganization, I would adopt, in every *material* particular, the features embraced in the act which you inclosed me."

Again. Dr. Ray, late superintendent of the Maine Hospital for the Insane, and now of the Butler Hospital, near Providence, Rhode Island, in an essay "on the principal hospitals for the insane in Great Britain, France, and Germany," delivered in 1846, and published in the American Journal of Insanity, after reviewing at length the system of treating the insane, and mode of managing asylums in those countries, gives a decided preference for our system over all others, and adds:

"The organization which prevails in our institutions is, under all the circumstances, the best that can be devised, embracing a physician who resides in the house, completely controlling the management of the patients, and everything relating to their welfare, appointing and discharging the attendants, and responsible for the general condition of the establishment; an assistant physician, seconding his views, sharing his labors, and thus enabling him to 'discharge his responsibility to science,' using the language of Jacobi, 'for the results of his medical observations, and for the promotion of his own advancement as a man and as a philosopher;' a matron to direct the housekeeping, and superintend the work and clothing of the female patients; a steward to manage the financial and out-of-doors concerns, and provide for the subsistence of the whole household. All the officers are usually appointed by the directors, but the assistants should virtually, at least, be appointed and discharged by the superintendent alone."

Dr. D. T. Brown, physician-in-chief of the Bloomingdale Asylum for the Insane, in the State of New York, in a letter of the 27th of December last, writes:

"I can discover no advantage whatever in adding to the corps of officers therein mentioned, (medical superintendent, assistant physician, steward, and matron,) or in varying their relations and duties.

"The medical superintendent should be untrammeled in his internal administration by any official embarrassment.

"To *him, and to no other*, though he have a score of counselors, is each patient intrusted by their friends; on *him*, and on no other, rests the *personal* responsibility of their care and treatment; in his mind *alone* is the sense of that responsibility constantly present and effective; and for him alone are official success, professional reputation, the love of patients, and the esteem of their families, identified with a conscientious discharge of duty.

"Efficient and successful administration of an insane hospital is to be secured only by intrusting its internal affairs to *one controlling mind*.

"Division of authority entails division of responsibility, indifference to the higher moral duties of such a station, variance of opinion on, and consequent confusion of mischief in, daily occurrences requiring decisive action.

"It involves the almost certain destruction of that unity of control over attendants and domestics, and that corresponding sense, in their minds, of dependence upon a single source of authority, without which an asylum becomes truly a bedlam."

And now, Mr. Speaker, I might adduce other arguments. I might produce to the House the opinions of many other distinguished gentlemen, whose ability, learning, and experience entitle their opinions to the highest consideration, to show that the plan of organization and management of this institution in the bill before you, is substantially similar to that universally adopted in this country, and which has, from experience, been found to be the best calculated to promote the humane and benevolent purposes for which they are designed, but I consider it unnecessary.

One interesting circumstance in the history of the progress made in the management of the insane, brought to my notice in the examination of this subject, addresses itself to the patriotism, as well as benevolence, of this body. It is, that a little more than a quarter of a century has sufficed to produce a complete revolution in the relative positions of the English and American asylums. Hardly thirty years have elapsed since we were the grateful imitators of the mother country. We might now be proud of the fact, that we are, to no inconsiderable extent, her exemplars; and her time-honored, but cumbrous and inefficient, system of management is fast giving way to the practical, common-sense plan which prevails here.

I apprehend no one is likely to overrate the importance of making this establishment at the seat of the General Government a model in its construction, organization, and management, to which, as Dr. Bell remarks, "the hundreds of institutions to come may be wisely conformed."

Humbling as is the confession, the class of institutions under consideration are designed to relieve a condition of humanity which is, perhaps, quite as likely to overtake the proudest as well as the humblest citizen. And whatever tends to elevate their character and increase their usefulness should command our regard and receive our support.

Mr. Speaker, the institution for the insane in my own young State is the pride of our people. It has accomplished the most beneficial results for this unfortunate class, and met the most sanguine hopes of its early projectors.

The examination of this subject, appealing, as it does, to the best sympathies of the human heart, has been to me a source of satisfaction. I have not regarded it as a work of labor, but a work of pleasure, and although my remarks have been somewhat extended, they have not been submitted with a view alone to influence the action of Congress upon this bill, but with a hope that they may be of some value to those in other parts of our country who may hereafter engage in similar works of charity and benevolence.

I presume, Mr. Speaker, there can be no objections to the bill, and therefore call for the previous question.

The call for the previous question received a second, and the main question was ordered to be now put.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

PACIFIC RAILROAD.

SPEECH OF HON. RICHARD YATES,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 23, 1855,

In favor of constructing a Railroad to the Pacific Ocean.

Mr. YATES said, I desire to occupy the attention of the committee, Mr. Chairman, for a short time, in giving my views on the subject of a railroad to the Pacific. And notwithstanding it is the impression of many that the vote which recommitted the bill to the committee, has sent it to a sleep which knows no waking, yet I hope that the House will suffer that committee to report it back. I am well satisfied, that many who voted for its committal were the friends of the bill, and did so that a more perfect bill might be submitted in its stead. But if this reasonable hope shall fail, I trust that the difficulty may be obviated by a bill well digested, and satisfactory to its friends, from the Senate.

There can be no good reason for the delay of this measure; there is a majority in both branches of Congress for it; a large majority of the different State Legislatures have adopted resolutions instructing their Senators, and requesting their Representatives to advocate its passage. The press and public meetings, and State and National conventions have demanded it; the country is not only in its favor, but impatient for the favorable action of Congress; in fact, the sentiment of the people, in every section, and in every State, is strong, pervading, and almost unanimous in its favor. California, from her far and isolated home upon the Pacific, holds out her imploring hands; the toil worn emigrant who plods his dreary pilgrimage across the desert and the mountains, exposed to famine, disease, and assaults of the savage, sends his strong appeal to us; the emigrant, exposed to the hazards of the sea, sends to us upon the wailings of the ocean storm his anxious prayer for our immediate action in behalf of the road.

For several years past this subject has occupied the attention of our statesmen and sagacious business men of the country. And it is, perhaps, well that Congress did not at first embark in the enterprise. In an undertaking so stupendous, it were always well to abide "the sober second thought." Hasty, unmatured and prematured legislation would, in all probability, give it a backset from which it would not recover for years to come. It should be undertaken with a full knowledge of its magnitude and all the difficulties in the way. The plan of construction, and all the details of that plan, should be thoroughly digested before undertaking a work, which, in its most favorable aspects, challenges the wisdom of the statesman, and the capital, and the enterprise of the country. But I think now, sir, all must admit that the time for action is at hand. The Government has wisely, and with prudent forecast, by its appropriation of $150,000, caused explorations to be made by competent boards of engineers; and the country, after the fullest presentation of the subject for years past, and after a successful wrestle on the eastern half of her territory in the construction of railroads, has deliberately pronounced its verdict in favor of its immediate construction. The Atlantic cities have already extended their various lines of railroad to the Mississippi; the iron horse is on his way west of that stream; he will soon slake his thirst in the Missouri, and be impatient to pursue his journey into the rich plains and attractive

regions, which lie beyond, and which only await his coming to teem with life, and the busy hum of men, and to smile with farms and cities, and all the improvements of agriculture, commerce and civilization.

Mr. Chairman, there are four questions to be solved, and then the path of duty is plainly marked before us.

First. Do the wants of the country require such a road? *Second.* Is it practicable? *Third.* Who is to make it? *Fourth.* Where is it to be?

Other questions have been lugged into the debate. The oft-answered argument of unconstitutionality is raised. This objection is a sort of *vade mecum* with some gentlemen; it is always on hand, ready to be brought against any beneficent measure. It is so indiscriminately applied, and so pertinaciously urged, as to leave it in doubt whether, according to the straight-jacketed interpretations given by some gentlemen to the Constitution, that instrument was not designed as an obstruction to useful legislation, rather than as a charter for the high purposes of promoting the public happiness and general welfare. This objection is generally brought forward by those who vote away freely the public money for light-houses, arsenals, forts, ships, and all other improvements on the seaboard. In all these things they see no constitutional barriers; but propose the disbursement of a dollar of Federal money, or the appropriation of a single acre of the public domain for the removal of snags from our rivers, the improvement of our lake harbors, or the construction of a road through the broad domain which separates us from our Pacific possessions, and their sensibilities are wonderfully shocked. Though there is no reason for the discrimination—the object in each case being the protection of life and property, the defense of the country, and the proper regulation of commerce, the one with foreign nations, the other among the several States—yet, with astute technical argumentation and abstract metaphysics, "splitting the hair betwixt the north and southwest side," they find ample constitutional power for the former, but scout at any such power for the latter. With some politicians this habit of finding constitutional objections seems to be an incurable malady. It disregards the opinions of the best statesmen, laughs at the decisions of our courts, and defies all the well-defined precedents of the Government, established by the great cotemporary men and framers of the Constitution, and approved and ratified by their successors down to the present time.

But, sir, the effect of this objection of unconstitutionality is felt in the West. It retards our progress. And whenever we decry such a course, the new States are taunted by these strict constructionists with being the beneficiaries of the Government.

Since I have been a member of Congress, I have frequently heard the new States denounced as land pirates, simply, because they asked for portions of the public lands to aid them in the construction of railroads, as beneficial to the eastern cities, as to themselves, and when the Government, by the donation, so far from losing a dollar obtained full price for the lands donated at a period much earlier than if she had never parted with them. Now the truth is, that the land policy, and I may add the Indian policy of this Government, have both been systems of oppression to the West, and they ought to be changed, and changed at once. Both of them have been barriers to the progress and onward march of the free States. The Government has owned these lands, and she now owns fourteen hundred millions of acres of unoccupied lands, and it is to her interest to have them settled and improved by independent freeholders. Every consideration of national prosperity and progress would dictate such a policy; and she should say to every homeless and landless American citizen, and every honest foreigner who seeks our land as an asylum, go upon a quarter section of that land and build up a home for yourself and your posterity forever! But, instead of that, sir, she has pursued the "dog in the manger policy;" she has charged the bold pioneer who has encountered the vicissitudes of the forest, and exposed himself and family to every hardship, a dollar and a quarter per acre for these lands. And for what? I answer, for making her *a farm* in the wilderness. Such a policy is oppressive, a tax upon industry. And where does that dollar and a quarter go? Is it expended in giving that pioneer roads, or in improving the rivers and lakes which bear his produce to market? No, sir, it finds its way into our Federal Treasury, to be lavished for light-houses and arsenals, in aid of foreign commerce, in building ships to rot on our hands, or floating palaces, in which our merchant princes and the wealthy denizens of our cities may take their pleasure journeys across the ocean. This is not a correct policy. These lands should be given to the bold pioneer who gives them and the adjacent Government lands value by his occupation and cultivation; they should be free, sir; free for the landless and homeless.

Then, sir, what has been our Indian policy? I speak not of this policy in a moral point of view; not of the policy which has driven the Indian from hunting ground to hunting ground, and from the graves of his fathers, until now his fast receding council fires are soon to be lit up for the last time upon the distant shores of the Pacific; or rather until hemmed in by the counter currents of population, from the Atlantic and the Pacific, his race is to be exterminated, and he is to perish from the face of the earth forever; but, sir, I speak of that policy, as it has effected, and still effects, the settlement of the new States of the West. The Government, from the first settlement of the West until the present hour, instead of throwing around the Indian the influences of Ghristianity and civilization, has suffered him, through her agents, to be bribed with money, and whisky, and tobacco, to part with his noble and God-given heritage, and then has placed him from year to year in advance of the white population on each frontier, successively, from Virginia to the Rocky mountains—a sort of Chinese wall to hem in and keep back the tide of western emigration. And now there is a cordon of Indian tribes beyond the frontiers of Arkansas, Texas, Missouri, Kansas, Nebraska, Iowa, and Minnesota—some four hundred thousand in number—able to bring forty thousand warriors into the field; hostile from the memory of their past wrongs, and infuriated at the prospect of being driven from their last hunting grounds, ready to wreak their vengeance upon the advancing columns of emigration. I have referred to these systems of policy for the purpose of showing that the new States have not been such beneficiaries of the Government as some gentlemen suppose; and to show that the Government, so liberal in its bestowments for the protection of foreign commerce, ought not, for a moment, to hesitate to donate a portion of the public lands to the construction of a road, which, while it will afford to the western emigrant a safe passage through the wilderness, will also contribute to the highest interest, prosperity, and glory of the whole country.

Mr. Chairman, it seems to me that the strictest constructionist can have no doubt upon the ground of the constitutionality of the Pacific road. If he favors the Jackson test as a constitutional power, I mean *nationality*, then he cannot deny that such a work possesses all the elements of nationality. Then, there is ample power for Congress under either the war, post office, or commercial power. Take the case of military defense only. Is not such a road urgently demanded for the speedy and cheap transportation of our munitions of war and supplies to our Army in the Indian country? And then, our Pacific possessions are the most exposed and least defensible points in the whole country; and, in the event of a war with one of the strong Powers of Europe, it would require our whole naval force to be drawn from every other sea to defend them. But establish a telegraph and railroad communication, and then, in the event of a threatened attack from a foreign fleet on our Pacific possessions, in a day the news would be at the War office, in another day it could be dispatched to our troops in garrison, and to every section of the country, and the next day numerous regiments of our regulars and brave volunteers would be moving to the scene of war across the prairies faster than "the wild horse 'erst traveled them before the pursuing prairie fire."

But enough, sir, upon the question of power. The first question to be settled is, Do the wants of the country require such a road? This question answers itself. With a young empire on our Pacific coast, teeming with wealth, and gold, and a numerous population, our own countrymen and kindred exposed, in the event of war with foreign Powers, to assault and invasion, without the possibility of timely succor, inaccessible to us save by a long and dangerous sea voyage, or overland travel still longer and more hazardous; is it necessary to ask whether a speedy and safe communication with that people is needed? And the question is, not whether the road will pay? I maintain that the road should be made, whether the whole amount which the Government shall contribute in public lands shall be reimbursed to the Government *in dividend* or not. It is a work of necessity; and necessities do not always pay. We do not ask whether our Army or Navy will pay. Rome did not ask whether her great military roads would pay. It is a work of military, postal, political, and social necessity; it is necessary to the efficiency of the Government in its administration of its affairs on the Pacific; necessary to the proper representation of the State and Territories there in Congress; necessary to the transportation of the mails and munitions of war; necessary to the speedy and proper development of the resources of our vast interior; necessary to secure to us, against foreign competition, the commerce of the Pacific seas; necessary to the unbroken and perpetuated union of these States, and necessary to the full diffusion of our ideas, our liberties, our civilization and Christianity.

And, sir, as one of the Representatives of those magnificent agricultural empires of the Mississippi valley, which only require the development of their resources, and marketable outlets to constitute them the granaries of the continent and of the world, I anticipate vast and stupendous results from the construction of this road. We shall behold the western half of our continent—the vast and illimitable acres of Kansas, Nebraska, Utah, New Mexico, and Oregon permeated by a net-work of railroads as perfect and pervading as those of the eastern half; a series of populous States from the Atlantic to the Pacific; a commerce on the Pacific as extensive and magnificent as that we now have on the Atlantic, and cities at each extremity, and at the intersecting point with the Mississippi which would rival Carthage in her pride of power. It would open to us the trade of the Eastern World. We now find our long and hazardous way by the Isthmus, or by the southern capes of South America and Africa, after a six months' dangerous sea voyage to Asia and the East India Islands; but when this great continental road shall be built, then we shall have a direct route in from three to six weeks to the Sandwich Islands, to Japan, China, and Hindostan. Then a magnificent commerce will spring up between our grain growing States and the world of teas, spices, drugs, porcelains, cottons, silks, and elegantly wrought fabrics, such as the Oriental world alone can produce. To the great West it would open a choice of markets either way, to the Atlantic and to the Pacific, to Europe and to Asia. Our great staples in agriculture would give us the means of unlimited exchange, and we should become the factors between Europe and the five hundred millions of the human race in Asia and the Indies. Standing on the banks of the Mississippi, the great dividing line of the continent, and the center of the three continents, at the crossing point of the greatest system of roads and rivers the world has ever seen, what a commercial expanse would open before us! Spread out before us is the father of waters and his tributaries, affording twenty thousand miles of water navigation, and then to the north, and south, and east, and west, long lines of railroad, stretching through every State and section, like arteries through the human frame—the channels of vigor, health and vitality. We shall shake hands to the right and to the left, to the Atlantic and Pacific, to the great Lakes of the North, and the Gulf of the South. The mind staggers at the contemplation of the mighty results to commerce and our country, and to the world, from the present efforts of American genius, skill, capital, and enterprise. And, sir, with this commerce of merchandise will start up a still mightier and more beneficial commerce of ideas, carrying afar off our language, liberties, and laws, and

breaking up the long ages of Asiatic superstition and ignorance. The distinguished gentleman from Missouri [Mr. BENTON] well said in his letter to the people of Missouri, "this is a work for posterity and for three continents." Yes, Mr. Chairman, in all the aspects which I have mentioned, and in numerous others, this enterprise rises to the position and dignity of the great work of the age—a work to mark an epoch in history, opening not only new paths in commerce, but a new era in empire and civilization.

The next question is, Can the road be built? I shall not enter into the discussion of this question with any minuteness. I shall not attempt to demonstrate what has already been so ably and clearly demonstrated, by unanswerable facts and figures, by the gentleman from California, [Mr. MCDOUGALL,] and the gentleman from Missouri, [Mr. BENTON,] and other gentlemen on this floor. The work is practicable, *financially* and *topographically* so. I do not believe the half we hear in favor of any of these routes from their different advocates, and even we have reason to believe that the topographical engineers who have explored the routes, each anxious to extend his fame by having his survey selected as the route of the road, have given very fair colorings, and underrated the difficulties to be overcome. I would not have the committee believe that I think the work a light one. On the other hand I believe it a Herculean work, requiring immense energy, capital, and also time to complete it. But I look upon the very magnitude of the undertaking as the guarantee of success. It is worthy the genius and indomitable enterprise of the American people. We have enterprising men bold enough to undertake anything that promises to pay, either in money or in ame. They love obstacles, if it is only to overcome them, and are not deterred if in proportion to the magnitude of the work is the glory and gain of the achievement.

Sir, I am so infatuated with the idea of the valor, daring, and spirit of my countrymen as to believe them equal to almost any undertaking within the range of possible achievement. To American valor there is no Sebastopol, to American ships no *ultima thule*, and to American enterprise no obstacles of mountains, deserts, or snows which cannot be overcome. And, Mr. Chairman, though the difficulties in the construction of a railroad to the Pacific were greater even than they have been represented, they can be overcome. Greater have been already overcome. The single fact, that from fifty to seventy thousand emigrants annually find their way overland to the Pacific in loaded wagons, on horse, and on foot, is to me conclusive evidence of the practicability of a road; for wherever man can travel railroads may go; yea, more, by the appliances of science and machinery ways are opened before inaccessible to him. Witness the long trains of cars which now sweep, at the rate of forty miles per hour, along the cragged sides of the Alleghanies—the untiring tramp of the iron horse over rapid rivers, and through perforated rock, and cliff, and hill. Look at that magnificent work of art, the New-York and Erie road, five hundred and sixty-nine miles of continuous rail through mountains all the way, spanning rivers with arched bridges, and with viaducts of hundreds of feet of solid masonry. Sir, unless the reports of all our travelers and explorers are vastly exaggerated, then the routes to the Pacific present no obstacles as great as those which have already been surmounted, except the bare fact that this road will present a greater continuous length than any road which has yet been built.

That we may proceed upon reliable data, I call the attention of the committee to what American enterprise has already achieved. In 1827, the first railroad in our country, three miles in length, was constructed, and now, in a quarter of a century, she has completed 20,000 miles, and there is now in process of construction an additional 12,500 miles. In the last ten years, 12,806 miles have been completed; in the last five years, 10,967 miles; in the last two years, 5,686 miles; and in the last year, 3,938 miles. From these statistics we learn that the distance of the contemplated road to the Pacific is not one sixth of the length of the roads already completed in the last *ten* years, which is the length of time in which it is proposed the road shall be built. In the last two years the United States has completed near three times as much road, and in the last year near twice as much. The State of New York alone has constructed thirty-two roads, with an aggregate length of 2,345 miles, at a cost of $94,000,000, besides 989 miles of canal; the State of Ohio, forty-six roads, 2,367 miles in length, and 1,578 miles in process of construction; Massachusetts, 1,283 miles, at a cost of $55,602,000; Indiana, 1,400 miles, with 800 in process of construction; Illinois has her twenty-five roads, with an aggregate length of 2,500 miles completed, and near 1,000 miles in process of construction. In less than five years the greatest road now on the continent, the Central Railroad of Illinois and its branches, 704 miles in length, has been constructed, excepting 100 miles to be completed by the middle of the ensuing summer. The connection between Chicago and Cairo is now complete.

Capital exceeding $600,000,000 has already been expended in the construction of railroads in the United States. Estimating the length of the Pacific road at two thousand miles, and the cost per mile at $50,000, which is nearly twice the average cost per mile of all the railroads of the United States, and the sum required to complete it will be $100,000,000—only one sixth of the amount which has been expended in the United States in the construction of her railroads. The State of New York has expended that sum in the construction of her roads, and prospered all the while. The young State of Illinois, embarrassed by a grievous public debt, has completed, and in course of construction, a length of roads almost twice as great as the proposed Pacific road. With such astonishing results as these, can the practicability of the road longer be a debatable question?

It is true the road will run through an uninhabited country, and the cost will be increased by the distance over which supplies, materials, and workmen have to be transported. But the road can be commenced at both extremities, and the road will be its own carrier; and, passing through a country for the most part rich and fertile, susceptible of a dense agricultural population, it will not long remain uninhabited. As soon as the road is located, before the first spadeful of earth is cast, emigration will take up its march, and, as the road progresses, settlements will advance, and communities will nestle along its track; towns and cities will spring up, and before the end of ten years, the time prescribed for the completion of the road, it will be incased by new and flourishing States.

Mr. Chairman, I trust our nation will not admit that she is not equal to what any other nation ever achieved. And yet we are not without example in history of roads constructed at much greater cost and of much greater length. Rome maintained her supremacy over her conquered and distant provinces by means of her public roads, through which she maintained with them constant intercourse, facilitated the marches of her victorious legions, and received and transmitted intelligence with the greatest celerity. Her great highways, paved with stone, perforating mountains and arching the broadest and most rapid streams, extended from the city a distance of four thousand Roman miles. They reached to her remotest frontier, and pervaded her most distant provinces, established her supremacy and laws, and floated her imperial eagle over one hundred and twenty millions of subject people. They united to herself, as to a common center, all the distant parts of her universal empire. With such an example, shall our great nation consider herself unequal to a road of half the length, and extending all the way through our territory, and beneath our own flag, to our most important and most exposed possessions?

The next question is, how is the road to be built? I do not favor the proposition advocated by the distinguished gentleman from Missouri, [Mr. BENTON,] and others, that Congress should build this road by a direct appropriation from the Treasury. The recklessness and corruption of Government agents have become too proverbial to intrust so great a work and such vast means to them. If undertaken by the Government, it would suffer from bad management and needless delays, and become subject to all the influences of political intrigues, and to all the corruptions of political elections. It is the unsleeping vigilance of private capital which will soonest and cheapest build the road. There are two difficulties to be avoided. Such a work ought not to be exclusively in the hands of a corporation, with power to subject the public to unreasonable extortions; and, again, since to complete the road and to equip it would reach, probably, to over $100,000,000, there is no company which has the capital to build and equip the road in as short time as the public wants and interests of the country demand.

To obviate both of these difficulties, the Government can donate alternate sections of the public lands, doubling the price of the reserved sections, and thus secure to herself the right of transportation for her mails, troops, supplies, and munitions of war, and prevent extortions upon the public by reasonable limitations upon the charges for transportation and travel. The company, on the other hand, by opening a thoroughfare through the lands, will give them a value, upon which means and credit can be secured to aid in the construction of the road.

The last question is, where ought this road to be? In fact, sir, this is the only question. The only danger which confronts us is divided and jarring councils here. Rugged mountains, gorges of snow, and deserts of sand are obstacles, but they vanish before the appliances of human ingenuity and skill. The passions of men, party platforms, and sectional prejudices, are more powerful obstacles, and but too often defeat the noblest efforts of philanthropy and the wisest councils of statesmanship. Our only hope, sir, is in conciliation, in a patriotic disregard of all selfish consideration, and in the unselfish union of northern and southern hearts, and hands for the country, the whole country, and nothing but the country. Let us resolve, that no considerations shall stand in the way of that rapid communication which is to be the bond of our Union and the inseparable concomitant of our national progress and prosperity.

Mr. Chairman, I assume it as a fact, that no member of this body believes that more than one road can be built in any short number of years. There is not capital to build more than one road; the wants of the country do not demand more than one road; it would not be prudent to undertake more than one road. My own State is a painful illustration of undertaking, prematurely, too extensive a system of internal improvements. She now travails beneath a debt which her youngest child, now born, will not live to see totally extinguished, the result of attempting more than the wants or resources of the State would justify. It is idle *now* to talk of railroads to the Pacific in the plural. It is idle to talk of five thousand miles of railroad, when the wants or capital of the country are not more than equal to one. It is the main line we now want, leaving lateral routes and branches to be constructed to it from the different sections as their wants and means from time to time will allow.

I regretted very much that this view of the case compelled me, in some respect, to disagree with my friend from California, [Mr. MCDOUGALL,] because I fully appreciated the position of that gentleman. I can sympathize with him in his zeal for his young State, standing by herself, single-handed and alone, on a distant coast, and separated from her sister States by two thousand intervening miles of mountain and desert, the road to which is marked at every step by the wrecks of broken wagons and the graves of poor emigrants, fallen by the way-side by the hands of hostile Indians. I have admired the zeal and eloquence with which he has battled, fearlessly and manfully, for his State; and I have known him too long and well to believe that a single pulsation sways his heart other than the highest patriotism and devotion of his own State and the Union. And I have no doubt it was this very spirit of patriotism—a strong desire to divest his proposition of even the semblance of sectionalism—which induced him to depart from his original plan of one road and bring in a bill for three—intending thereby to confer upon every section equal participation in this communication between the two oceans.

Mr. Chairman, so important do I deem this communication, that I shall vote for whatever bill we can pass, whether it be for one, or two, or

three roads, which is otherwise free from objection; but there are paramount reasons why only one road should now be attempted. The attention of the country should not be divided on different routes. Let us hold out to capitalists a single road. We want the benefit of competition in bids for a single road. Will capitalists be as likely to bid for a road, with the possibility that their profits are to be diminished by the competition of parallel roads? We want all the available capital of the country submitted to this great enterprise, and we can only secure this by satisfactory assurance to the capitalist that the profits of his investment are not to be diminished by parallel roads between the same commercial points. That the time will come, after the completion of one road, when the commerce of the country will justify another, and perhaps several more roads, I think not improbable; and when that time arrives, I hope Congress will be ready to extend to them equal advantages.

Well, if only one road is to be built, where ought that road to be? It ought to be as near direct and central as may be, central to the States, central to the Territories, central to population, and central to the business and commerce of the country. I do not desire to see a sectional route adopted, and while I would prefer that the route of the road should be over the section which I have the honor in part to represent, yet I would be willing to omit the arbitrary designation of any routes or termini, and to fix upon two points on the borders of our western States and Territories, between which such a road should terminate—one of them South, but not so far South as to be sectional, and the other North, but not so far North as to be sectional. I think, Mr. Chairman, we might feel assured that the vigilant eye of capitalists would select the route marked out by the topography of the country, by the channels of commerce and travel, and so near direct and central as to make it most accessible to affluent roads from both the North and the South. In such a case, I have no doubt that directness, centrality to territory, business, and population, easy grades, grasses, timber, wood, water, minerals, productive soil and temperate climate, would be the landmarks to guide the engineer, whose flag-staff was to be borne before him under the vigilant eye of private capital.

Mr. Chairman, I am not the advocate of a route, but of a road; but I may be permitted to point out what I conceive to be the most desirable and central routes, without by any means assuming that such are the only routes which I would vote for. The present path of travel points out, in the main, the route of the road. I think there was a great deal in the remark of the gentleman from Missouri, that the buffalo is the best engineer. Upon this point I quote an interesting paragraph from the speech made by that gentleman in the Senate in 1850. He says:

"There is a class of topographical engineers older than the schools, and more unerring than the mathematics. They are the wild animals—buffalo, elk, deer, antelope, bears, which traverse the forest, not by compass, but by an instinct which leads them always the right way—to the lowest passes in the mountains, the shallowest fords in the rivers, the richest pastures in the forest, the best salt springs, and the shortest practicable lines between remote points. They travel thousands of miles, have their annual migrations backwards and forwards, and never miss the best and shortest route. They are the first engineers to lay out a road in a new country; the Indians follow them, and hence a buffalo road becomes a war path. The first white hunters follow the same trail in pursuing their game; and after that the buffalo road becomes the wagon road of the white man, and finally the macadamized, or railroad of the scientific man. It all resolves itself into the same thing, the same buffalo road; and thence the buffalo becomes the first and safest engineer."

Now, Mr. Chairman, it cannot be denied that the same inducements which would attract these first explorers of the country, the buffalo and the Indian, and afterwards the emigrant pioneer, such as good passes through the mountains, fertile country and equable climate, are the very desiderata to be sought by the constructors of the road, not only as assistants in its construction, but as the means of keeping it up, and imparting to it value after its completion. Now, sir, the route which all will admit is the path of emigrant travel, and which I believe is denied by no one to be practical, is the route commencing at the mouth of the Kansas, on the parallel of north latitude 39°, at the terminus of the railroad from St. Louis, now in process of rapid construction; or commencing at St. Joseph on the Missouri river, on the parallel of 40°, the terminus of the road from Hannibal on the Mississippi, also in process of construction. It then finds its way up the valley of the Platte, and by easy grades to the South Pass; thence through the valley of the great Salt Lake, and thence by the emigrant route to San Francisco. This route possesses some advantages, certainly, which can be found on no other route. It would afford a junction at Kansas, or St. Joseph, with all the systems of roads from the Atlantic cities through the central and southern parts of Pennsylvania, Ohio, Indiana, and Illinois at Kansas, and with all the northern roads through the same States, and through Wisconsin and Iowa, which are now converging and pointing to Council Bluffs, on the direct line to the South Pass. It would have the protection in its prosecution of the heavy emigration along the route; it would pass through the Mormon settlements at Salt Lake, where men and supplies could be obtained, and where they would be most needed, and it is the only central route which would afford a convenient branch to the Territories of Oregon and Washington.

The route advocated by the gentleman from Missouri, known as the central route, is also entitled to the greatest consideration. Since the exploration of Frémont, last winter, there can be no doubt of its practicability. The road, by this route, commences at the mouth of the Kansas, thence to Bent's fort, near the mouth of the Huerfano river, in north latitude 38°, thence through the valley of San Luis, which is about half way between St. Louis and San Francisco; thence through the Coo-cha-tope pass of the Rocky mountains; thence through the valley of Colorado, in latitude 38°; and thence to the pass through the Sierra Nevada, at the "Point of the California mountains," (discovered by Frémont last March,) into the valley of San Joaquin river, and thence to San Francisco. The road, by this route, would run its whole length between two parallels of latitude; it would divide the Territories west of the Mississippi into two equal parts, and extended on the same parallel to the Atlantic, would be central to the States east of the Mississippi, and would be the nearest an air line from New York to San Francisco, the one the dominant commercial emporium of the Atlantic, and the other of the Pacific. It would possess the same advantages which the route through the South Pass has, of traversing a country of rich pastoral and arable lands, abounding in lumber, coal, mountains and lakes of salt, beautiful valleys adapted to cultivation, and a climate so healthy and temperate, says Frémont, "that the valetudinarian might travel it in his own vehicle, on horse, or even on foot, for the mere restoration of health and the recovery of his spirits."

Mr. Chairman, I have not time now to refer to the routes further north and further south, which have been explored, nor do I consider it necessary, for while they cannot be shown more practicable than the routes to which I have referred, it cannot be denied that they would be more or less sectional.

But I repeat, Mr. Chairman, that Congress hould not attempt to make any arbitrary designation of the route. If she does, she will have no road. I consider the district of country which I represent as in no trouble about the route. Congress may locate the road where she pleases, north or south, and yet that section will be on the main route; it will intersect it, and through her road will flow the main travel and transportation between the two oceans. Philadelphia, Harrisburg, Columbus, Indianapolis, Springfield, Hannibal, and St. Joseph, are all on or near the parallel of 40°, and a line of roads is nearly complete between all these points. It runs through the capitals of four of our largest States, through the heart of the most fertile country and the most enterprising agricultural population in the world; it is nearest an air line, of any route, between the Atlantic and the Missouri river. Legislation may designate a route, but it is trade and travel, it is commerce, it is directness, it is population, it is the fertility and productiveness of soil, and the business power of the country through which it is to pass, which is to make the *main trunk* of the road; and these elements, possessed in a high degree by the route I have described, over all others, will make it the great inter-oceanic road, over which more of the commerce of the country is to pass than any other; a great continental road; the great central Mississippi to the States, the plains, the desert, and the mountains, throwing off its branches to the North and the South, and diffusing, all along its long lines, vitality, wealth, and prosperity to the whole country. A very short divergence from this line will take in St. Louis, the great commercial city and entrepot of the valley of the Mississippi, the head of perennial navigation, and the place of necessary trans-shipment of our river commerce; at which point trade would shoot in every direction through our great river and its affluents, and the various systems of roads which from every section of the country are converging to this point as a common focus.

Now, Mr. Chairman, I have but little more to say. I trust that this Congress will not let the golden moment pass, to achieve for itself the great merit of setting on foot an enterprise, which in its magnificent results, is to stand forth without a parallel in the annals of the world. Let us recollect that it is not an enterprise to be accomplished in a week, or a month, but it is a work of years. If we commence it *now*, many of us, in all probability, will not live to see it completed.

But, sir, above all let us not forget the solemn obligations devolving upon us, to open at once safe and speedy communication with our Pacific possessions. Complaint is often made of undue favors to California and our Territories on the Pacific. I think it is unjust. The demands of California are, necessarily, greater than those of our interior States and Territories. She has a coast extending from the 31st° to 42d° of latitude, a population of three hundred thousand souls, gathered from the four quarters of the globe, an empire, as it were, not solid and self-sustaining from the compact growth of years, but born in a day—spell-created; already in her harbor "rich navies ride;" a magnificent commerce already swelling her ports; and an extended exterior frontier infested by Indians. It is to be expected, that her claims on the Government will far exceed those of our interior States.

There, too, sir, are "our kith and kin," men of bold spirits whom no perils of the sea or of the land could intimidate; the bold, undaunted pioneers of American civilization, the gallant and chivalrous colporteurs of American laws, liberty, and Christianity. And, sir, as I would legislate for Illinois, I would legislate for our Pacific possessions; as I would battle in defense of this Capitol and the starred and striped banner which floats above it, so I would battle for them. If we acquire territory we must prepare to defend it; we must open a way to it, though that way were all arid sands and solid rock. We must adopt the wisdom of Rome, who never considered a subdued province as added to her territory, until by roads it was rendered pervious, in all its parts, to her arms and authority. Wherever our gallant ensign shall float—whether upon this Capitol or the most distant continent—upon the decks of our merchant vessels, or in our most distant frontier—there must be borne, and felt, and seen, the undisputed supremacy of American law, and the ample protection of American power.

The union of our States will be most certainly maintained and perpetuated by increased facilities of commercial and social intercourse. If side by side with our acquisitions shall go our ships and our railroad cars, our commerce and our civilization, we may trust that our union will survive and flourish; our rivers and lakes improved, and railroads permeating our land throughout its whole extent, and uniting the oceans, will be stronger bonds of union than armies or navies, or all the charters or constitutions which nations have ever formed.

And then, sir, is there nothing in the idea of securing to ourselves the commerce of the Indies?—a commerce which, for forty centuries, has enriched every nation which possessed it, and at the bare mention of which mighty memories rise upon the mind—visions of grandeur, power, and splendor, the mighty cities of the past resplendent in letters, arts, and in arms—nations rising to the

highest pinnacle of power, or sinking to decay as they secured or lost the rich trade of the Indies. This, I repeat, is the great work of the age. Let us meet in patriotic harmony, abjuring all sectional jealousies, and provide for its construction, and this Congress will reap the glory of a measure which is to revolutionize the commerce of the world, and to perpetuate to the latest posterity a monument to American genius, skill, and enterprise.

THE TARIFF QUESTION, &c.

SPEECH OF HON. C. M. STRAUB,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. STRAUB said:

Mr. CHAIRMAN: I am opposed to a change or modification of the present tariff at this time, and desire to give the reasons for my opposition. Under the rules of the House, when in the Committee of the Whole on the state of the Union, it is in order to speak on any subject, whether it be a National or State question—whether it be of a general or local nature. Having this privilege by the rule, I shall, in my remarks, refer to one or more subjects that are not germane to the question before the committee, and more particularly to the tariff question.

Nothing but an imperative duty due to the people I have the honor to represent, could induce me to consume the time of the House. But, sir, there are no people in any district in the Union who have a deeper interest in the tariff question than those of the eleventh congressional district of Pennsylvania; and I will also venture to say, that there is no question more knotty or difficult to adjust: indeed, it is beyond the scope of human invention so to regulate it that each section of the country will be alike benefited by its operations, however it may be adjusted.

Mr. Chairman, if I had my own wish gratified, I would say do not touch the tariff at this time; keep "hands off." To my mind the present is a most dangerous time to meddle with it. The first and best thing we can do now is to keep peace with all nations, enter into entangling alliances with none, but mind our own business. The next is, to let the people alone. Do you not know that there is a bloody war now raging, and that, before it terminates, it is more than likely all Europe will be in arms? How this war will ultimately affect the interests of the people and Government of the United States, and whether we will not be inveigled into it, are grave and momentous questions, the solution of which, it seems to me, ought to be known by us ere we attempt to change the tariff. We should not grapple in the dark on so important a subject—a subject which must unsettle our revenue laws, and again throw them into chaos. Do you not see the dark cloud hovering over our usual prosperity? A revolution is going on in our monetary affairs at home, and how it will affect our Treasury other than by daily reducing it no one can doubt. Banks are breaking, the necessaries of life are rising in price, whilst mechanics and laboring men are, in many places, thrown out of employment by thousands and tens of thousands, some of them not only suffering, but almost, or quite, starving. It is asserted by good authority that, in the city of New York alone, there are twenty thousand souls dependent on alms for subsistence.

I am aware that the idea of a prohibitory or high protective tariff, particularly in times of peace, has become an obsolete idea with all statesmen whose opinions are worth a straw; but I am confident that that man does not live whose foresight into the future can discover what will grow out of the existing difficulties, or how they will, in the end, affect us financially and commercially, or what the upshot of the present disarranged state of our money market, high prices of the necessaries of life, and the want of labor in the United States will ultimately be. I would not be surprised, if, in consequence of those difficulties which surround us on every side, and the difficulties which may arise out of the war now being carried on in Europe, your Treasury should be found nearly empty at the close of the present fiscal year, and that instead of your twenty-odd millions of dollars in it, it would be found without a dollar over and above the amount required for the necessary appropriations. The Treasury should never be caught with a less sum in it than from ten to twelve millions, particularly in times of war, even if that war be between foreign nations. The revenue has fallen off over six millions within the last three months, as compared with the corresponding time a year ago. Is this fact not a sufficient reason to induce Congress to pause and reflect well before they act on this question?

Again, there is a proposition now pending which contemplates the building of some six or eight additional war steamers. Should this measure be adopted, several millions of dollars will be needed to build and equip them. Then there is your Texas debt, some six or eight millions will be required to pay it. The French spoliation bill, too, provides for a draft on your Treasury of five millions of dollars. And besides all this, it is proposed to increase the Army some three or four thousand men to protect your western frontier, and to protect your emigrants to the West against being slaughtered by the Indians.

I am almost persuaded that the alteration proposed at the present time, after all, is to be merely a one-idea alteration, to wit: a repeal of the duty on iron. The reason for this opinion is, that, at the commencement of the first session of the present Congress, the very learned gentleman from North Carolina [Mr. CLINGMAN] introduced a bill which had for its object the repeal of the duty on railroad iron. This measure was pressed with more than his usual ability. Immediate action was demanded. It failed, however, to receive the sanction of this body at that time; but soon thereafter the colleague of the honorable gentleman from North Carolina [Mr. KERR] offered a resolution for the same purpose. This, too, was negatived. The able gentleman from Alabama [Mr. PHILLIPS] has since tried the same experiment, which met with a like success; and another proposition, during the same session, was introduced by the gentleman from Texas, [Mr. SMYTH;] but the same fate awaited it in this House. It was laid on the table.

On the first day of the present session, we have on record a resolution offered by the gentleman from New York, [Mr. WALBRIDGE,] which contemplated a repeal of the duty on coal, but which, it seems to me, is in reality intended for the purpose of ultimately reaching the iron interest. But a day or two after the resolution was offered by the gentleman from New York, the gentleman from Alabama [Mr. PHILLIPS] tries his experiment again. He made a similar proposition to the one which he offered at the last session. It was, as it should have been, served in the same manner as that one was—it was laid on the table. The principal reason I give for the opinion I entertain, that the duty on iron alone is sought to be stricken off, will be found in the following statement, which speaks for itself. It seems that it was got up and signed by men who, but a few years ago, were high protective tariff men. Some of them, I have been informed, are ex-Governors and ex-members of Congress. It would appear that the boot is on the other leg now. From prohibitory or high protective tariff men they have become the advocates of free trade on iron—borers to Congress—and perhaps it might not be too severe to say paid servants of railroad companies.

Hear what they have to say. Mr. Azariah Boody, and numerous railroad friends with whom he is associated in the great State of New York, and elsewhere, held a meeting to devise the ways and means necessary to accomplish their objects. Their plan of operations is set forth in this resolution, which will inform the people of the mode by which legislation in Congress is sought to be controlled:

"*Resolved*, That this company will coöperate with the committee appointed by the meeting of railroad companies, held in the city of New York, on the 25th day of February, 1854, consisting of Samuel F. Vinton, Noah S. Wilson, John Stryker, George Ashmun, and Henry V. Poor, in their efforts to obtain a remission and repeal of the duty on railroad iron heretofore or to be imported, or a suspension, for a limited time, of said duty; and that the president remit said committee $100; and that, in the event of a repeal or suspension of the existing duty, or of a remission of the duty on iron, heretofore imported, this company hereby obligates itself to pay to said committee, or its treasurer, on demand, in cash, five per cent. upon the amount of duty so remitted, and also five per cent. upon the amount saved to the company by said repeal or suspension on such iron as the company shall import or contract for prior to July 1, 1855; and that a certified copy of this resolution be forthwith forwarded to said committee."

This committee are to receive from each railroad company in the United States the sum of $100, for the purpose of enabling them to meet such obligations as they may incur, and such expenditures as they may make, in getting Congress to remit the duty on railroad iron. In entering upon the discharge of their important duties, this committee have issued a circular to all the railroad companies in the United States, informing them of their appointment, and requesting immediate action, "*as the session of Congress is already far advanced.*" I do not design now to read the circular, but will embody it in my printed speech. I desire to have members posted up, to let them know who these gentry are, so that when they shall come here and take members by the elbow, they may know that they are the disinterested representatives of Azariah Boody and his railroad friends.

NEW YORK, *March* 21, 1854.

SIR: In entering upon the duties, agreeably to appointment of the meeting of railroad companies held in this city, the proceedings of which were duly forwarded to your address, we find it necessary, in the outset of our proceedings, to correspond with all the railroad companies of the United States supposed to be interested, for the purpose of obtaining accurate and reliable information, and of ascertaining whether they cooperate with us, in order that we may know to what extent we may incur obligations and make expenditures in furtherance of our objects.

To make provisions for the expenses unavoidably incident to the prosecution of the measure, it was agreed at the meeting that each company coming into the arrangement should advance for this purpose the sum of $100; and that, in case of success, there should be paid by each company to the committee, for the further expenses that may be incurred, and as a compensation for their time and services, (in addition to the above advance,) five per cent. on the amount of duty remitted, or which may be saved to such company, on railroad iron heretofore imported by it, or which it may import or contract for prior to July 1, 1855, by the passage of the law or laws repealing, remitting, or suspending for a limited time, the duty on such iron.

If a sufficient number of companies should not be found to come into the measure to make it expedient, in the opinion of the committee, for them to undertake to carry it into effect, then the $100 advanced to be returned by them to such companies as shall have paid the same.

We inclose a copy of the resolution, which we send to all the railroad companies in this interest, with the request that it be offered for consideration to your board, or other proper authority, at you earliest convenience, and that we be advised of the result, and, if adopted, that we be furnished with a certified copy of the same.

Will you also please furnish us with information on the following points: The length of your road; the number of miles in operation; the number of miles for which iron is to be provided; the weight of rail to be used; the number of tons upon which duties will be refunded, if a retroactive law is obtained, to take effect from July 1, 1853, also of January 1, 1853, also from July 1, 1852; a list of the directors, superintendents, and engineers of your company, and the post office address of each, as the committee may wish to correspond with each of them on the subject.

As the session of Congress is already far advanced, it is important that your company should take immediate action, and advise us of the result, as the answer to this communication must necessarily be the basis of our action.

Please inclose your communication to Henry V. Poor, Esq., No. 9 Spruce street, New York.

Very respectfully, your obedient servants,

S. F. VINTON, GEORGE ASHMUN,
NOAH L. WILSON, H. V. POOR,
JOHN STRYKER,
Committee.

By this resolution and correspondence it will be perceived what the "*modus operandi*" of the signers was. It was nothing less than a proposed conspiracy to be entered into between the honorable gentlemen who appended their names to the address, and certain railroad companies. Well, if those gentlemen had succeeded, they would have received for their *disinterested* labor about a million of dollars, much of which was already paid into the Treasury several years ago. A handsome operation that, for a few select, stock-jobbing, congressional borers to filch from the Treasury. Five per cent. of the amount of duty on railroad iron collected since July, 1852, and five per cent. on all to be hereafter paid, was also to go into the pockets of these *honest and modest* gentlemen. But it seems they were not satisfied with the

prospective operations of the law, by which they would have been exclusively benefited after the law went into operation, but, it must have a retrospective effect; the Treasury must disgorge, so that they could pocket five per cent. of moneys already collected. What a beautiful operation! But these gentlemen missed their mark. When they came to Washington, at the last session, their nefarious plans were exposed, and they have not been heard of since; but if the truth was known, they probably are at their old tricks again. I am exceedingly opposed to special legislation. Sir, it is unfair—and if I may be allowed the term, it is wicked—to stab at and strike down a just and honorable interest in order that you may build up another upon its ruins.

In connection with this subject, I will read a paragraph which I noticed going the rounds of the papers generally, and, if true, it exposes a most extraordinary extravagance:

"Extravagance.—As an indication of extravagance which prevailed in the country for some time, an importing house in New York has written a letter stating that the amount of duties paid for French artificial flowers, for the first quarter of the current fiscal year, was almost double the amount of duties paid on railroad iron."

If this information be correct, I think it would comport more to the honor of Congress to adopt some plan of legislation by which gew-gaws, trinkets, and unnecessary articles would be dispensed with, and appropriate the funds thus saved to the relief of railroad companies. Where are the iron men to-day? Why, sir, many of them are lying at the feet of railroad companies. I understand that some of the best and most honorable firms in the country have been already prostrated.

Under this unfortunate state of things, you propose now to cripple or ruin the business entirely; and this is, no doubt, precisely what the gentlemen who signed the circular aim at.

I will now call the attention of the committee to the quantity of coal sent to market for the year 1850. Since that period no correct data can be furnished as to the quantity of bituminous coal consumed in the United States; and any attempt to get at the quantity must be guess-work altogether. By a blind and mistaken policy no coal statistics appear in the census report of 1850. I have a table, compiled by carrying companies, which has been certified to, and which exhibits the whole amount of anthracite sent to market since 1820, including 1854, which I will read presently. For the year 1850, there were 3,796,808 tons of anthracite and semi-bituminous coal sent to market, and 35,088,197 bushels of bituminous. Total in tons, 5,049,954, the total value of which was $7,239,110. The proportion of bituminous to anthracite is as one to four. Admitting the quantity of anthracite to be 6,000,000 tons, in round numbers, for the year 1854, you will then have in all, anthracite and bituminous, for that year, an aggregate of 7,500,000 tons, there being but 1,500,000 tons of bituminous.

Table showing the quantity of Anthracite coal sent to market since 1820:

1820.....	365 tons.	1838.....	739,293 tons.
1821.....	1,073 "	1839.....	819,327 "
1822.....	3,720 "	1840.....	865,414 "
1823.....	7,101 "	1841.....	958,899 "
1824.....	11,108 "	1842.....	1,108,001 "
1825.....	34,893 "	1843.....	1,263,539 "
1826.....	48,047 "	1844.....	1,631,669 "
1827.....	63,434 "	1845.....	2,023,052 "
1828.....	77,516 "	1846.....	2,343,992 "
1829.....	112,083 "	1847.....	2,989,309 "
1830.....	174,734 "	1848.....	3,089,238 "
1831.....	176,820 "	1849.....	3,242,860 "
1832.....	363,871 "	1850.....	3,356,899 "
1833.....	487,748 "	1851.....	4,429,458 "
1834.....	376,630 "	1852.....	4,993,471 "
1835	560,758 "	1853.....	5,195,151 "
1836.....	682,498 "	1854.....	5,847,369 "
1837.....	881,470 "		
			48,907,860

Gentlemen complain of the high price of coal. Sir, has not wood also gone up correspondingly? I see by a report made a few days since at a meeting of railroad officers, held at the Astor House, New York, that coal used at $6 50 per ton for each locomotive is at the rate of $1,300 per annum cheaper than wood. If this be so, and I do not doubt it, where then is the cause of complaint? I have been very kindly furnished by Mr. James Silliman, of Pottsville, Pennsylvania, with a statement of prices for 1853 and 1854, which exhibits the fact that some articles, necessaries of life, were, in December last, and are at this time higher by two hundred, or one hundred and seventy-five per centum, and none less than fifty per centum than they were in 1853. I will here say that no man in the trade has had a better opportunity than Mr. Silliman to know the state of the coal trade; no one has more experience, and no man more willing to do justice to all interests. Mr. Silliman furnishes the prices, as follows:

	1853.	1854.
Flour, per barrel	$5 75	$10 25 a $10 50
Corn, per bushel	70	1 15
Potatoes, do	42	1 37½
Oats, do., retail	46	70
Beef, per pound, do	8	12½
Cheese, do do	10	14
Butter, do do	14	28 a 31
Cutting coal by miners, per ton.	40a45	75 a 80
Outside labor, per week	5 00	7 50

And a proportionate rise in all material used about the workings of a colliery, with an advance of tolls on railroad and canal.

All this is respectfully submitted by your obedient servant, JAMES SILLIMAN.

To Hon. C. M. Straub.

Sir, I cannot forego the present opportunity (it being the last in my political life) of putting upon the national record a few remarks in reference to the difficulties and dangers attending the coal operations; these are only known to the man who engages in the business. I was at one time connected with the business, and I will never forget that time, for it was to my sorrow; I lost a large sum of money at it. To my mind, there is no business followed, on sea or land, which is attended with more peril to life, limb, and capital. And this remark will apply to every branch of the business, and to every man connected with it, from the time of striking the first pick in mining until the coal is delivered at the place of destination. The hundreds of miners and laborers in Schuylkill county alone, who annually lose their lives by being crushed, or burned to death in the mines, is frightful to record; and add to these the lives that are lost on the different railroads and canals, and by coming in contact with the machinery at the mines, and in various other ways, and you will have a loss of life and limb that is appalling. Go with me to Pottsville, Minersville, or Tamaqua, and you will see, at every square or turn of the street, a cripple, a lame man or boy, some with one leg off, some two; others deformed with the loss of an arm, or both; many, by being burned in the mines, or the accidental discharge of a blast, have lost their eye-sight.

I cannot be restrained from mentioning a painful occurrence which took place a few days previous to my leaving home, and in the immediate vicinity of it. It was an accident which happened on a railroad near the mines by which a hard working, industrious, honest, and enterprising man, whose name is Temple, in the "twinkling of an eye," had three splendid first-choice mule teams killed, fifteen in number; and his loss is over three thousand dollars, a sum that will require years of hard mental and manual labor to recover. The enormous amount of capital, too, required to open and put mines in working order before any profit can be realized, no estimate can be made of. I have known a single mine to cost from $100,000 to $150,000, and that, too, before a ton of coal could be shipped. None cost less than from $10,000 to $20,000; these are of the smallest kind; and often after the investments are made the whole capital is sunk or lost, not by bad management, but by running into faults, and from many other unforeseen causes. It is a fact, that more money has been lost, irretrievably lost, in these enterprises, than has been made.

The gentleman from New York [Mr. Walbridge] told us that a population of seven hundred and fifty thousand uses coal for domestic purposes. This is true; and it is also true that twenty-five millions of people in the United States use some other articles as well as coal "*for domestic purposes;*" and among those that cannot be dispensed with, we find that of sugar the most prominent. In speaking of the article of sugar, and the amount of duty paid on it, I do so not out of any unkind feeling toward our southern friends or their interests, but because I think nothing can be lost by stating to the people the quantity used annually, and the duty paid by them; and allow them to make the comparison between what they pay on sugar and what they pay on coal and iron. The following table, taken from official reports, exhibit the amount of sugar which has been imported since 1849, and the value thereof:

Year.	*No. of pounds.*	*Value.*
1849	259,398,584	$6,049,769
1850	218,439,055	7,558,554
1851	380,423,569	12,963,657
1852	457,544,644	14,718,359
1853	464,427,281	14,993,003
1854, estimated	464,427,281	14,993,003
	2,244,588,414	$73,276,345

It will be seen that the sugar imported between the years 1849 and 1854 amounts to 2,244,588,414 pounds, and the aggregate cost is $73,276,345, upon which the consumers paid a duty of $21,982,903 50.

For the year 1854, I have set down the quantity and value of sugar as that of 1853, not being able, at the time I made out the table, to procure official information upon the subject; there is no doubt that the value, in the aggregate, will equal, if not exceed, that of 1853. Certainly it will not be less; and now, what comparison does the duty paid on sugar and molasses bear to that on coal for the same period? It is within a fraction of ten to one; that is, you pay ten dollars duty on sugar and molasses to one on coal; but not a word *pro* or *con* was said by the gentleman from New York [Mr. Walbridge] in reference to this matter, although the greater proportion of duty on sugar and molasses was paid by the poor and laboring classes.

I wish now to call the attention of the committee to the item of molasses, which is also entitled to be classed among the "necessaries of life;" for it is not at all likely that our eastern friends can possibly do without molasses, at least so long as pumpkins grow. Since 1850, there has been imported 155,989,417 gallons, the cost of which was $17,562,667, and upon which an aggregate duty of $4,268,800 has been paid. Add to this the duty paid on sugar, and you have a sum total of $26,250,703 paid for duty on sugar and molasses.

But this is not all. The sugar crop of Louisiana alone for the year 1853 was 368,129,000 pounds, and 22,100,000 gallons of molasses. The value of sugar at four cents per pound, and molasses at twenty cents per gallon, will make together the sum of $19,145,160. The increased value or advance caused by the duty paid on foreign sugar and molasses, estimated at only twenty per cent., would amount in the aggregate to the sum of $3,600,000, to which add the duty on imported sugar and molasses—$5,500,000—and you have a total of $9,100,000. The importers and merchants must be allowed at least twenty per cent., which, on that sum, amounts to $1,820,000, making a grand total of duty on sugar $10,920,000 in one year. The gentleman's figures will not compare with these. And yet he complains that the consumers of coal have paid within the last four years $591,075 70, but entirely overlooks the amount paid as duty on sugar and molasses annually, which is ten to one.

You may travel where you will in the United States, into the most densely populated districts, or the most sparsely settled; you may go into the wilderness, north, south, east, or west, and you will find sugar and molasses used as among the necessaries of life. It is true, as has been said by a writer on the subject, that "the consumption is, perhaps, inordinate, but its use is a fixed and general habit, and the tax, therefore, falls on everybody. It is paid by the inmate of the humblest log-cabin, and falls much more heavily upon him than upon the owner of the proudest mansion." In sickness, in health, in plenty, in scarcity, in prosperity, and in adversity, no family can do without sugar. And for every dollar's worth purchased the people pay nearly one third of a dollar as duty. Notwithstanding this, the gentleman seems to have overlooked this important fact; he has failed to come to the relief of the masses while professing to make that his intention. I have seen several statements in which the profits on capital invested in the manufacture of sugar and molasses were exhibited. If they be erroneous, the gentleman can correct me; but if true, the profits are enormous, running from thirteen to twenty-five per cent., averaging nineteen per cent. annually. This

is a very handsome interest, and a much larger one than is realized on capital invested in the coal or iron business.

The aggregate value of imported iron, manufactured, for the year 1854, is $15,278,208, and the value of sugar and molasses for the same period, is $16,822,795; showing an excess in value of sugar and molasses over that of iron of $1,544,577. Here we have the extraordinary fact exhibited that the duty paid on the latter is more by $463,731 10 than that paid on the former. Under such circumstances where is the cause of complaint? I have an answer which I think appropriate. It is, that we do more than "an eye for an eye, and a tooth for a tooth." We give them an Oliver for which we receive a Roland.

The official report of the Secretary of the Treasury, exhibiting the quantity and value of wool imported since 1850, shows the aggregate cost to have been $12,973,462; on this sum a duty of $3,892,038 60 was paid. I understand that, in consequence of the tariff on this article, not a single yard of broadcloth is now manufactured in the United States, every broadcloth establishment having ceased operations. Notwithstanding this dark picture, the gentleman from New York never referred to it, or suggested relief to this branch of industry. How this could have escaped his sagacity I cannot divine.

BANKS.

At the commencement of my remarks, I called the attention of the committee to the fact that there existed a severe pressure, at this time, in the money market. The history of the United States, I believe, in common with every country, is subject to monetary revolutions at times. They are as certain to occur as that the sun is to rise and set, or the tide to ebb and flow. And that there are various causes, and often a combination of causes, is just as true. The gentleman from New York [Mr. WALBRIDGE] seemed to be cautious of speaking on the subject of this monetary pressure. He said:

"It is not for me, on the present occasion, to trace out the unlooked-for events which have contributed to produce the present state of our monetary affairs. It is sufficient for us to know that severe pressure exists, and it is our duty to interpose for its relief to the extent of our constitutional ability."

He says, "it is not for him to trace out the unlooked-for events which have produced the present state of our monetary affairs;" that, "it is sufficient to know that severe pressure exists, and it is our duty to provide relief to the extent of our constitutional ability." In the admonition contained in the latter sentence I fully concur; but let the "constitutional ability" be void of special legislation; let it be justice to all, and partiality to none. I have my doubts whether the advice given in the former sentence, is such as would prove the most advantageous to the people; "tell it not in Gath, publish it not in the streets of Askelon," says the gentleman, that after getting ourselves into a "tight place," it is wrong to reason together, although we might by doing so, extricate ourselves. It seems to me, that it is a duty devolving upon us to endeavor to get at the bottom of the difficulty. The evil cannot, as the gentleman supposes, be remedied by smothering the truth, and by striking a side blow at a friend.

The cause of the present pressure, the gentleman from Massachusetts [Mr. GOODRICH] says, as I understand him, is owing entirely to the excess of importations over exportations. This, of course, is one of the causes, but there are a combination of them—extravagance, an inordinate thirst for speculation—a desire to get rich in a week, or a day, the construction of too many railroads, overtrading at home, in almost every branch of mercantile business, and the war between the allied Powers and Russia. All these have had more or less effect, in bringing about disarrangement in our business and commercial affairs. Loss of confidence, confusion and excitement, as a matter of course, have followed. I believe there is a key to most, if not all of this distress, and the name of it is Banks. You issue too many bank notes, you make too many promises to pay—too little preparation for paying. This, most assuredly, is one, if not the greatest cause, which has heretofore, as well as at the present time, involved us in all these difficulties. Is it not notorious that in times of prosperity the country is flooded with bank paper, not only do expansions, but inflations also occur, and a mere blast of adverse wind seems often to change the current. Then come contractions, no more accommodations, no more discounts. During inflation and upward tendency, you meet extravagance everywhere; high prices immediately follow. Under this state of things, we go up, up, up, until ultimately the bubble collapses; then down we come, down goes labor, down goes bank paper, and down goes every thing. The latter operation we are undergoing now. It is a reaction; the balloon has burst and is coming down. The tide is receding, banks have been contracting, and some are breaking. Many of them, it is true, at such times act honorably, and do all they can to give relief, but the truth is, when money is the most needed, that is the time they afford the least relief.

We have two good banks in the eleventh district of Pennsylvania, one in Pottsville, called the Miner's Bank, and one in Northumberland, called the Bank of Northumberland. I am perfectly satisfied that they are sound to the core; and if it were in their power to relieve the community in which they are located from the present monetary embarrassment, they would do so. But the greater portion at such times—times of severe pressure—play the part of boa constrictor, having coiled around you, contract, press, screw, and screw until life is extinct. And another portion having issued "Wild Cat," "Red Dog," and bogus paper, (I mean such as will not, or cannot pay,) will close their doors upon the holders of their promises to pay, place the keys in their pockets, and laugh at your calamity. This lesson has been experienced over and over again in all parts of the Union. This imposition is being practised at this very time in various parts of the country. Why, then, smother the truth, or refuse to publish it to the world? This kind of banking, and another species of which I shall speak presently, are a cheat and a curse wherever they exist.

Sir, I take pride and pleasure in having it in my power at this time to state, that so far not a single bank failure, during the present crisis, has occurred in Pennsylvania, and I believe, take them as a whole, they are in as sound a condition, probably more so, than those of any other State in the Union. That there are exceptions, however, I am convinced. A few of them are bolstered up by false or artificial means, or borrowed capital. I have said that the principle of special and *ex parte* legislation is a principle that may be, and to every man's knowledge is, at times, abused. When "bold bad men" are made the recipients of its favor, (and to our misfortune this is generally the case,) they may, for selfish and sinister purposes, disarrange all business, if not ruin hundreds of honorable men who may have the moral courage to act for themselves. Certain gentlemen have a chartered privilege—take a bank for instance—they turn it from its legitimate business, enter the political arena, and prostitute its funds to aggrandize its officers, or be revenged upon political opponents. No plague can be more abhorred, no curse greater. Far better for a community that it be visited with the plague of London, or the lice of Egypt, than to allow such an establishment to insult it with impunity. These remarks are justified and indorsed by the conduct of the late Bank of the United States—Daniel Webster's "*obsolete idea.*" The fearful and sanguinary struggle between the patriot Jackson and that institution, when the hero and statesman took the "monster" by the horns, and the result of that struggle, after he assumed the responsibility, is well remembered by the people of this country. It is fresh in their recollection. War, pestilence and famine would have been a blessing compared to the defeat and downfall of "Old Hickory" in that contest.

In his connection, I conceive it to be a bounden duty, due to the constituency I have the honor to represent, particularly those of Schuylkill county, who are immediately interested, to speak of the injurious and deleterious effects which a political bank has upon an honest, confiding, and uncontaminated people. One would suppose that since the bank then failed in its efforts to control the political destinies of the nation, the practice of forcing, coercing, and purchasing influence by smaller institutions of a similar kind for similar purposes, would have ceased entirely, for the reason that the lesson taught in the contest referred to, ought to have been a caution to all banks who meddled in politics. Not so, however; to the knowledge of the people of the eleventh district of Pennsylvania there is a political bank that seems to live by political huckstering and legislative boring. Immediately after its organization it entered the political field, and from that day to this it has continued to wield all its ill-gotten power to elevate and aggrandize the gentleman who controls it, and this, too, against the expressed and known will of the people; and having been complimented several times by them, this gentleman has at last found that "*Jordan is a hard road to travel,*" that the noblest blood of the best bred steeds have occasionally the wind knocked out of them while running the last quarter, and are thus unfited for use, and must of necessity be "*turned out to grass.*"

Sir, show me a political bank, such an one as we of Pennsylvania are cursed with, and I will show you "*Pandora's box,*" whose keeper is a modern Cataline, with the arms of a Briareus whose stock in trade consists of paper promises to pay, poisonous as the Upas; the surrounding air of which is contaminated with sirocco. Again, show me a political bank, whose inception commenced in fraud, its chief officer an arrogant, selfish politician, and I will show you an institution controlled by one man, a majority of its officers, if not to be likened unto paper, straw, or wooden men, will, at all events, do as the automaton does, move, march, wheel, and halt, at the bidding of its keeper. Yes, sir, I will then show you an institution in the secret subterranean conclave of which pseudo party men are manufactured to order on short notice. Where men are

> "Wheedled, to be sold,
> Exchanged for rags, or bogus gold,
> Where lucre wins, and holds its prize,
> And men are shambled by surprise."

Where, after a mysterious conversion by spirit rappings, or some other hocus-pocus or legerdemain, men are drilled and exercised as so many regular soldiers, and told by their master which of them are to have front, and which back seats; in the basking beams of his regal assemblies, whose turn for promotion comes first, and whose last; who is entitled to a smile, and who a frown from his royal highness; who is to be beheaded, and who pardoned; who shall figure at the head, and who dangle at the tail of their master's inveterate faction; where weak-minded men are inveigled to be dealt with as merchandise, to have the cost paid for each, when purchased, and to learn the price obtained when knocked off; where taxes for gas-lights and water-rents are assessed; where servants to alms-houses and turnkeys to lock-up are appointed; where it has been said that orders and edicts have been issued to control the Executive of the State, and where it has heretofore been boasted that the power and influence existed to tarnish, with impunity, the ermine of the highest judicial tribunal in the State; where the fact is confessed that the taxes paid into the county and State treasury are deposited to be used for electioneering and shaving purposes, by the use of which the influence of politicians, of all parties and factions, (boys in particular,) are purchased.

And thus are the people, through the weakness and unfaithfulness of their public agents, (who furnish the means for this unholy purpose,) made subservient to the nod and caprice of a wily political trickster, a heartless politician. Yes, sir, with their own money are they made slaves. Better than that this state of things should exist and prevail as it has, and does now, that the first bank chartered should have been overwhelmed and smothered with the burning lava of Mount Vesuvius; better all such were sunk ten thousand miles beneath the bottom of the ocean; and better, far better, for the people, that every town and city in which such a bank is located should meet the fate of Sodom and Gomorroh.

The gentleman from Georgia [Mr. STEPHENS] and the gentleman from Ohio [Mr. CAMPBELL] have severally spoken of the comparative prosperity of their respective States. I also avail myself

of this opportunity to refer to my native State; but I am sorry to confess that the reference is to her adversity instead of prosperity. Truth and justice to the people of the glorious old Commonwealth demand this at my hands. Pennsylvania is now groaning under the heaviest debt of any State in the Union, it being over $41,000,000. The principal part of the annual interest on this unprecedented weight is drawn out of the labor, sweat, and blood of the people by direct taxation. Many devices have prevailed to place her in this unfortunate situation. I will, at this time, speak but of one aggravation and imposition among the many, hoping that it will induce abler hands than mine to expose others equally dishonorable. I allude to the operation of temporary loans. The sum of $460,435 67 was negotiated (I call it a *sham loan*, and I will prove a part of it so before I am done) with sundry banks; one of them the Farmers' Bank of Schuylkill county, that reports she furnished $50,000 of the above sum. If she did, it was more money, I believe, than the actual *bona fide* capital paid in by the stockholders. At the time the aggregate amount of money, by her own showing, deposited with her by the State treasurer for eight months ending the 1st day of January, 1855, was $326,379 14.

The act authorizing the loan referred to was passed on the 9th day of May, 1854. On the 1st day of June immediately following, being but twenty-one days thereafter, this bank had in her possession $54,000 of the State funds, and on the 1st day of August following this amount was increased to $56,433 99. With nearly this sum of the people's money constantly due by the bank to the State, was it not an easy matter to loan her $50,000? If John Smith places $56,000 in your hands for an indefinite period, without interest, I suppose no one will doubt that you can, if you choose, loan John Jones $50,000, with interest. That this bank actually loaned the State $50,000 of her own capital—capital actually paid in—is a humbug that outstrips Barnum's woolly horse, or his mermaid cat with the codfish tail, No man who knows the bank, unless he is demented, or is a fool right out, will believe any such thing. You could as soon persuade the people of Schuylkill county to believe that the moon was made of green cheese, or that the Natural Bridge of Virginia was built by human hands. It is a cock and bull story, and would lose nothing in comparison if placed side by side in Barnum's book with his premium humbug.

On the first day of August, 1854, according to her own showing, this bank had of the State's funds $56,000; being $6,000 more than she reports to have loaned the State. Now, which of the parties was indebted to the other? Of course the bank owed the State $6,000. Then whose capital was it that the bank lent to the State? The answer is at hand. It was the people's money which was first paid into the treasury—then by the hands of the treasurer placed in the bank, there to remain just as long as the cashier chose to use it, without interest. In other words, the State treasurer, on the first of June, 1854, handed $54,000 to the cashier, who either passed $50,000 of it back again or (which is more likely) held on to it, to shave the people who paid it into the treasury—and thus, for the favor of handling $50,000, the State is fleeced out of $3,000 per annum at least. This sum the bank would make out of it at simple interest alone. How long the people will suffer themselves to be thus humbugged and bled time alone can determine. It is not at all unreasonable to believe that this snug sum of $56,000, placed by the State treasurer in the hands of the cashier, was by him retained, to be used, in part, to carry on an electioneering campaign, in which he came out *third best;* and for the further purpose of *accommodating the public at the rate of from three to five per centum per month*—in which latter event the bank may very easily have realized out of the use of this State deposit at the rate of from $18,000 to $20,000 profit per annum. And this, too, under the pretext of her having loaned the State $50,000. Should this species of State and bank financiering not cease, and our State Legislature and State officers not interfere, but continue to sanction it, you will find, before the year 1870, the debt of Pennsylvania will be at least $60,000,000. Mark that!

To evade investigation by examining into the facts connected with this *sham loan*, the bank's advocates will tell you that the money spoken of as being on deposit with her was otherwise appropriated and provided for. If so, will those wiseacres be good enough to tell the people how it came that, by the showing of the bank herself, she had, at various times, from $54,000 to $56,000 on deposit, long after she had loaned the State the $50,000? Look at her own report and you will find that $56,433 99 was in her possession on the first day of August, 1854, eighty days after the loan was authorized to be made.

I will simplify this transaction, by bringing it home to Schuylkill county, so that he who runs may read. Suppose, for instance, that the county, instead of the State, had negotiated this loan of $50,000 with the bank, while, at the same time, the county had a large amount of funds which she was not using, on deposit in the same bank; and suppose further, that previous to the consummation of the negotiation, the treasurer of the county should deposit $54,000 more with the bank, and this, or a larger sum, continually to be kept in it to the end of the time for which the loan was made. Under such circumstances, where would be the necessity of the county contracting such a debt, and paying interest on it when, at the same time, I repeat, she had on deposit in this very same bank a larger sum for which she was allowed no interest? This is precisely the situation between the State and this bank, according to her own statement, made to the State authorities for 1854, in which it will be seen that the bank has received over $1,500 for interest. Further comment is entirely useless. This bank has made application for an increased capital of $100,000, for the great favor she has done the State in the *sham loan* to her of $50,000, by which she has, without doubt, realized more profit in clear cash in one year, than forty of the best farmers in Schuylkill county have done. It must, of course, be accommodated, whilst the tax-payers may see how they pay their taxes, to make up a larger deposit for the bank this year.

In conclusion, I respectfully suggest to the people of Pennsylvania, and those of Schuylkill county in particular, that it might be well to petition the Legislature urging the immediate investigation of the loan of $50,000, taken by the Farmers' Bank of Schuylkill county, under the act approved May 9, 1854. If this be done, it will be proved by her own official statement, that, on the 1st day of June, 1854, twenty days after the passage of the law authorizing the loan, the bank had of the State's money in her possession, or in that of her cashier, $54,000; on the 1st of July, $43,000; on the 1st day of August, $56,433 99, and on the 1st day of September, $47,556 95, being an average of $50,495 47 for four months, within a fraction, immediately after the passage of the law, and that the State has paid interest all this time on $50,000, whilst the bank held an equal sum of the State's money, and paid no interest.

Mr. Chairman, thus much have I considered it a bounden duty to say to the tax-payers of Pennsylvania on the subject of the awful debt hanging over them, and of the sham or humbug loan. They have the facts and figures before them; and if I know the people of this great and glorious old Commonwealth, they will declare that the State has been invaded by certain vampires, who have been preying upon her vitals. Thus situated, it is expected that every man will do his duty, that he will cry aloud and spare not.

KNOW-NOTHINGISM.

For information and the benefit of all parties, I publish with my remarks an extract from a speech delivered by Mr. Littlejohn, Speaker of the present New York House of Representatives, on the subject of the new order or party called Know-Nothings, and will merely suggest, that, provided this party is led on in other districts by the same material (to wit, a defeated candidate for Congress) as, it is alleged the order in Schuylkill county is, the people in such case are prepared to believe every word uttered in the following speech, made by Mr. Littlejohn. Let the gentleman speak for himself:

"Mr. Littlejohn (Speaker) had supposed that, when he last addressed the House, it would be the last he would have to say on this question. But since then nothing but charges upon charges had been made against his character as a man. He was no man of change. He would, in what he had to say, endeavor to treat every man in the proper spirit. The gentleman from New York [Mr. Petty] had said he [Mr. L.] had come down on the floor to speak. Mr. L. said, if, when he took the chair as Speaker of this House, his constituency was to be deprived of his voice, forever begone the honors of the chair. He disclaimed that he asked a single vote to place him in the chair of the House. No one had a scrap of paper from him containing any pledge. Thus he denied that he had deceived any one. Whenever spoken to on the subject, he had always replied that he intended to leave the matter to the Whigs of the House. He had not wanted to be returned to the House, but his party friends insisted upon his receiving the nomination, and he took it.

"As to his connection with the Know-Nothings, he would tell all he knew of it. Last March, while a member of this House, some of his friends asked him to attend a lecture. He went with them to a room, where he was assured by the officers of that society that he was to do nothing that was contrary to anything against which his conscience would revolt. He was asked to make a promise. He did make the promise; and if his recent course was treason, make the most of it. If he had perjured himself, make the most of that. He now declared himself opposed to the principles of this association. As to his pledge to vote against William H. Seward, rooted might be his tongue to his mouth if he ever made such a pledge. He would give as briefly as he could a complete exposition of Know-Nothings; but he would say, from the moment he left that room in this city to this, he never entered it again. It was enough for him to say that he saw in that room what would prevent an honest man from ever entering again. As to whom he saw there, their names would never be divulged by him. This organization, in its original idea, was simple—to meet the banding of men on one side, to meet the banding of men on the other. But no political nomination was to be made. And thus far it was right. But what was it now? Was it an institution to which an honorable man—a freeman—a Christian—could belong? He thought it was not. He believed men here belonging to it were honest, but that they were deceived by political tricksters. In July last a grand lodge was organized, called a grand council. Go to New York and you find the grand president—J. W. Barker—occupying a power in the State equal to a monarch: and this grand president alone appoints one deputy in each county; and what sort of a man will this deputy be? Why, a second self. And what does this deputy do? He is armed with the power to create as many lodges in the towns of the State as he pleases. He selects nine men as the nucleus of these lodges, to establish them; this second self of J. W. Barker selects these nine men, and these nine men select three delegates to the grand council, to make nominations and oaths to bind body and soul of the innocent members of the order. These officers are thus the creatures of one man—James W. Barker—in New York.

"Did ever a man conceive anything so humble in a Republican Government? These delegates are to remain as such three years. Two hundred lodges send thus six hundred men to this council, all of whom are the creatures of Barker. The duty of these men, this grand council, is to make oaths to bind men who are invited to hear lectures, and to make no nominations. Original Know-Nothingism was to use influence against foreign influence. This, as a Whig, he, Mr. L., would go with. Mr. L. had read here proceedings of the grand council, the purport of which was, that no delegate was to be received who did not sustain their State ticket, and members not voting for Ullman were expelled. Mr. L. commented on these proceedings, pointing out their tyranny. He inquired if in Europe there was any power so despotic? Had anything in this broad land ever been heard of equal to this? Was ever a man called upon and required to say, under oath, whether he did that which the Constitution says he may do; whether he voted against a certain man? And what was the crime of voting for Governor Clark? And yet this society, called American, expelled men for voting for Governor Clark. Was such a society worthy of the name of American? And he would predict that, in twenty-four months, no man will be found who will acknowledge his connection with such a political engine. Who are the men on this executive committee? He would not say it of all, but some of them were men of broken reputation, whose names were on the criminal calendar of New York—men corrupt.

There was another power centered with these nine men, which was, that any five men of these councils may reject or black-ball any applicant. Was this Democratic? But why was this? Why, James W. Barker might lose the power and control he had. This scheme was perfect, and could not be altered in three years. There was no power to alter it. It has been said the councils may instruct these three delegates to overcome the designs of J. W. Barker. But this is not true. The by-laws gave the right of appeal to J. W. Barker from the councils to the grand council. These schemes are perfect; they are not known to the masses—had not been to him, but he had learned them since his arrival in Albany.

"The next was, directing measures to be taken in regard to offending councils. And what was the offense? They had dared to act independently. The grand council had made nominations, and because some dared to exercise their rights as freemen, to go against the nominations—not knowing, perhaps, they had been made—they were to be expelled. If this grand council could do this much; what was there they might not do? He remembered the Inquisition—the acts of the Jesuits—but their powers would be as nought compared with this organization. Who knows but the thumb screw—the tortures of the inquisition—might yet be ordained by this New York council? But American power and American freemen will never, he believed, submit to the establishment of this organization.

"The sin was in intentionally taking such an oath, and he considered it one which he ought now to be forgiven. It was a sin against his country. It was like an oath to commit murder. It was a murder of the man's rights. If a man breaks a wicked oath, would the Creator punish

him for it? No, sir. He was willing to risk his reputation and all else upon it; and so will the one hundred and thirty thousand others, when they will come to have calmly considered this question. He had read an oath published by this association, taken in the third degree, in which men are required to swear they will not divulge the secrets of the society, even before a legal tribunal."

PENNSYLVANIA FAITHFUL TO THE CONSTITUTION.

One word more on another subject—which is to me, and, I believe, to most national men of all parties, a very unpleasant one—and I have done. It is the thing of arraying one portion of the Union against the other—the North against the South, or the South against the North—of making comparisons or distinctions which may lead, and have already led, to unpleasant controversies which are productive of sectional jealousies. I acknowledge that I was much edified by the eloquence of the gentleman from Georgia, [Mr. STEPHENS,] and the gentleman from Ohio, [Mr. CAMPBELL,] a few days since. It was pleasant to hear from those gentlemen of the increasing prosperity of those two great States. May God speed them to still greater prosperity; but we err, in my opinion, in quarreling about the increase of wealth, &c., of one State over the other, in pitting one State, or the great men of one State, against another. Why be jealous of each other? No national man can find a just cause to be so. I do not believe that the people of Pennsylvania care a straw whether the sweet potato crop of Georgia is more valuable than the hay crop of Ohio, or whether more pumpkins are produced in Massachusetts than cabbages in New York; but I do know that they feel a deep and an abiding interest in the preservation of the Union as it is, the Constitution as it is, and that a large majority will cling to it as the true-hearted mariner would to his ship in a storm until the last plank is severed from the hull.

EXECUTION OF UNITED STATES LAWS.

DEBATE IN THE SENATE,

FRIDAY, *February* 23, 1855.

On motion by Mr. TOUCEY, the Senate, as in Committee of the Whole, proceeded to consider the bill reported by him, from the Committee on the Judiciary, to protect officers and other persons acting under the authority of the United States.

The bill provides that, if a suit be commenced or pending in any State court, against any officer of the United States, or other person, for or on account of any act done under any law of the United States, or under color thereof, or for or on account of any right, authority, claim, or title, set up by such officer, or other person, under any law of the United States, and the defendant shall, at the first term of the State court after the passage of the act, or at the first term of the State court after the suit shall be commenced, file a petition for the removal of the cause for trial into the next circuit court to be held in the district where the suit is pending, or, if there be no circuit court in the district, to the district court invested with the powers of a circuit court next to be held in the district, and offer good and sufficient surety for his entering in that court, on the first day of its session, copies of the process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it is then to be the duty of the State court to accept the surety, and proceed no further in the cause, and any bail that may have been taken shall be discharged, and the copies being so entered in the United States court, the cause shall there proceed in the same manner as if it had been brought there by original process. The party removing the cause is not, however, to be allowed to plead or give evidence of any other defense than that arising under a law of the United States.

Mr. TOUCEY. Mr. President, I do not propose to enter into any discussion of this bill, but merely to state its operation and effect. The bill proposes to apply to this class of cases, arising under the laws of the United States, substantially the provisions of the twelfth section of the judiciary act of 1789. It is designed that where an officer is serving a process under the laws of the United States, and there is resistance to the execution of that process, if suits are brought against him for the performance of official duty, or against those who are acting under him and by his direction, that his defense may be transferred to the courts of the United States and its validity be there determined. The bill carefully provides that no security shall be lost. It carefully provides that no defense shall be set up in the court of the United States except only the defense that he was acting under the process of the law of the United States. It is a clear case, arising under the Constitution, and the object of the bill is to extend and apply the judicial power of this Government to the protection of the officers of the Government in the discharge of their official duty.

At present this state of things exists: If, under any law of the United States, there be resistance to the execution of process, the marshal and deputy marshal, and those who aid them, are liable to be brought before the State courts in actions demanding heavy damages in every county in a State, and there be liable to just such verdicts and judgments as may be rendered. By the operation of this bill, the validity of the defense in such a case, as it is an action arising under the laws of the United States entirely, upon the service of process, on any act done under the law of the United States, or the authority of the United States, may be decided by the courts of the United States. That is the simple provision of the bill. Application is to be made to the court of the State, and the court of the State is to direct the transfer to be made.

I have myself such confidence in the courts of the several States of this Union that I entertain no doubt whatever that the provisions of this bill will be executed. Its object, as I have said, is, that where an officer of the United States is sued for acts done in carrying out any law of the United States, and his defense depends exclusively upon the existence of that law, and his action is under that law, the decision of his defense shall be transferred to the United States courts. I have no doubt that the State courts entertain such respect for the Constitution of the United States and the laws passed in pursuance of it, that the provisions of this bill will be promptly and surely executed. I feel the most entire confidence that this will be done, and therefore the Committee on the Judiciary have incorporated into the bill no provision whatever looking to the result of any resistance on the part of a State court. I think it is presented in such a form that no one who acknowledges that this Government has judicial power, and that it is its duty to protect those acting under its laws by the administration of the judicial authority conferred by the Constitution, can take any valid exception to it.

Mr. CHASE. Mr. President, while the Senator from Connecticut was urging the Senate to proceed to the consideration of this bill, the exclamation, "Nigger bill!" proceeding from some Senator—I know not whom—apprised us that the measure to be acted on belonged to that class which has, by usage here, precedence over all other legislation. The promptness with which the Senate agreed to take it up is but one new proof of that favor with which every proposition supposed to favor the interests of slavery is regarded here, and of that determination with which every such proposition is urged to a final vote, no matter with what prejudice to the public business and the public interests.

It was but yesterday that I presented some petitions of the PEOPLE, praying for such action on this very subject of slavery, as they thought the interests of the country and the principles of the Constitution required. I asked for no debate. I sought no discussion. I asked only for a reference to a select committee, so constituted as to secure for the petitioners a candid and impartial hearing. Was it granted? Did the Senate make haste to show its respect for the great right of petition, and for the numerous and respectable citizens whose wishes I made known? No, sir. Then there was no time. The presentation of the petitions had been too long delayed. But eight days of the session remained. Not even the respect of reference could be extended to them. The petitions of the people were thrust upon the table "to sleep the sleep that knows no waking."

Sir, no more time was then occupied by me than was necessary in order to state, in the briefest and simplest terms, the contents of the petitions, and the reasons in support of the motion for reference. All that I asked was, that those of us who concur in the general objects, and for the most part, also, in the particular demands of the petitioners, might have an opportunity, without consuming one hour's time, or even ten minutes in this Chamber, of placing upon the records of the country, in an authentic form, our deliberate judgments upon that great question, in regard to which it concerns every section so deeply to understand accurately the true views of every other. Even that was refused, and no reason, except want of time, assigned. To-day, sir, one day later in the session—only seven days remaining now—this bill, reported only six days ago, is forced upon us, against remonstrance and without regard to the condition of business. Why this urgency? Why this relentless determination to coerce the passage of this bill? Why do those Senators, almost, if not altogether, without exception, who voted to lay the petitions of the people on the table, vote now, with equal unanimity, to take up and act upon this bill? Why all this to-day?

Why, sir, the explanation is simple. This bill is framed in the interest of the ruling class. Its object is to secure the stringent execution of the fugitive slave act. Its great purpose is to avoid the effect of recent State legislation to protect the personal liberty of the citizen endangered through the operation or through the abuse of the fugitive slave act.

The Senator from Connecticut tells us that the object of the bill is simply to extend the principle of the twelfth section of the judiciary act of 1789 to other classes of cases than those provided for in that section. That section authorizes the removal, on the application of the defendant, from State courts to Federal courts, of certain suits brought by a citizen against an alien, or by a citizen of one State against a citizen of another. This bill authorizes the removal from State courts to Federal courts of suits of every description, civil or criminal, whether prosecuted by States or individuals, against any person for any act done under or under color of a law of the United States. The Constitution of the United States secures to aliens and to citizens of States, other than the State of the plaintiff, the right of trial in a court of the United States. No expounder of the Constitution has hitherto asserted the rights of every person sued for an act done under a Federal law, or under color thereof, to such a trial. It is a mistake, therefore, to say that the twelfth section of the judiciary act and this bill are founded upon a common principle.

Why, sir, just think of the consequences of this bill. One man claims title to real estate under a patent of the United States, and enters upon the land and cuts some timber. It happens that somebody else claims a superior title, and sues him for trespass before a justice of the peace. Under this bill the defendant may remove the cause to the circuit court. So if a man engaged in the military service of the United States should maltreat, or even kill, a citizen, claiming that it was done in virtue of Federal law, whether criminally prosecuted by the State or sued in a civil action for damages, the defendant could remove the cause into a Federal court and compel the prosecutor, whether State or individual, to submit to Federal jurisdiction. Numberless other cases might be put, by way of illustration, and will doubtless occur to Senators. Assuredly, sir, the Constitution contemplated no such subjection of States and citizens to Federal authority as this.

Sir, this bill is a bill for the overthrow of State rights. It is a bill to establish a great central, consolidated, Federal Government. It is a step, let me say a stride rather, towards despotism.

But it is a natural step. When Congress usurped the power to legislate for the reclamation of fugitive slaves, without constitutional warrant, this further legislation became necessary to the complete humiliation of the States.

Sir, there was once a Senator from South Carolina on this floor too clear sighted not to perceive that the enactment of a fugitive slave act was utterly irreconcilable with that theory of State rights, which he, in common with South Carolina's greatest statesmen, professed to believe in, and too

noble and ingenuous to deny the inconsistency which he perceived, or to pursue a sectional advantage at the expense of violated theory. That Senator, [Mr. Rhett,] upon this floor, declared the fugitive slave act repugnant to the Constitution of the United States. Here are his words:

"I take up the Constitution, and I find that all it says with respect to fugitive slaves is contained in the second section of the fourth article, and it is a mere quotation in that section. The section begins as follows:

"'The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.'

"Then follows in the next sentence the qualification with respect to fugitives from justice and fugitive slaves:

"'A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, *on demand of the executive authority of the State* from which he fled, *be* delivered up to be removed to the State having jurisdiction of the crime.'

"'No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall *be delivered up on the claim of the party* to whom such service or labor may be due.'

"Now, these two clauses are exactly similar in purport, except in one particular. In the one case the fugitive criminal is to be delivered up on demand of the executive authority of the State from which he has fled; in the other, the fugitive slave is to be delivered up on claim of the party to whom he belongs. In neither clause is it stated that the fugitive is to be delivered up by the State authorities. Yet it is clear these clauses can refer to no other authority for their enforcement, because no other authority is spoken of. It is an affair between two States. The fugitive is to be delivered up. To be delivered up, he must be seized—he must be in the possession of those who deliver him up. No authority within a State can seize a criminal against the laws of another, but the authority of the State itself to which he has fled. This is the law of nations, and is acknowledged by the act of 1793, with respect to fugitive criminals, but is denied with respect to fugitive slaves. In the former case, the State authorities are to seize and deliver up the fugitive criminal, but in the latter, according to this act, State authorities have nothing to do with the fugitive slave. In the former case, the Constitution is only a treaty stipulation between sovereign States; in the latter, it is a matter of congressional legislation, although Congress is not referred to in either case in the Constitution. Is there any ground, in reason, for this difference of construction?

"Let us apply the acknowledged rules of construction I have laid down for ascertaining the meaning of the Constitution. It will not be claimed that Congress possesses the power to legislate on the subject of fugitive slaves as necessary and proper to carry out any expressly granted power. It is a distinct substantive matter itself, and can contribute in no way to enforce any other grant of power. The power, if it exists at all, must be by special grant, laid down in the Constitution. Now, sir, look at the clauses in the Constitution I have quoted. Is there one word in either of the two clauses referring to fugitive criminals and fugitive slaves, conferring any power on Congress to legislate upon these subjects? No power whatever is given to Congress. Congress is not even mentioned in them. What is the inevitable inference? Why, that Congress has no such power.

"This view of the Constitution is confirmed, if we look into the sections immediately *preceding* and *succeeding* the section relating to fugitive criminals and fugitive slaves. In both of these sections Congress is given power to act. The first section provides: 'Full faith and credit shall be given, in *each State*, to the public acts, records, and judicial proceedings *of every other State, and the Congress* may, by general law, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.' And in the third section it is provided that '*the Congress* shall have power to dispose of, and make all needful rules and regulations respecting the Territory or other property belonging to the United States.'

"Here, then, is this remarkable state of things. Three sections follow each other in the fourth article of the Constitution. The first and the third give to Congress the power to legislate. The second, lying between them, gives Congress no power to legislate. What must be the inevitable inference? Why, that it is the plain meaning of the Constitution that Congress should not have the power to legislate with respect to fugitive criminals and fugitive slaves. To infer that such a power exists under such circumstances, is not only to claim a power without a special grant in the Constitution, but to seize it, although virtually negatived by the special grants.

"And, sir, it is not difficult to perceive why the Constitution withheld all power from Congress to legislate on the subject of fugitive criminals and fugitive slaves, and has left this whole matter to the States for enforcement. The framers of the Constitution knew very well that it was a very delicate matter for citizens, without a State, to attempt to seize any persons within it. Slaveholders knew that there was but one way by which their fugitive slaves could be effectually recovered to them, when entering another State, and that State a free State. The power, the police, the judiciary of the States, must be engaged. The faith and duty of the States must be implicated. Every man in the free States must be bound, as a party to the constitutional compact, to deliver up to him his slave, on his mere '*claim.*' This is the great efficient remedy provided in the Constitution for the recovery of fugitive slaves; and the claim being made, it rested with the State or the State authorities to do one of two things—'deliver' up the slave or pay for him."

Sir, the Senator from South Carolina spoke in a spirit worthy of South Carolina. A slaveholder and a defender of slavery, he would neither conceal his real opinion nor ask for any advantage for his section or his class at the expense of a violated Constitution. Would that a like spirit had controlled other Senators who have represented State-Rights constituents, and profess State-Rights doctrines. Then we should have had no fugitive slave act. Then this bill would never have been conceived.

The fugitive slave act was a gross impeachment of the honor of the Legislatures and the good faith of the people of the States. This bill is founded on the same distrust and suspicion of State legislation, and the same desire to control it by Federal authority.

Sir, have such or so great benefits flowed to the slave States, from the enactment of the fugitive slave bill, that you think it wise to risk this new experiment upon the Constitution of the country and the patience of the people? Is every suit against every man, who claims to have acted under color of a law of the United States, to be withdrawn from the State tribunal and transferred to the Federal? Such is the language of the bill. Such seems the intent of its framers. But I trust you will not go quite so far. There is scope and verge enough for your experiment without usurping the criminal jurisdiction of the States. Restrict, at least, your bill to civil suits. Do not undertake to arrest the sovereignty of the State when employed in its highest duty of investigating and punishing wrongs done to life or property within its jurisdiction.

The bill will be bad enough when limited as I now suggest. Even then it will leave every civil suit subject to removal—every civil suit against any person acting "under color of law;" against every person, officer or not; against the slave-catcher, or the agent of the slave-catcher. Is not this enough? Is it prudent or profitable to go further? Would it not be wise to restrict the bill yet further? Why not strike out the words "*under color of law*," and confine the operation of the bill to clear cases of action under a statute of the United States? Why extend the act to *all persons* claiming to have acted under Federal law? Why not confine it to officers and *persons acting in aid of officers?*

For sixty-six years the act of 1789 has been upon the statute-book. During all that time nobody has dreamed of such a law as this bill embodies. It is the monstrous birth of a bad time. Sir, the clearest and widest separation possible, under the Constitution, of the sphere of the National from that of the State judiciary, is the true means of peace and harmony. But this bill expresses the very wantonness of contempt for this principle. It is framed as if its express design was to bring on a desperate conflict between the courts of the States, and those of the United States.

Why, sir, who is to decide whether a suit is brought against a defendant for an act done under a law of the United States, or under color of it? Who is to decide? And what if a defendant shall claim a removal, and the State court shall refuse to grant it? What then? Will you submit; or will you resort to another act of Congress for the subjugation of the State court, and for the secure establishment of Federal despotism?

Sir, the end of this road is ruin. But I must close. I intervened, at first, with reluctance; but no other Senator seemed inclined to do so, and I felt that such a bill as this ought not to be taken up without objection, and passed without debate. Oppressed by a severe cold, hardly able to speak at all, and taken entirely by surprise, I have yet felt constrained to use what little capacity of utterance I have in stating the general objections to this bill. I am very sorry that I cannot state them more clearly, or speak more at large. Having performed this duty, I now move to postpone the further consideration of this bill until to-morrow. If that motion be rejected, I must content myself with proposing some amendments to the bill, which, if adopted, will make it less dangerous in practical operation, though they will not divest it of its evil principle, or avert its fatal effect as a precedent for consolidation and despotism.

I move that the further consideration of the bill be postponed until to-morrow.

Mr. TOUCEY. I hope the motion will not be agreed to. It is not proposed to debate the bill. It is so clear upon its face, that it does not require discussion, unless it be on the part of those who maintain that the law of the United States under which any question might arise, is unconstitutional and void; and they cannot debate it unless they assume the ground that any such law ought to be passed upon finally by the courts of the States. But with those who hold that the Supreme Court of the United States is the highest judicial authority to pass upon the validity of the laws of the United States purporting to be enacted under the Constitution, I think there can be no question as to the propriety of this transfer of the cases. I hope the bill will not be postponed, but that it will be acted upon and passed to-day.

Mr. CHASE. On the question of postponement I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 26; as follows:

YEAS—Messrs. Brainerd, Chase, Fessenden, Gillette, Seward, Sumner, Wade, Walker, and Wilson—9.

NAYS—Messrs. Badger, Bell, Benjamin, Bright, Clay, Dawson, Douglas, Fitzpatrick, Geyer, Gwin, Hunter, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Pearce, Pratt, Rusk, Shields, Slidell, Thompson of Kentucky, Thomson of New Jersey, Toucey, Weller, and Wright—26.

So the Senate refused to postpone the further consideration of the bill until to-morrow.

Mr. CHASE. I move to amend the bill by striking out the word "a," where it first occurs, and inserting "any civil," so that the operation of the bill shall be confined to suits of a civil nature, and not extend to criminal prosecutions. If amended as I propose it will read: "that if any civil suit be commenced," &c. Upon this amendment I ask for the yeas and nays.

Mr. TOUCEY. I think it unnecessary to call for the yeas and nays. There can be no objection to the amendment. This bill was not intended and does not apply to any except civil proceedings.

Mr. CHASE. Very well; that removes one doubt; let the amendment be made.

The amendment was agreed to.

Mr. CHASE. I now move to strike out after "law of the United States," the words "or under color thereof," so that the clause will read: "that if any civil suit be commenced or pending in any State court against any officer of the United States or other person, for or on account of any act done under any law of the United States, or for or on account of any right, authority, claim, or title set up by such officer," &c.

Mr. BENJAMIN. I shall object to that amendment; and whilst I am on the floor, and making my objections to it, I may as well refer the Senate to a precedent on our statute-book, that has been on it for forty years, providing for this precise process in cases arising under the revenue laws. The provision to which I allude is the sixth section of an passed in 1815, and the bill now reported by the Judiciary Committee is a copy of that section, drawn in the precise language of that act. I will read the first few sentences of that law to the Senate, in order that the precise accordance of the two statutes may be perceived at once. In 1815, on the 3d of March, Congress passed a law, "providing further for the collection of duties on imports and tonnage." It imposed certain duties on the officers of the courts of the United States, as well as on revenue officers, and the sixth section of the law is in these words:

"That if any suit or prosecution be commenced in any State court against any collector, naval officer, surveyor, inspector, or any other officer, civil or military, or against any other person, aiding or assisting them, agreeably to the provisions of this act, or *under color thereof*, for any thing done, or omitted to be done, as an officer of the customs, or for anything done by virtue of this act, or *under color thereof*, and the defendant shall, at the time of entering his appearance in such court, file a petition," &c.

Then the act goes on to provide for the removal of the cause to the Federal court in the same way as the present bill provides. This mode of proceeding is coeval almost with the history of the legislation of the country. It is absolutely essential for the purpose of taking under the protection of the Constitution the process which issues from the courts of the United States in the execution of the laws of the United States.

Mr. TOUCEY. I wish to say that, in the draft of this bill, the language of other laws has been observed, not only in the instance referred to, but in other instances. The importance of this amend-

ment will be perfectly manifest upon adverting to the fact that when the defense is removed to the courts of the United States, it must be a valid defense under the law as adjudicated by the courts of the United States, or it avails the defendant or defendants in the suit not at all. These words were inserted for the purpose of effectually securing the right, as is usual in such cases, to officers of this Government to transfer their defense to the judicial authorities of this Government, in order that the courts of the United States may uphold the Constitution as interpreted by the Supreme Court, in which we all have confidence. I hope this amendment will not prevail.

Mr. CHASE. Mr. President, the honorable Senator from Louisiana has stated with great clearness the position which he assumes; but I will call his attention to the fact that he is in error as to the agreement between the section of the act of 1815, which he has read, and the section of this bill which I propose to amend. The act of 1815 provides for the transfer of suits or prosecutions commenced against officers, and other persons aiding or assisting them; the whole acts are to be done by the officers of the United States, and persons whom they may lawfully call to their assistance; but such is not the provision of this bill by any means. It goes a great way beyond that. There is an obvious propriety in protecting officers engaged in the execution of revenue laws, while there is no such obvious propriety in attempting to protect from prosecution under State laws every person who seems to have rights under any law of the United States. Suppose a patent is granted to me under the laws of the United States, and somebody chooses to trespass upon my possession; that is an injury done to me under color of a law of the United States. He may claim some right against me under some other law. According to the provisions of this bill, if I commence a suit for that simple trespass against the trespasser in my immediate vicinity before a justice of the peace, that suit may be removed to a circuit court of the United States, and it may become absolutely impossible for me to obtain justice. So of a great many other cases which I might cite by way of illustration, if time and opportunity were permitted. But what I have said is enough to show, and I think to satisfy, the Senator from Louisiana that his argument, derived from the act of 1815, does not apply to the provisions of this bill The amendment which I propose is, therefore, necessary for the protection of the citizen against frivolous, vexatious, and arbitrary prosecutions. I cannot say that I hope it will be agreed to. I have very little hope that any amendment proposed to this bill will be agreed to, beyond that which the Senator from Connecticut has thought fit to accept. But so important do I regard it that I shall ask for the yeas and nays, and submit it to the country upon the vote of the Senate.

The yeas and nays were ordered.

Mr. TOUCEY. I will only say, that I am not able to conceive of any case where a patentee could set up a defense under his patent for an act of trespass.

Mr. WALKER. As I view this subject—though I may be wrong—it seems to me that this or some other amendment is necessary in order to bring the provisions of this bill more in conformity with the act of 1815, which has been read by the Senator from Louisiana. I think the Senator from Ohio is correct in saying that there will be a very great non-conformity between the acts if this amendment be not made. As he has remarked, the provision of the act of 1815 is in regard to officers of the United States and persons aiding them in executing the provisions of the law. This bill provides, "that if a suit be commenced or pending in any State court against any officer of the United States or other person"—not confining it to other persons acting in aid of the officer, but all other persons who may be sued. For what? Why, sir, "for, or on account of, any act done under any law of the United States, or under color thereof." It covers the entire range of what may be done by any person, whether an officer or not, under any law of the United States, or under the color of any law of the United States. It does not connect together the officer and the person who may be acting under a law, or under the color thereof. They are taken separately, and for the purposes of this proposed act, there may be no connection whatever between an officer of the United States executing process of the courts of the United States, or executing a law of the United States, and a person who may have done the same thing.

In this respect I certainly am forced to agree with the Senator from Ohio, that there is very great non-conformity between the two acts. He has instanced the case of a person who has a patent on which a piracy has been committed. Suppose a suit is brought against the person committing the piracy in the most simple and most economical of the State courts; and the defendant, the pirate against the rights of the patentee, comes forward, and alleges that he did what is complained of under color of a law of the United States, as the bill stands he may file his security and take his case into the district or circuit court of the United States, where it may be actually impossible for the humble individual who sued another in his immediate neighborhood to follow him and obtain a restitution of his rights. It would, in fact, put the most stupendous power in the hands of pirates on the rights of patentees, and it is a most forcible illustration of the effect of the bill. I think I can really see in the provisions of this bill a favorable opportunity offered to those so disposed, and have the ability so to do, to invade the rights of patentees in defiance of all the means patentees can usually command to protect their rights—and God knows they have little enough protection now. Their rights under the Constitution are not protected. The provisions of the Constitution can rarely ever be enforced in their favor. We see every day the wealthy and powerful fattening and growing rich on their ingenuity, on their enterprise, and on their inventive genius, and this will throw into the hands of men who do such acts, a power which they never dreamed the Congress of the United States would step forward voluntarily to give them.

I have no particular exceptions to take to the provisions of the bill if it shall be made to conform to the act of 1815, and carry out in reality the spirit of the judicial system as manifested in that act; but it seems to me we are about to take a step which will lead us far beyond what has ever before been considered just. I think it would be well for the Senate to make this amendment, or some other which will produce a conformity between this bill and the act of 1815. I think this will do it.

The question being taken by yeas and nays on the amendment, resulted—yeas 11, nays 24; as follows:

YEAS—Messrs. Brainerd, Brown, Chase, Fessenden, Gillette, James, Seward, Sumner, Wade, Walker, and Wilson—11.

NAYS—Messrs. Badger, Benjamin, Clay, Dawson, Douglas, Fitzpatrick, Geyer, Gwin, Hunter, Johnson, Jones of Iowa, Mallory, Mason, Morton, Pearce, Pettit, Pratt, Rusk, Sebastian, Slidell, Thomson of New Jersey, Toucey, Weller, and Wright—24.

So the amendment was rejected.

Mr. WALKER. I now propose an amendment which I think will accomplish the purpose which I had in view, perhaps even better than the amendment just offered by the Senator from Ohio, which has been rejected. It is to insert after the word "person" the words "acting in aid of such officer." The first section will then read: "If any civil suit be commenced or pending in any State court against any officer of the United States, or other person acting in aid of such officer, for or on account of," &c. That will bring about, I think, a conformity between the act of 1815 and this bill.

The amendment was agreed to.

Mr. TOUCEY. Where the words "circuit court" first occur, I observe there is an omission of the words "of the United States." I move that those words be inserted.

The amendment was agreed to.

Mr. WADE. Mr. President, I had hoped that this session would be allowed to pass away without any project being brought before us which would revive those feelings, and call forth those excited debates, which we witnessed so frequently at the last session. Surely, sir, we have arrived at a period when there is enough to be done of important legitimate business to occupy all the remaining time of this session. I have not detained the Senate by unnecessary debate; and it was my purpose not to say anything more than was necessary properly to present to the body such measures as my constituents required. But, Mr. President, if this everlasting subject of slavery must be constantly thrust before us to the exclusion of all other important business, and I think I can see that it must, until it shall be ultimately decided, I am the last man to regret it. I have long thought that slavery will be thrust between us and legislative business until it shall be finally settled. Every day, every hour that I remain in this Capitol, satisfies me, more and more, that such must be the result.

Mr. President, if Senators would reflect for a moment on what has transpired since the last session; if they would bear in mind the verdict of the people upon our action, I think some gentlemen here would pause before they agitate this subject again. Here, sir, we find those who call themselves Republicans and Democrats, who profess a regard for the will of the people, coming forward to thwart that will, as expressed in unmistakable language and action. Is not the rebuke which they have received at the hands of the people sufficient to warn some gentlemen of the North that they should stay their hand in this ruthless course of usurpation? But no, sir; that lesson is not enough; it must be repeated. This question must and will be met. Do gentlemen believe that the people of the North are in a spirit and temper further to allow their feelings to be tampered with on this subject? If so, let them proceed; let them go ahead; I am the last man who will regret it. If gentlemen, with their eyes open, in full view of the feelings of the people on this enormous subject, will agitate it, let them do so. I have sedulously restrained myself during the whole session from bringing forward any measure at all calculated to excite the minds of the citizens of any section of the country on this or any other subject. I would cultivate "peace and good will towards all men," if they will keep their hands off, and permit me to do so; but I am the last man to shrink from the encounter if it becomes necessary.

What, sir, is the nature of the proposition now before us? There are some Senators who profess a great regard for the rights of the States. I am one of those who have quite as much regard for the rights of the States as some who make louder professions on the subject than I do. I am one of those who, not only when an election is pending, but at all times, believe in the wisdom, the constitutionality, and the propriety of the Virginia resolutions of 1798 and 1799. I ground myself upon those resolutions; and, standing upon them, I denounce this bill as a violation, not only of the spirit of those resolutions, but as an attempt to trample upon the rights of the States and deprive them of the power to protect their own citizens from aggression and abuse. Do gentlemen suppose that the States, now awakened to a keen sense of their rights and the danger of consolidation, will ever submit to such a bill as this? I tell you nay. You have preached State rights until you have imbued the minds of honest people with the idea that there is something in the cry, whatever you yourselves may think about it.

By this bill, it is proposed that the cause of a man who brings an action in the State of Ohio against his neighbor for an injury done to him, may be removed, without his consent, into the Federal courts for adjudication, on the allegation that the injury is committed under color of some law of the General Government. Shall he be defrauded of his right to litigate in the State courts upon allegations like these? Does any gentleman suppose that the free States will ever submit to any such proceeding? Do you not know, Mr. President, that there is a growing idea that your slave-catching law of 1793, and much more your slave law of 1850, is a violation of the Constitution of the United States? Do you not know that the highest tribunals of some States of this Union have declared that your fugitive act of 1850 is a violation of the Constitution? I tell you, sir, that the idea is becoming universal in the free States, that it is a usurpation, and that you have no constitutional power to pass any such law. Applying

your own doctrines to a case like this, where does this bill bring you? Who is to be the judge in the last resort of the violation of the Constitution of the United States by the enactment of a law? Who is the final arbiter? The General Government, or the States in their sovereignty? Why, sir, to yield that point, is to yield up all the rights of the States to protect their own citizens, and to consolidate this Government into a miserable despotism. I tell you, sir, whatever you may think of it, if this bill pass, collisions will arise between the Federal and State jurisdictions—conflicts more dangerous than all the wordy wars which are got up in Congress—conflicts in which the States will never yield; for the more you undertake to load them with acts like this, the greater will be their resistance.

I understand what this bill aims at. No man can fail to know why it is that such an enormous proposition is brought in at this particular time. Is it not because the odium attached to the execution of the unconstitutional fugitive slave act of 1850, violative of the feelings of the whole North, is under consideration before the States, and the State Legislatures everywhere are preparing themselves for a legal and constitutional resistance? You intend to take time by the forelock by this measure; but do you think that the puny arm of this Federal Government can override the States, that you can discourage them by your threats, and that, by such attempts as these, you can prevent them from going on in that vindication of their rights which they have so gloriously begun? Aye, sir, the State of Wisconsin has taught you a lesson, and it is only an incipient step. I envy that State the glory of taking the initiative in the great work of vindicating the Constitution from such a measure as the fugitive slave act. State after State, as they take the subject into consideration, will fall in the wake of noble Wisconsin, and carry out what she has so bravely begun. Sir, let us assemble a Legislature in the State of Ohio to-day, and I am proud to contemplate with what firmness she will meet, resist, and overthrow attempts like this.

But, Mr. President, it is said that this bill contains nothing more than the provisions of an old revenue law of 1815, which you find on your statute-book; but that law is confined to that single subject, peculiarly within the jurisdiction of the United States—a jurisdiction expressly conferred by the Constitution itself. That law was limited to that particular matter, and extended no further; but what outrages may not be committed if any man is to be permitted to defend a suit brought against him, on the allegation that the act which he committed was under color of a law of the United States, and attempt by that means to deprive the State courts of jurisdiction! Such a subterfuge as that will never deprive the State courts of that jurisdiction which they will claim. Let me assure the Senator from Connecticut [Mr. TOUCEY] that whatever the Legislature of his State may do, other States will not allow their rights to be trampled on; and I am inclined to think Connecticut will rebuke him as she did upon a former occasion. I have very little idea that good old Connecticut will creep on her knees under such a law as this. I apprehend, sir, that before long, if this bill be passed, she will give her Senators instructions such as once before, on another occasion, she gave in connection with this same subject. I warn gentleman that this is not the time, nor are the northern people now in the temper, to allow these agitations to be thrust upon them.

Sir, let no man say that I rise here as an agitator. Mr. President, this is the old *force* bill, which caused South Carolina to arouse and assert her rights, and compel the Government to back out; but it is supposed that the poor, patient North may be tempted with impunity. I have stirred up no such question as this. I have asked that no such question should be raised. I have submitted to the enormous legislation of the past year, knowing full well that the people, who are greater than I am, and greater than us all, will correct the errors which have been here committed, I will not say willfully. With their correction I have been content. My desire is, and has been, to proceed with the public business. I had hoped that the session would pass on in peace and good feeling, and that we should perform our duties, for once, without any attempt to create violent agitations. But, sir, it seems that it cannot be so. I say this, not because I hope to make any headway here against this enormous proposition, for I know full well that those who have State rights constantly on their tongues are now ready, prompt and eager, to beat down the rights of the States, and make them bow their sovereign heads to this miserable enactment. I see it, and I feel it. Three fourths of those who prate so much about State rights will be the very first to violate those principles by the enactment of this bill.

As my colleague [Mr. CHASE] has said, under this enactment a citizen of our State cannot commence an action before a justice of the peace, but the defendant, upon the allegation that the act complained of, was done under *color* of some law of the United States, may slip from the fingers of the State jurisdiction, and go to those whom you have been feeding and pampering at this session to uphold your usurpations. Sir, I have not seen without concern, bills introduced and passed here to raise the salaries, and thus to raise the consequence and importance of your Federal officers far beyond all that the States can do. Every judicial officer under the Federal Government has received an additional bonus at your hands by an act passed at this session. Their salaries, in some instances, have been increased not less than fifty per cent., and, perhaps, even more than that. When that measure was passed, I thought there was something behind it. I thought there was some meaning in the steady attempt to enhance the salaries, and thus the consequence of your Federal officer throughout the whole Union. They had sent you no petitions asking any such thing. The duties of many of them were not onerous; some of them in the interior had scarcely anything to do; and yet you have bestowed upon them more than they asked. It occurred to me then that something was behind. You have showered on their heads almost double salaries. For what purpose was it done? It was to encourage them to go on, and, if possible, override the jurisdictions of the States, which cannot afford to pay such high salaries, and to surround their courts with that pomp, circumstance, and consequence which you have thought proper to bestow on your Federal judges. Yes, sir, it was to encourage them to execute laws like this that you have been increasing those salaries. No doubt that measure contemplated a large increase of business; and, my word for it, if you attempt the execution of this bill in the free States, you will have business enough for them to do; and, in my judgment, their salaries will be none too high to remunerate them for the difficulties which they will have to encounter.

Mr. President, I have already said that this is a most unfortunate time further to irritate a people almost driven to desperation, by what they consider your Federal usurpations. Here you are undertaking to tell the people of the free States that they, in their own Legislatures, shall not protect their own citizens from injuries of which they complain, but that those who commit those injuries may skulk into the courts created by yourselves, with the idea and tacit understanding that they were to be the advocates of your enormities. I tell you again, sirs, that while you speak of State rights, the people mean *State rights*, and they will carry them out.

This is an unfortunate bill. God knows your fugitive act, with all its terrors and penalties with which you thought to overawe a free people, has irritated their minds so much, that prudence ought to induce you, at all events, to forbear. You cannot open your eyes, and not see that the whole free North is against you, and against you with a determined purpose, and with a strong hand, to repel every further invasion of their rights that you may propose to make. I say, sir, that this bill is made to protect your fugitive act. That is its purpose. Disguise it n generalities as you may, that is its object. Lord Coke says that "fraud lurked in generalities," and so it does. This bill, in all its generality, means nothing more than an attempt to enforce the execution of your odious and unconstitutional fugitive bill. The whole people will understand it, sir, and know that you mean nothing else, whatever you may profess. I say again, they are not in a spirit to bear it, and I thank God that they are not, because, if I saw them quietly taking dose after dose, such as you deal out to them here, I should despair of the liberties of the country; but knowing, as I do, that once awakened to a sense of their rights, they are keenly watching all that you do, I have no fear for the result. If you will bring on these conflicts with the States, when the people are roused, as you know they are, the consequence, whatever it may be, will lie at your own door, and not at mine.

I am no agitator. I resist aggression, but I promote it not. I have been content to legislate here within the pale of the Constitution of the United States, saying but very little, and confining myself to the narrow duties that seemed to devolve on me here. I could wish that all others might do the same thing; but if you will agitate, if you will stir up the feeling, if you will usurp jurisdiction over the free people whom I represent, I am here to meet you, hand to hand, to dispute inch by inch, because, as I know, I am backed by a free people who will suffer death before they will surrender their rights.

Mr. DOUGLAS. Mr. President, the Senator from Ohio, who has just taken his seat, [Mr. WADE,] says he regrets exceedingly that this session should not have been allowed to pass away without the negro question, as he calls it, being introduced to disturb our harmony. I cordially unite with him in those expressions of regret. But how has the negro question been brought here? Surely not by my friend from Connecticut, [Mr. TOUCEY,] or by his bill. There is not a word or line in the bill which has the slightest, the remotest allusion to that question.

Mr. BADGER. Will the Senator allow me to tell him that there is a distinct and unequivocal allusion to it in the word "color," which has been introduced into the bill. [Laughter.] It occurs in the clause "any law of the United States, or under *color* thereof." [Laughter.]

Mr. DOUGLAS. I suppose that is certainly the clause of the bill, if any, upon which our sensitive colleagues have managed to rouse themselves into such a passion because of the supposed enormities of the measure. What, sir, is the bill? It is a simple provision that when a case is pending in the State courts, which arises under the laws of the United States, it may be transferred into the Federal courts. That is all. Is that principle new in our legislation? It has already been shown that in some cases it has existed for many years; for forty years it has been on the statute-book. In what, then, consists the objection to extending to other cases a principle which has been applied without objection for such a long time in those cases? If this bill be such an invasion of the rights of the States as calls upon a Senator from the great State of Ohio to invite and urge rebellion against the Federal authority, why has he not mustered his forces and marshaled them against the Government of the United States during the last forty years, when the same outrage, as he calls it, has been constantly inflicted as often as a case arose in the State courts which was transferred to the Federal courts?

But, sir, the Senator has become the great champion of State rights. What invasion of State rights is here to be found? Surely his idea of State rights must be different from mine. I understand State rights to be the preservation of all those reserved rights which the Constitution of the United States has not ceded to the Federal Government. Has not the Constitution provided for the Federal courts exercising jurisdiction in cases arising under the laws of the United States? The Constitution provides that, "the judicial power shall extend to all cases in law and equity, arising under this Constitution; the laws of the United States, and the treaties made, or which shall be made, under their authority." The provision is in so many words, declaring that the Federal jurisdiction should extend to all cases arising under the laws of the United States. Now, this bill only provides that a case arising under the laws of the United States in a State court may be transferred to the Federal courts, in order that the jurisdiction of those courts shall have the same extent that the Constitution of the United States expressly declares it shall have. Then the Senator's argument is not against this bill; his passion is not against the provisions of this bill, but against

the Constitution of his country, which he has sworn to support. Perhaps it might have been well for him to have looked into the enormity of that Constitution before he pledged his honor and his conscience to his Maker to carry it into effect.

The same remark is true in regard to the law for the surrender of fugitive slaves. He tells us that the object of this bill is to aid in executing a law of the United States. Is it an objection that our legislation here is intended to carry out the laws and the Constitution of the country? What man who is loyal to his country—what man who regards his oath to support the Constitution—what man who claims to be a good citizen, can rise and assign as his objection to a bill that it is intended to execute the laws of the land? That is the only objection which the Senator assigns. It is the *gravamen* of his charge? He wants to know if I am prepared to deny that the object of this bill is to enable the constituted authorities to execute the laws which have been passed in pursuance of the Constitution? No, sir; I am not prepared to deny that such is the object of this bill. It is not confined to the fugitive law alone, but extends to all cases where it is necessary to protect the officers of the United States in the execution of the laws of the United States. I am in favor of the bill for the precise reason that the Senator from Ohio is opposed to it, to wit: that its object is to execute the laws, to prevent anarchy, to put down rebellion and violence against the constituted authorities of the country. Little did I expect to hear it avowed in the Senate Chamber, that a proposed law was monstrous, because it was to be made in aid of the fulfillment of the Constitution and laws of the Union. He thinks it is monstrous that a man in Ohio, who has a suit, should be liable to have it transferred into the Federal courts. Now, does not the Constitution provide for that transfer whenever the case is between the citizen of one State and the citizen of another State? The Constitution says, in so many words, that the jurisdiction of the courts of the United States shall reach that case. This law is proposed to be enacted for the purpose of carrying out that express provision of the Constitution. The Senator from Ohio thinks that it is a monstrous act of injustice that his constituents should be compelled to obey the laws.

Mr. WADE. Will the gentleman allow me to interrupt him, for he either misunderstands me, or he intends to mistake my position?

Mr. DOUGLAS. Of course, I yield the floor.

Mr. WADE. I stated that this bill was intended to promote and help the execution of the fugitive bill. The Senator does not deny it. I said there were States in this Union whose highest tribunals had adjudged that bill to be unconstitutional, and that I was one of those who believed it unconstitutional; that my State believed it unconstitutional; and that, under the old resolutions of 1798 and 1799, a State must not only be the judge of that, but of the remedy in such a case.

Mr. DOUGLAS. Well, Mr. President, this is the first time I have learned that the Senator from Ohio regarded the resolutions of 1798 and 1799 to be superior to the Constitution of the United States. That sacred instrument provides that the Constitution of the United States, and the laws made in pursuance of it, shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. The Constitution has declared, therefore, the supremacy of the laws of the United States over those of the States in those cases where the right to legislate has been given to Congress. Then, is it to be insisted that, under the authority of the resolutions of 1798 and 1799, Ohio deems it a great outrage that she is not at liberty to annul and set aside the Constitution of the country? That I understand to be the Senator's position. It is no answer to this argument to say that, in the private opinion of the Senator from Ohio, the fugitive slave law is not constitutional. The Constitution of the United States has provided a Supreme Court for the purpose of determining the validity of an act of Congress; and wherever the fugitive law has been brought before the courts of the United States, it has been held and adjudged to be constitutional.

Mr. WADE. Will the gentleman allow me to ask him one question?

Mr. DOUGLAS. Certainly.

Mr. WADE. If the supreme court, the court of last resort, of a sovereign State, should declare that law unconstitutional, will he hold that the Federal courts may, over their heads, execute it violently? Who is the judge in the last resort, the State, or the Federal authority?

Mr. DOUGLAS. I will tell the Senator. In the last resort, the State courts, within the limits of their jurisdiction, in the exposition of their own laws, are the highest tribunals; but in the execution of a provision of the Constitution of the United States, or a law of the United States, or a treaty of the United States, the Constitution has provided a Supreme Court as the highest and ultimate judicial tribunal, to which all others must yield obedience. Hence the laws of the United States adjudged by the Supreme Court to be constitutional, are declared to be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. The Constitution, in so many words, has decided the gentleman's position against him. Then, when the Constitution has thus declared the supremacy of the laws and Constitution of the United States over State constitutions and State laws, it has also said that the jurisdiction of the Federal judiciary shall extend to all cases arising under the Constitution and laws of the United States. Hence, I say, that in case of a conflict between the Federal and State authorities upon a law within the scope of the Federal Constitution, the State law must yield of necessity to what the Constitution of the United States has declared to be the paramount law.

Mr. WADE. Let me ask the gentleman if he believes in the resolutions of 1798?

Mr. DOUGLAS. I am not surprised that the Senator from Ohio desires to escape from the position in which he has placed himself, by resorting to the resolutions of 1798, or something else which he has been in the habit of ridiculing during his whole life. I am not to be drawn from the main issue between us by idle queries upon irrelevant points. I say the Senator has raised here, in the Senate Chamber, the standard of rebellion against the Constitution of his country; against the laws of the land; against the highest constituted authorities of the Republic. He says he is ready for the conflict which this bill is to produce; a conflict which he tries to bring about between the Federal and State authorities. Sir, I trust that that conflict is never to come. If it does come, I shall endeavor to perform my duty as a citizen, and that duty will consist in maintaining every right which a sovereign State possesses within the scope of our complex system of government. I am a State-Rights man. I would not allow this Federal Government to invade any one of the rights of the States; nor, on the other hand, would I advise my constituents to raise the hand of violence against the Federal Constitution. The line of demarcation between State and Federal jurisdiction is so clear that in this case there is no necessity, and very little excuse, for a misunderstanding upon the point.

Now, sir, I know that in some quarters it is fashionable in these days to justify resistance to law, and repudiation of constitutional authority, and of conscientious obligations, under the veil of humanity, towards the black man. I have often had occasion to say that all the objection which any person really entertains to the fugitive slave law is that it sends the negro back to his master, where he is held to service under the laws of the State. I have never yet found an Abolitionist whose objection to the law did not consist in the fact that it sent the slave back to his master. If that be the objection, I wish it to be borne in mind that the objection is not to the law, but to the Constitution of the country; for the Constitution says he shall be delivered up, anything in the constitution or the laws of any State to the contrary notwithstanding. The provision is:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law therein, be discharged from such service or labor, but *shall be delivered up.*"

Then, sir, if a man desires to be faithful to the compact between the States, faithful to that great palladium of our liberties—the Constitution—which recognizes all our rights, all he has to do is to execute the Constitution and the laws enacted for the purpose of carrying it out. If a man's conscience will not allow him to be faithful to the Constitution and the laws, as an honest man he is bound to proclaim himself at once a disunionist, and, by dissolving the Union, absolve myself instantly from those obligations which bind him to surrender up the fugitive slave. The moment my conscience will not allow me to be faithful to the Constitution, I will refuse to degrade myself, or perjure my soul by coming here and, for the sake of a seat in the Senate, swearing that I will be faithful to the Constitution, when I intend to violate and repudiate it. [Applause in the galleries.] Sir, let us deal with this question fairly and directly. Either the Constitution must be obeyed, or those opposed to it, as honest men, should declare that they will not obey it, but desire to dissolve the Union, and release themselves from the obligations which it imposes. If that be the issue in the approach of which the Senator from Ohio rejoices, I am prepared to meet it.

And, sir, I find nothing in the rebuke to which the Senator alluded so tauntingly in the late elections to deter me from meeting the issue boldly and directly. What is that rebuke of which he speaks? Was the result of the recent elections a manifestation of the determination of the people of the free States that the Constitution should not be carried out, so far as it relates to the rendition of fugitive slaves? Was that the issue, or was it that the Nebraska bill was wrong? or was it that a Maine liquor law ought to be passed? or was it that men born in a foreign land should be proscribed because of the place of their birth; or that, wherever born, they should be proscribed if their religious opinions did not harmonize with those of the majority?

Sir, it is fashionable to talk about your anti-Nebraska triumphs in the free States; but I should like to know a man in any free State of this Union whom the anti-Nebraska men have elected to either House of Congress, who was not elected by the Know-Nothings? I ask any Senator present to point me to a man of them who did not receive the Know-Nothing vote? Will the Senator from Massachusetts [Mr. WILSON] say that it was anti-Nebraskaism that sent him here? Was it the anti-Nebraska feeling that beat every anti-Nebraska member in Massachusetts who was a candidate for reëlection? That is one of the anti-Nebraska victories which are spoken of, where a whole delegation, arraying themselves under the black banner of Abolitionism, and fighting Nebraska, were all swept away, and another delegation, under a similar black banner, are to come in their places? Is that one of those glorious victories at which the Senator from Ohio rejoices?

Mr. WADE. If the gentleman can find any consolation in that, I am glad of it.

Mr. DOUGLAS. I am not seeking consolation merely, but the truth. Will he point me to an anti-Nebraska man elected in Ohio this year, who did not receive the Know-Nothing vote? Were they not all elected by the Know-Nothing organization?

Mr. WADE. I hope not.

Mr. DOUGLAS. He hopes not; but he knows that they were elected by Know-Nothing votes; and yet, on this floor, in order to aid his friends and allies in Virginia and the southern States, he talks about that as being an anti-Nebraska triumph. Sir, [turning to Mr. WADE] you boast that you beat every Nebraska Democrat in Ohio at the last election; and you might have added that you beat every anti-Nebraska Democrat also, because the Know-Nothings demanded other men. Look over all the recent elections, and wherever you will show me one Nebraska member of the House cut down, I will show you, I think, nearly two for one anti-Nebraska men defeated at the same election by the same causes. Was it the Nebraska issue, then, that administered this rebuke, or was it caused by your secret conclaves, where you get men together at the dark hour of midnight and administer to them the most terrible oaths that they, with a smile upon their faces and a friendly grasp of the hand, which is calculated to disarm suspicion, will strike down their neighbor in the dark, and conceal the hand that inflicts the blow?

Mr. WADE. Will the gentleman suffer me to ask him a question?

Mr. DOUGLAS. Certainly.

Mr. WADE. I ask the gentleman if his Nebraska bill was not concocted by a secret conclave in the night time? [Laughter.]

Mr. DOUGLAS. I am not surprised that the Senator wishes to ask such questions—anything to draw my attention from the real point of this case. He does not choose to controvert any one fact which I have detailed here, and if those facts be true, they overwhelm every position he has taken. I answer him, no, sir; the Nebraska bill was not concocted in any conclave, night or day. It was written by myself, at my own house, with no man present. Whatever odium there is attached to it, I assume it. Whatever of credit there may be, let the public award it where they think it belongs. It will not do by inuendo to attempt to avoid the issues presented. The fact is, and the gentleman knows it, that in the free States there has been an alliance, I will not say whether holy or unholy, at the recent elections. In that alliance they had a crucible into which they poured Abolitionism, Maine liquor law-ism, and what there was left of northern Whigism, and then the Protestant feeling against the Catholic, and the native feeling against the foreigner. All these elements were melted down in that crucible, and the result was what was called the Fusion party. That crucible, in which these various elements were melted, solved, and united was, in every instance, a Know-Nothing lodge. But for your Know-Nothing lodges Illinois, instead of giving three thousand majority at the recent election for the Nebraska ticket, would have given twenty-five thousand. But for that my colleague of the other House, who is now within my eye, [Mr. RICHARDSON,] instead of being elected by eight hundred majority, would have been elected by three thousand on the Nebraska issue. My other colleague in the House, who is elected to the next Congress, [Mr. THOMAS L HARRIS,] and turns out your Abolition Fusion Know-Nothing member—I speak politically, with no design to be personally offensive—in the Springfield district, would, instead of receiving two hundred majority, have received two thousand, if he could have had the Nebraska issue as the test, without the interference of your secret Know-Nothing organization. Notwithstanding these facts, it suits the purposes of some to parade all these victories, as they call them, as triumphs of anti-Nebraskaism in the North, and as rebukes to northern men? Am I to understand that, if Mr. Wise should be defeated in Virginia, and a Know-Nothing delegation should be sent from that State to Congress, as from Ohio, and other free States, it would be proclaimed as an anti-Nebraska victory? If you should happen to carry the entire southern States this year, and turn out your whole delegations, bringing in a new lot vociferating their devotion to southern rights and southern institutions, all under the secret management of the mysterious Know-Nothing machinery, will you call that an anti-Nebraska victory in the South?

Sir, this will not do. Let us call things by their right names. Let us look the real issue in the face. What we had to fight at the North, was nominally a Fusion party, but the organization was the Know-Nothing councils. Its whole vitality, its energy, and its power, arose simply from the fact that its incongruous elements, which were to be moulded into one harmonious bond, could be assembled at the dark hour of the night, when honest people were asleep, and there, under the protection of the most horrible oaths to observe secrecy, plan and plot, and pledge themselves to the execution of schemes which an honest man would never dare to proclaim to the world or avow in the light of day. Thus, by stratagem and terrors, men personally hostile, were forced to act together—men who were the advocates of adverse and irreconcilable political theories, were apparently moulded into one common brotherhood; and although they might not approve of the objects, yet, being bound by oath to obey orders and vote as they were directed, they felt constrained to yield obedience under the terrors of being branded as traitors and perjurers, as your Littlejohns and other recreants have been for voting for Mr. SEWARD. If you caught a Democrat in your councils or lodges he was required to abandon his party, and repudiate his time-honored principles, and become a FUSIONIST; if you caught a Nebraska man, Whig or Democrat, he was compelled by his oath to vote the Abolition-Fusion ticket; if you caught an Abolitionist, or a man belonging to any other party or faction, he was bound to vote precisely as a majority of the council or lodge should determine. But it so happened that, in the portion of the country where I reside, and I think, throughout the whole Northwest, every lodge was under the control of Abolition leaders and Abolition auspices; and hence you could turn it all against Nebraska men, and all other advocates of the Constitution and laws of the United States.

Mr. WADE. How did it work when they caught Democrats?

Mr. DOUGLAS. Well, sir, if they could find a Democrat green enough to be caught, they administered to him the oath, and then, I suppose, he did like all the others, yielded to an oath which he abhorred, and acted with men whom he did not respect in aid of principles that he believed to be revolutionary, before he would violate the oath into which he had been entrapped in that secret lodge. I have no doubt you took a few Democrats from us in that way; but I believe the day of reckoning is coming. The nature of that institution is becoming well understood. I have felt its powers and its terrors, and if I could defy them then, I can defy them now. Sir, the rebuke of which the Senator from Ohio spoke, has no terrors for me. I would rather be proscribed, and retire to private life, in the company of men with whom I have sympathy of principle and feeling, and for whose course I have respect, than to be triumphant by such means, and controlled by such elements. Sir, I have faith that the storm is now passing off; but whether it is or not, whether it be short or long, I say, let us stand firmly by our principles, our creed, our organization, and make no compromises with the enemy. Let us stand by the flag that now floats over us. Let us be obedient to the Constitution, which we have sworn to support. Let us maintain the rights of those States which have honored us by sending us here. Let us be faithful to our trust, and despise, and condemn all the allied *isms* of the day, and leave Providence and the people to work out, what I believe will be a glorious result.

Mr. WILSON. The Senator from Illinois has put a direct question to me, and when a direct question is put to me, sir, I choose to answer it here or elsewhere. I answer the Senator, then, by saying, that anti-Nebraskaism did not place me where I am. But I have another word to say, and it is this: no man from Massachusetts can fill a place on the floor of this or of the other House who is not opposed to the Nebraska act of last year. The people of that Commonwealth, in their opinions on that measure, approach unanimity. Men of all parties are opposed to it. We have no controversy there about it. Massachusetts is anti-Nebraska. Those who sent me here are imbued with that feeling in common with nearly the whole population of that State, and I entirely sympathize and agree with them in their uncompromising hostility to it.

Mr. FESSENDEN. Mr. President, I have but a very few words to say in reference to this bill, and those words will not be words of passion, for I have no passion to exhibit on this occasion. I see very plainly that the bill comes here, and has been taken up this morning, by a concert and association so strong that there is not the slightest possibility of resisting it. It is perfectly manifest to me, as it is to every other member of the Senate, on either side of the Chamber, that it must be passed, at some time or other, before we can proceed with any other business; and the only question in my mind is, whether I should suffer it to pass silently, and record my vote against it, or state very briefly the reasons why I shall vote against it, and what is the opinion I entertain of it.

I have no reply to make to the honorable Senator from Illinois, with reference to the main part—much the larger part—of his speech. If he can draw any consolation from the elections which have been held since he introduced what is called the Nebraska bill into the Senate, he is welcome to all the consolation that he can get. If he can convince himself that the result of those elections was owing to Know-Nothingism, or any other ism except opposition to that measure, of which he was the father and great advocate, he is welcome to do so. I do not believe, however, when he sits down calmly and looks at the progress of affairs, and the progress of opinions by which those elections were brought to result as they did, that he can, in the secresy and silence of his own chamber, convince himself that the Nebraska bill, so called, had nothing, in fact, or very little, to do with them. If he has such an idea, I would point him to the election in Connecticut, the State represented in part by the honorable Senator who has introduced this bill, [Mr. TOUCEY;] to the election of last year in New Hampshire, which took place before Know-Nothingism was heard of; to the election in Maine, with which that organization had little or nothing to do; to the election in Rhode Island; to the election in New York, a contest which resulted in sending my honorable friend [Mr. SEWARD] back to this place for six years; and let him ask himself if Know-Nothingism produced those results there? For other parts of the country I cannot answer. I do not feel it necessary to do so; but I know well that if gentlemen lay the flattering unction to their souls, that, in the free States, opposition to slavery, or rather to the extension of slavery, had nothing to do with the result of those elections, they will find themselves, at a future day, just as much mistaken as they have formerly been. Allow me to ask whether the honorable Senator himself, and other honorable gentlemen, did not urge, through the northwestern States, the consideration that the Nebraska bill was intended for freedom, and that the result of it would be to insure the State of Kansas as a free State, as an inducement to stand by the Nebraska bill? And if that was urged as an argument, why does the Senator present it in the manner he does now?

Mr. DOUGLAS. The Senator puts a question to me, and I will answer him. I never urged that consideration in any speech that I made during the whole campaign. What others did, I leave them to judge, for I do not think I heard one Nebraska speech during the whole campaign that I did not make myself.

Mr. FESSENDEN. Well, Mr. President——

Mr. DOUGLAS. Allow me one moment; I am going to answer the Senator. I took the ground distinctly that the object of the Nebraska bill was to leave the people of each State and of each Territory, to form and regulate their domestic institutions in their own way; that if Kansas wished to have slavery, she had a right to it; and that if she did not want it, no power on earth should force it on her; that a new State had as much right to decide that question for herself as an old one—Illinois as much as Virginia; and hence, that it was a violation of the principle of that bill, either directly or indirectly, to attempt to control the people of Kansas and Nebraska, for slavery or against slavery; and I condemned every effort at interference from the outside, either from Massachusetts, or from Missouri. That was my position.

Mr. FESSENDEN. I am aware that in the debate which took place here, that was the position which the Senator assumed and advocated.

Mr. DOUGLAS. And at home, too.

Mr. FESSENDEN. It is not for me to assert the contrary. I did not have the pleasure of hearing or reading the speeches which he made at home; and of course I cannot question that he maintained the same ground there. But the Senator, I apprehend, will not attempt to deny, that both in his State and in other States in the Northwest, that argument was used on the stump by members of his party, to reconcile the people to the Nebraska bill.

Mr. DOUGLAS. I have no reason to believe that any Nebraska man in Illinois used any such argument. I have no reason to believe it. On the contrary, I believe they assumed the same position that I did, and that we were of one accord throughout the State upon that question.

Mr. FESSENDEN. Whether they were Nebraska men, or not, in terms or profession, I know not, I care not; but that they were members of the same party as the honorable Senator; that they were endeavoring to sustain him and his friends; that they were endeavoring to sustain

the action of Congress with regard to that Nebraska bill, I presume he will not deny. It was a matter notorious that, throughout the northwest, that was the argument which was used to the people; and that it had its effect—but how much I am not able to say. It is a matter perfectly well known to all sections of the Union that such was the position which was taken. But, now that the battle has been fought out, and fought out upon that ground—because the Nebraska bill was the matter in controversy in Illinois as well as elsewhere—now that it has been fought out, and the contest decided, so far as every free State of the Union which has voted since that period is concerned, it is mighty convenient for gentlemen to come here and go elsewhere, and say it is all due to Know-Nothingism, and secret lodges, and other matters which I cannot pretend to enumerate. Neither can I follow the honorable Senator in his eloquent denunciation of an order of people of whom I know nothing.

Mr. WELLER. I hope, when the honorable Senator speaks of all the free States who have held their elections, that he excepts my State; because, there we had six candidates for Congress, two Whigs and four Democrats—though only two were to be elected—and all of them, Whigs and Democrats, were pledged to the Nebraska bill.

Mr. FESSENDEN. I presume I must except California.

Mr. WELLER. I should be glad if you would.

Mr. FESSENDEN. I would not attempt to go west of the Rocky mountains at all. When speaking of the North, and of the free States, I have not been thinking of California at all. I believe I am aware of the fact that all the candidates in California found it convenient to place themselves on the ground of supporting the Nebraska bill; and although some of them were called Whigs, and some Democrats, since they did place themselves in that position, let me say it makes very little difference to me, or any of those at the North who were formerly, or are now, called Whigs, on which side of the contest that was going on they were, or what was the result of that contest.

The honorable Senator from Illinois has spoken of three thousand majority in Illinois in support of the Nebraska bill. I was surprised to hear him say so. He knows much better than I do what the result was; but, if I am correctly informed by a debate which took place in the other House, there was something like fifteen thousand majority for those members of Congress who were elected as anti-Nebraska men.

Mr. DOUGLAS. I will put that matter right in a few minutes. Each of the regular Democratic candidates went for the Nebraska bill in the same terms and with the same explanation which I have announced to you. In the southern district there were two or three candidates, all of whom were in favor of the Nebraska bill; and, in the other House, in order to make up the majority for the anti-Nebraska candidates, they count a part of those candidates as anti-Nebraska. Then again, in one district, that in which Judge Trumbull was elected, he, as I am told and believe, in order to get Democratic votes, pledged himself against the further agitation of the question, against even the bringing in of a bill to change or repeal the Nebraska act, and thus he probably got nearly as many Nebraska as anti-Nebraska votes. Hence the congressional election does not furnish an unerring test on the Nebraska question, although we elected to the next Congress one more Nebraska man than we have in the present Congress, being a clear gain of one member.

But there is one test on that subject which I will give, and the Senator from Maine will recognize it as a proper one. Old John Moore, as he is called in Illinois, an Englishman by birth, was State treasurer, and as State treasurer he had charge of the State House in Springfield. When Mr. GIDDINGS went there to make an Abolition speech, old John Moore told him he could not speak in the State House and utter sentiments such as he held of disloyalty to the Union. When, I think, the Senator from Ohio [Mr. CHASE] went out there to make an anti-Nebraska speech, he was refused admission into the State House. Certainly, if he asked it, it was refused. When Cassius M. Clay went there, he asked it, and old John Moore told him he could not have it, and turned him off. Do you think that many Abolitionists voted for old John Moore after that? He was a foreigner by birth, and denounced by the Know-Nothing organization. Do you think he got many Know-Nothing votes after that? The Whig central committee came out and denounced him in a circular; do you think he got many Whig votes? And yet, with the Know-Nothings against him, with the Abolitionists against him, with the Whigs against him, with all these sins, as you would call them, to account for, he received a popular majority of three thousand in the State over a man who was by no means unpopular. That was the result, sir. He was an open Nebraska man, an honest man, and a true Democrat.

Mr. CHASE. The Senator from Maine will allow me to say a word. When I did happen to speak at Springfield, during the last canvass, the State House was not refused to me or to the anti-Nebraska men. I am bound to say, in justice to Mr. Moore, whom I understand from all quarters, Nebraska and anti-Nebraska, to be a perfectly honest man and most worthy officer, that upon that occasion every courtesy I could ask or desire was extended to me by the citizens of Springfield. The State House was, as I was informed, not in a condition to be occupied by anybody at that time, and I think there was some rule against any parties occupying it. My honorable friend from Illinois [Mr. SHIELDS] spoke the evening before at a private hall, and I spoke in the court-house.

Mr. DOUGLAS. That answer is not such as I should have expected from the Senator from Ohio. I was not at Springfield at the time, and was not certain whether he applied for permission to speak in the State House, or whether it was refused to his friends for him. If he had applied, it would have been refused. He has reason to know that it was refused to Cassius M. Clay. He has reason to know that every Abolition, Fusion, Know-Nothing orator in Illinois, denounced John Moore for that act on every stump in the State. He has reason to know that John Moore never explained or disclaimed it, but allowed the election to take place on that issue; and, receiving the combined fire of Know-Nothingism, Abolitionism, Maine-Lawism, and Anti-Nebraskaism—all of the isms together—he had a popular majority of three thousand in the whole State; and I submit, now, whether he got many Abolition votes? Not one in the State.

Mr. FESSENDEN. I did not expect to say so much in reference to the election in Illinois, or to be drawn into a controvery about it; but I have understood—and the honorable Senator, and other gentlemen from Illinois know whether it is true or not—that the nomination of any candidate against Mr. Moore was not known in a part of the State, which threw a very heavy anti-Nebraska vote, and that the result was owing to that fact.

Mr. DOUGLAS. I wish to state that the Senator from Maine would do well to inquire of those who have the means of knowing, instead of repeating here what my honorable colleague in the House denounced, when it was said by a man who did not know it, and which we all know was unfounded. The gentleman who made that statement was from Galena, within about six miles of Wisconsin. He never went down to the central or southern part of the State during the election, and I tell you that Miller, the Know-Nothing candidate, was nominated weeks, if not months, before the election; that circulars were sent all over the State, to every Know-Nothing lodge, commanding them to vote for Miller; that Simeon Francis, the chairman of the Whig central committee, sent out circulars to every corner, every neighborhood in the State, weeks before the election, urging the Whigs to vote for him; that the Abolition and Free-Soil committees sent out circulars urging the same thing, and the newspapers gave as a special reason why John Moore should be beaten, that he was the only State officer running all over the State, and if they did not beat him, and yet got the Legislature to pass resolutions of instructions on Douglas, Douglas could turn around and say that is not the voice of the people, for John Moore had a majority. These reasons were urged everywhere. More time was spent, more money was employed, more effort was brought into requisition to beat John Moore than any other man in the State, for that avowed reason, and that reason was published in all the newspapers weeks before the election, so that there is not a pretext for this charge that you have an anti-Nebraska majority there.

Mr. FESSENDEN. The Senator from Illinois, Mr. President, is, undoubtedly, under some obligation to me for giving him an opportunity to make all these explanations.

Mr. DOUGLAS. I am.

Mr. FESSENDEN. It seems there are a great many difficulties in reference to that election for which he cannot account, and it requires a considerable explanation from the Senator to remove them, one by one, as they are suggested.

Now, sir, what information I have was gathered from the public papers, and statements made in the course of the debate in the other House. I read the debate upon that subject. I have not come to the conclusion to which the honorable Senator from Illinois has arrived, who judges from his personal knowledge of the subject; but, sir, there is one thing not looked at—that is, that, in the great Democratic State of Illinois, it seems the Know-Nothings were so terribly powerful that they could not even carry the only candidate they had, the candidate for State treasurer. They who did everything else could not, it appears, succeed in their own nomination in that State. What else did we see, sir? We saw that the anti-Nebraska members of Congress were elected by a large majority—whether it was ten or fifteen thousand, I do not know. What do we see next? We see a strong anti-Nebraska Legislature elected—members in each branch, who, when they come together, are so strongly infected with dislike of the Nebraska bill, and all its consequences, that, though made up of a majority of original Democracts, they would not even reëlect the colleague of the honorable Senator from Illinois, who has addressed the Senate this morning. They would not send him here with all his great popularity, with all his great personal worth, with a reputation for high personal qualities which—I cannot help saying—I would as soon take with me when I leave this Chamber as the reputation of any other man who is a member of the Senate. If his public worth and strength with his own party, which had a majority in that Legislature, could not send him back again, notwithstanding the strong personal regard which they have for him, what is the reasonable inference with regard to public feeling in Illinois. The members of the Legislature must be presumed to be somewhat acquainted with the feelings of their constituents, and somewhat infected with them.

But, sir, I am willing to pass over this matter. I alluded to it with no intention to speak upon it long, but have fallen into the error into which many men fall, and that is, only intending to say a few words they say a great many. It has no particular bearing upon the bill now before the Senate, and that is the matter on which I rose to speak.

The honorable Senator from Illinois says that this is a question whether we will support the Constitution. Here is an act brought before the Senate which we are called upon to pass, which, he says, involves the question, with reference to gentlemen who are to vote here, whether they are willing to carry out the provisions of the Constitution on the question of slavery. I acknowledge no such question. Many bills may be presented to the Senate which are constitutional in terms, and would be constitutional in effect, and yet are so odious in their provisions, so unnecessary, so uncalled for, so contrary to the sense of the Senate, or of some individual members, and of a vast number of individuals in the country, that men may well differ upon them, and hesitate how they shall act. I deny the proposition which has been advanced by the honorable gentleman from Illinois, that this is a constitutional matter, and that every man who stands up and says he objects to this bill, and that he shall oppose it to the utmost of his power and by constitutional means, must be held a traitor to his country and to his trust. Sir, I acknowledge no such thing. I say, with regard to this bill, that I understand its object; at any rate, I understand how it has come here, and why it has come here; and if I speak harshly in

regard to the bill itself; if I speak of it harshly at home; if I denounce it both here and everywhere; if I agitate upon it, it is because I do understand both its origin and its object. And, sir, allow me to say, not with my honorable friend from Ohio, who proclaims himself no agitator, that, on a question of right, a question of justice, a question affecting the interests and feelings of my constituents, I *am* an agitator. I *will* agitate such questions. It is my duty so to agitate; and I am not to be silenced by the mere declaration that I am disturbing the country. Let those talk about that matter who introduce this measure. They are the real agitators. It is not for them to introduce measures into the Senate and before the country calculated to stir up agitation, and then denounce those as disturbers of the peace of the Union, and agitators, and violators of the principles of the Constitution, who oppose them. Sir, all that kind of declamation goes by me as the idle wind. I have heard it for years, and I have learned to disregard it. It is of no more consequence to me than the idlest rumor that could reach my ears.

Well, sir, how does this bill come before the Senate? Let us look at it. We have heard from honorable gentlemen, on the other side of the Chamber particularly, for the last week or more, that the session was drawing to a close, that we must economize time, that we were spending it in idle debate, when we were introducing measures here that had no chance of passing both Houses of Congress. I say we—I do not speak of myself, however, but of other gentlemen, who, from their position on committees, have power to bring questions before the Senate. We have been told this. Well, sir, what do we see in the face of all this? We heard the same story even from the honorable Senator from Connecticut this morning. He appealed to the Senate to stop debate on a little matter of business which was intended to regulate the close of our proceedings at this session; and yet, sir, at the moment that was ended he rose in his place and called up this bill, which he knew well must occasion debate and consume time; which he knew, as well as any one, could stand no chance of being acted upon, unless by some suspension or violation of the rules of proceeding of the other House, such as resulted in carrying the Nebraska bill through late one night; yet, the honorable Senator, after he had read this lecture upon the close of the session, and upon the necessity of ending debate and economizing time, introduced this measure, which, he knows well, must occupy much valuable time, and which, in my judgment, he cannot believe will lead to any practical result at this session.

Sir, when that bill came here, I found, on looking at the Calendar, and you will see, that it is the last bill but three, which has been reported to the Senate. It has been brought in here, then, within some two or three days—I cannot tell when exactly; the honorable Senator can inform you. It has gone to the Calendar this morning for the first time. There are but three bills after it; there is the whole Calendar before it. It comes in here at this period, and we are appealed to to stop debate, to economize time, and yet the very first thing done is to call up a bill of this kind, involving great principles, involving as much feeling as necessarily must be involved; and it is taken out of its order before we have an opportunity to examine it, before we are notified of its existence, before we have had a chance to discover what its provisions are, and on the simple statement of the Senator from Connecticut, we are called upon to pass the bill, he giving notice that it is unnecessary to have any debate upon it. Sir, I am sorry that it has been brought forward for these reasons. I am not sorry for another reason, because if gentlemen intend to follow this system of measures, if they intend to irritate all they can the feelings of the people of the free States of this country, let them do it. The faster they do it, the better. I care not how soon these measures come, if they are to come; and if these gentlemen choose to take the responsibility of them; if they choose to outrage the North, be it so. The responsibility is not on me; but I shall not forget my right to speak in the matter, and take up as much time as is necessary, because of any consideration arising from our near approach to the close of the session.

Are any reasons given why—as has been well inquired by gentlemen who have preceded me—this bill is introduced? Why, I again ask, does it come? Why is it sprung upon us in the manner that it has been? Why is it that no reasons are given for it? Sir, has it been pretended that there is a pressing necessity for it in this country? The honorable Senator from Illinois says it is a measure designed to carry out the existing laws of the United States. What law? Sir, are we so blind—is it to be supposed that we are so blind—that we cannot see, and will not notify the people of our respective States, that it has but a single object, that it is brought in for a single purpose, brought in at the close of the session, and sprung upon us to be carried through by party machinery—I say party machinery—with reference solely to slave questions connected with the fugitive slave law, or some collateral question growing out of the execution of that law?

Sir, the matter is obvious. It cannot be concealed; and gentlemen have come to us with the same honeyed phrases we have heard before, that there is no agitation; that the Nebraska bill was introduced not to create agitation; that it was simply to establish a great principle of non-intervention; but that bill was passed, and the people did not believe a word of all such pretenses. A few days ago we had a bill to pay for slaves who had been carried away, and I remarked, as a most singular fact, that on that private bill, without any discussion of its merits, without a knowledge, in fact, on the part of, I may say, five or ten Senators, every Democratic member of the Senate, save one, from the free States—every Administration member, if I may so call them, and every southern man, without exception, voted for that bill. It was a most remarkable event, sir, in connection with a private claim, and a private claim exclusively.

Mr. BUTLER. What was the bill?

Mr. FESSENDEN. It was a bill to pay somebody for slaves that were lost.

Mr. BAYARD. I ask the honorable Senator from Maine, whether any objection was made to the bill by any Senator, except on the ground that it was to pay for slaves?

Mr. FESSENDEN. With reference to the bill, the honorable Senator from Ohio stated that he did not think, on an examination of it, that it came within the provision of the law upon which it was said to rest. He said, moreover, that he was opposed to the principle. I did not state that I was opposed to that principle, and I never have so stated. I am not prepared to state now that I am so opposed, under any, and all circumstances. I voted against it, and why? I voted against it because the common courtesy which is granted to every member of this Senate when he rises in his place and moves a postponement of a question, in order that he may examine it, was refused to the Senator from Ohio. Why? Because the Senator from North Carolina put a question to him that I never heard propounded to any Senator before since I occupied a seat in this Senate, and that was, sir, whether he had not already formed a definite opinion on the subject?

Mr. BADGER. Will the Senator allow me to correct him, as he refers to the Senator from North Carolina? Does he not recollect also, that I asked the Senator from Ohio, whether that, one week before, on the preceding Friday, he did not object to the consideration of the bill? He admitted he did; and does he not recollect further, that I asked him, whether he had looked into the bill after it was passed over on that occasion, on his objection, and that he said he had not?

Mr. FESSENDEN. Precisely; and is it customary, in the ordinary course of business in this Senate, to put every gentleman, when he requests further time to examine the subject, upon his honor, to say whether he has done his duty? What I would say, is, that the question put to the honorable Senator on that occasion, was a new test, and one which has never been applied to any other Senator in my hearing—a question which I have never, as long as I have been a member of the Senate, heard asked, by any body, on any occasion.

Mr. BADGER. Then I want to ask the Senator if he wants delay to be granted, why might not another after that, and still further, to ask the question, whether, when a private bill comes before the Senate, and a Senator had objected a week before, and which during the course of the week he had not examined, it is proper for that Senator to ask another week's delay, when he announced at the same time that he would not vote for the bill? I had another reason for the course which I pursued, and that was, that I had no idea that the honorable Senator intended to examine the bill, or wished to examine it.

Mr. FESSENDEN. The honorable Senator supposes it to be so. Would the same remark have been made on the same occasion, upon any other subject whatever? Supposing a Senator had demanded, or requested the same courtesy with reference to any other subject-matter, any other private bill before the Senate, would it have been heard of that any gentleman would ask him, "Sir, do you intend to look at it, and will you look at it?" Sir, I impute nothing offensive to my friend from North Carolina. Everybody knows that he is one of the best natured, amiable gentlemen in the world—one who is most courteous in his ordinary demeanor here, and from the very fact that he, of all men in the world, with his courtesy and his kindness, could on that occasion exhibit a feeling of the description which he did exhibit, was proof to my mind that, whenever anything comes up here with which this matter of slavery is connected in any degree, there is but one system to pursue, and that is to go it through, and go it blind, and that without reference to any consideration of the consequences which may ensue.

Mr. BADGER. Will the Senator allow me to ask whether he has any right to urge that as an objection, assuming it to be true; for on the other side, is it not one steady and continuous system which is pursued, that whenever compensation is sought for the owners of slaves, under any circumstances, it is always utterly and pertinaciously opposed, and that the opposition go it blind?

Mr. FESSENDEN. Therefore the honorable Senator will not inquire whether anything is actually due or not—a most logical conclusion—but will take it on trust whenever such a bill is reported, without examination.

Mr. BADGER. The honorable Senator will permit me to say that I do not think that is a fallacy in his logic, but it is one that is utterly unfair in his conclusion. I said nothing about passing a bill without examination. The bill was open to discussion. The Senator from Ohio had full power to discuss it the whole day, and the whole week if it continued so long. The sole and single question before the Senate was, whether at the close of the session, a private bill which had been postponed a week at the instance of a Senator who requested that he might be permitted to look into it, who had not looked into it in a week, who had no purpose or intention to look into it, and who announced his intention to vote against it under all circumstances—when the bill was not to be hurried through upon the previous question, which was not to be passed without consideration of its merit, should be then considered. That was the question.

Mr. FESSENDEN. What right has the honorable Senator from North Carolina to say that the Senator from Ohio had no intention or desire to look into it.

Mr. BADGER. I gave that as my opinion in the presence of the Senator from Ohio. I have given it twice, and he seems to give his assent to it.

Mr. FESSENDEN. I imagine that such illiberal opinions are not advanced in this body except on precisely such bills as these. Senators do not judge in that way except on such bills. I adduce that as an instance showing that, in reference to anything of this kind, the determination is made beforehand to press the measure through.

Now, with reference to this bill, I have alluded to the fact, that it came in but a day or two since. It presents itself, and is laid upon our tables when they are loaded with business—when all the leading Senators are saying to us that we must economize time. Yet, sir, take the example of the Senator from Virginia, who never does anything amiss intentionally, especially with reference to the business of the Senate. He warned us that we needed all the time we had; yet I notice that he, this morning, voted to take up this bill, in the teeth of his profession, that all the time was needed for the

necessary appropriation bills now, or soon to be, before the Senate.

What is the object of this bill? It is admitted—there is no dispute about it—that it is intended simply and solely to deprive the courts of the several States of any and all power on any question arising under the fugitive slave act, or any other act of the United States which may be passed with reference to that or any other subject, but particularly with regard to that subject. Has there been any reason given for it, I again ask? This power, ever since the formation of the Government, has existed in the State courts; and has any difficulty arisen? Never, since the first act which was passed on that subject, has the matter been mooted here. Is there any pressing occasion? Why did not the honorable Senator from Connecticut tell us what the necessity was for bringing, at this late period of the session, this bill before the Senate? Why did he not inform us whether or not any outrageous act had been committed, or was to be committed, which made it necessary to introduce this bill? He has specified no such act; and yet we are obliged to take it as it comes to us at this stage of the session, and either vote upon it in silence, or else waste the time of the Senate—for it is, in one sense of the word, wasting the time of the Senate—to enter upon a discussion of a measure of this kind at so late a day.

With reference to the people of my own State, and the people of the eastern States, I wish them to understand that this new legislation is designed for the purpose of depriving their courts of all vitality, all power to protect the rights of their own citizens, whenever a question affecting a supposed or alleged fugitive slave is concerned—whenever the question which has excited so much feeling in those States is agitated at all. The object is to deprive them of the power to grant the writ of *habeas corpus*, or to decide the fact upon such a writ, and otherwise to put every question of a similar nature within the exclusive jurisdiction of the courts of the United States, under the direction of Federal officers, who are appointed by this Government, paid by this Government, and who, as my honorable friend from Ohio says, have recently had their salaries increased, so far as a vote of the Senate can increase them, though I would hope that he was in error in supposing that that increase was made in view of this measure.

But, sir, I would inquire, as my friend from Ohio did, do you suppose that we shall not resist the enactment of a law of this kind, and, if it becomes a law, do you suppose that we shall not find some way in the States, within the limits of the Constitution, in which we can protect the rights of our fellow-citizens when they are jeopardied? Sir, you mistake the temper of the eastern people.

I am not one who indulges in threats. Threats are idle everywhere, and especially in this place, whether they come from free States or slave States; east or west, north or south. I make none; but I tell you this will not go on to the statute-book merely as a wise precaution taken to protect Federal officers against injury from the citizens of the States. It will not go on merely as a calm, deliberate enactment for a good purpose, but as an intentional, direct insult to the courts and the people of the several States—a declaration that you have no confidence in them; that you have no confidence in the people of the free States; and as a declaration of the honorable Senator from Connecticut, in connection with those with whom he acts, that he will lend his aid to break down the respectability of that judiciary for which, certainly, he ought to entertain respect, for no man knows better than he does its high character and position.

Now, sir, in conclusion, I wish to state that no man need impute to me the declaration that I will disregard the Constitution of the United States. I mean to respect it at any and all times. I understand the oath I have taken; but, while making this declaration, I wish to say still further to gentlemen who give their support to measures of this description, that whenever they are brought forward with such a design, whenever they exhibit such a tendency, whenever they show that our legislation is to be directed, at all times, with reference to this slave power which governs us—for govern us it does—I stand here to oppose them, to make my opposition and protestation against them on all occasions; and I shall stand at home—if I ever reach it—ready to *agitate* upon this subject, and to convince the freemen of my honored State, if I can, that this measure is but a renewed assault upon the honor and independence of the free States, and the just rights of their people.

Mr. BENJAMIN. I had not the slightest idea of engaging in this discussion when I came here this morning; but, sir, assertions have been made and repeated upon this floor, such as have always been made to the detriment of those who advocate the rights of the southern States from the time when, in an evil hour, gentlemen from the North undertook to direct Federal legislation to a subject with which the Federal Government has nothing to do.

The assertion is made by the Senator from Ohio, [Mr. WADE,] and by the Senator from Maine, [Mr. FESSENDEN,] that this is a wanton and unprovoked attempt on the part of the South again to commit aggression upon the rights or upon the feelings of the North; that where there is no necessity for this measure; that when everything was quiet and tranquil through the land, gentlemen from southern States again bring forward this subject, with a view to inflame popular passion and excite popular prejudice. Mr. President, the South have said over and over again, that all they ask, all they ever asked, was to be let alone. All they desire, and all they have ever desired, was that legislation in the northern States should leave southern rights and southern property free from further aggression. We are told, sir—and the Senator from Vermont, near me, [Mr. BRAINERD,] seems to think the assertion is a triumphant one—that it is we who now begin this aggression. Why, sir, the Senator from Michigan [Mr. STUART] brought to the notice of the Senate yesterday a law of the State of Michigan; at an early period of the session we had brought forward a law of the State of Connecticut; at a different period during the present session of Congress our attention was called to a decision of the supreme court of the State of Wisconsin, and what do we find, sir? We find that State after State, throughout the North, is directing its legislation, and not only directing its legislation, but that its courts of justice are perverting its jurisprudence in direct attacks upon the Constitution of the country and the rights of the southern portion of the Confederacy.

Mr. President, since the last session of Congress, under a pretext that a law of the United States, which did nothing but recognize the constitutional principle that the people of each portion of this Confederacy were, by the Constitution, vested with the exclusive right to regulate their own domestic affairs, and govern their own domestic institutions, was a violation of the rights of the North, the people in the northern States of the Union have been directing a fierce and prolonged agitation, not only against that law, but against a law which has stood upon your statute-book since the time when General Washington was first elected President of this Republic. Now, sir, that idea of nullification about which we heard so much a few years ago, when the rights of the southern States were pushed to the extent of nullifying the constitutional enactments of the General Government by the acts of the Legislatures of the States, has changed its locality, and South Carolina is now taken into the arms and affectionately caressed by Ohio, Vermont, Michigan, Wisconsin, and Connecticut.

Mr. President, it is a familiar adage, that times change, and we change with them. Who would ever have expected, a few years ago, to have heard it said in the Senate of the United States, by Senators from the North, that State tribunals were vested with jurisdiction, in the last resort, to determine upon the constitutionality of laws enacted by the Congress of the United States; that their decisions were of greater weight, and entitled to higher respect, than the decisions of the Supreme Court of the United States; and that it required nothing more than an inflamed popular prejudice to pervert the course of decisions in any one of our sister States in order to make that law in one State which was not law in any other State of the Union, and which could not be recognized as law by any man of common candor or common frankness, who properly considered the Constitution of the United States.

Mr. President, I am not going too far in stating that the whole course of northern legislation upon this subject, for the last few months, has been a course of direct war upon the South; and the bill now before the Senate is a measure not of aggression, but of defense. Here is a law of the State of Michigan, which was brought to the attention of the Senate yesterday. Let me ask the attention of honorable Senators to this law, and let me ask those gentlemen who are most opposed to the rights of the South, as asserted by us on this floor, in common frankness and common candor, if this is, or is not, a direct nullification of the legislation of the United States? I mean to take this law, passage by passage, and say a few words upon it. The statute of Connecticut is the same in substance. The decision of the supreme court of Wisconsin is the same in substance; and the honorable Senator from Ohio tells us that scarcely will the Legislature of his State have again met, when a similar legislation will follow in the lead of what he calls the "glorious" example set by Wisconsin. The first section of this law of the State of Michigan provides that

"The people of the State of Michigan enact, that it shall be the duty of the prosecuting attorneys, within their respective counties, whenever any inhabitant of this State is arrested or claimed as a fugitive slave, on being informed thereof, diligently and faithfully to use all lawful means to protect, defend, and procure to be discharged, every such person so arrested or claimed as a fugitive slave."

I say nothing of this. I omit all comment on a State Legislature directing State officers to interfere when a citizen of the United States claims the execution of a law of the United States enacted under a constitutional authority delegated to Congress.

The second section provides, that

"All persons so arrested and claimed as fugitive slaves shall be entitled to all the benefits of the writ of habeas corpus and of trial by jury."

Now, sir, this is in direct opposition to the laws of the United States, enacted for the purpose of enabling such owners to reclaim their fugitive slaves in northern States; and it is, and is intended to be, in direct contest, in avowed opposition, to the laws of Congress in that particular. The law does not stop here.

The third section provides, that

"If such writ of habeas corpus shall be sued out in vacation, and if, upon the hearing of the same, the person imprisoned, arrested, or claimed as a fugitive slave shall not be discharged, such person shall be entitled to an appeal to the circuit court for the county in which such hearing shall have been had, on furnishing such bail within such time as the officer granting the writ or hearing the case shall judge reasonable or proper."

It is not necessary to comment on this.

Take the next section:

"The court to which such appeal is taken, and any court to which a writ of habeas corpus in behalf of any such person claimed or arrested as a fugitive slave is made returnable, may, and shall, on application of either party to such proceedings, allow and direct a trial by jury on all questions of fact in issue between the parties in the matter aforesaid; and the taxable costs of such trial shall be chargeable to the State whenever the same would be otherwise chargeable to the person arrested or claimed as a fugitive slave."

The State of Michigan is not only going to interfere in opposition to the right of the claimant to his property, it is not only to employ its officers (who are sworn to obey, not only the laws and constitution of the State, but the laws and Constitution of the United States) to resist the execution of a Federal law, it is not only enacting, in direct opposition to the terms of an act of Congress, that the habeas corpus shall be applied to such cases, and an appeal and trial by jury also allowed; but the State of Michigan, out of the State treasury, will pay the costs incurred in resisting the execution of a law of the United States. It will go still further. Sir, it makes it a penal offense for any officer of the State to receive within the limits of any prison or any jail of the State, any fugitive committed for trial. In the next section it provides an imprisonment of not less than three nor more than five years to any person who shall fail to prove his property in his fugitive slave. If a southern gentleman goes to the State of Michigan, in search of a fugitive, in search of his property,

and if he fails under the legislation of Congress to protect himself, in the assertion of that right—if by any chance, or by any perjury, or by any perversion of the law, these State tribunals, paid from the State treasury, governed by the State officers in which the laws are executed, in opposition, as the Senator from Ohio tells us, to Federal legislation—I say if the southern claimant, under these circumstances, shall fail in proving his property, he is to be punished by imprisonment of not less than three nor more than five years in the jail of the State. This, sir, too, may be produced by perjured witnesses. May it not be that some man, who holds allegiance to that higher law which we are told binds us all in despite of that oath by which we are sworn to obey the Constitution and laws of the country, may become so *conscientious* as to believe that that higher law requires him to make false oaths in behalf of *liberty* as he terms it? Then, if by your perjured witnesses, paid at the expense of the State, a man can be thus defranded of his right, not satisfied with driving him from your courts of justice without remedy, without relief, he is to be imprisoned in the State jail for endeavoring to vindicate his constitutional right.

Pursuing this course, or as the honorable Senator from Ohio says, this "glorious example," when State tribunals in opposition to decision after decision of every Federal court in the country, maintaining and proving, beyond the possibility of a doubt or cavil, to every candid man the constitutionality of the enactments of Congress—when, I say, State tribunals are found asserting their power to declare that that legislation of Congress is unconstitutional, and maintaining the right in the States to nullify that legislation by State jurisprudence, we are told here that it is the South which is constantly invading northern rights—that we are now wantonly violating northern prejudices, and inflaming northern feelings. Mr. President, the condition of the South is now what it ever has been. Never has the South asked Congress to legislate on any occasion, or under any provocation upon this subject-matter, except when its rights were directly violated, or intended to be violated. We have never brought the subject into Congress, except in answer to some attack like this. Are we liable to the reproach with which we have been taunted this morning, that we are again inflaming the passion of the North which will not be put down, which will continue, which will grow in strength and power until we are crushed under it? Sir, we have done no such thing. We deprecate it. We beg, in the language of the Trojan hero, that we may not be "drawn into such contests," for the most that we can do is to save ourselves harmless. All triumphs that we can gain will result but in the simple right to remain just where we were before the battle was fought. What interest have we then; what imaginable motive can actuate Southern men to desire the agitation of the question? What Southern man has ever provoked it? A candid retrospect of the history of the country will satisfy every man that the charge is not the truth.

Mr. President, what is the bill now pending? Since the foundation of the Federal Government it has been an admitted constitutional principle (though now denied by my honorable friend from Ohio [Mr. WADE]—I will still call him my friend, for I believe him sincere, though most misguided in his opinions.) Nay, sir, there is an express clause in the Constitution, requiring its exercise, that every question arising under the Federal legislation, arising under the Constitution and laws of the United States, is embraced within the jurisdiction of the Federal Courts. From the origin of your Government you have provided that, in questions of land title, in questions of any kind where a right is set up under the law of Congress, or any treaty, and the State tribunals in the last resort—the supreme courts of the States—make decisions adverse to the right set up on the property claimed under the legislation of Congress, an appeal shall lie from that State tribunal to the Supreme Court of the United States. From the origin of the Government, where the citizen of one State sued the citizen of another State, in the State under circumstances entitling the defendant to Federal jurisdiction, there has been a law on the statute-books authorizing the removal of the cause from the State to the Federal court. At a subsequent period, when the officers of the Federal Government, in the exercise of their duties in the collection of revenues, were harassed by suits in State courts, you passed just such a law as this, directing that the State court should transfer such cases to the Federal courts whenever the Federal officer desired the removal. Now, when in the execution of a constitutional and admitedly binding law of the Federal Congress, the officers of the United States, who endeavor to assert the majesty of the law, to vindicate it, to assist in its execution, are set upon by mobs, and their lives are not only threatened but absolutely taken in open day; when the blood of the slaughtered victims still smoke in the streets of Boston; when the officers of the United States, while so engaged in the execution of the laws of the country, are slaughtered in cold blood, the appeal is made that you shall remove such causes from jurisdictions where they are prejudged, and where your officers are condemned before being heard. And when we answer this appeal we are told it will be violating northern prejudices, and inflaming northern passion: that we are the aggressors—that we are *always* the aggressors.

We are told that the North does not deprecate the contest; that the North is strong enough to crush us, to put us down. Sir, the North is strong enough. We feel it, and we know it; and though we feel that the North has been strong enough at all times to injure us; although we feel that this discussion which is going on this day, and the discussions which have at all times taken place upon this subject, never have had any other effect than injuring our prosperity and depreciating its value, and shaking our rights; and, sir, permit me to say, undermining our attachment to that noble structure of which we were once so proud to be members. When we feel this, and know this, we do not feel the disposition to make any answer to this taunt of superior power, or superior numbers. We but defend ourselves when invaded. But, sir, if the time is to come, if the time must come, when southern men shall be driven into their last intrenchments before the superior power of a numerical majority that listens to no reason, that admits of no discussion, that uses for its rule nothing but brute power; if the time must come, when, driven into their last intrenchments, southern men and southern States shall be condemned to a dishonorable submission to that majority, or a separation, painful as it may be, peaceful if it may be, but a separation, under all aspects, and at whatever consequences that separation may produce, I believe the South will, with one voice, and as one man, say, "In good and in ill report we have lived with you as brethren; we have fully endeavored to do our duty under the Constitution and laws of our country. The bargain that was made with you by our fathers, was made at a time when you full well knew that we owned slaves, and could not consent to give them up, when you knew, as well as we did, that it was not in our power to get rid of an institution that did not originate with us. If you believe yourselves degraded by being members of the same Government with us, let us part in peace."

The South will one day—and I regret that my short experience in this body has persuaded me that that day will soon come—be driven to hold that position. God grant that day may be delayed till after I have ceased to occupy a seat here. I hope to take no part in such scenes. I hope to assist in averting that last, lamentable catastrophe to the remotest possible time; but, sir, every day I am more and more persuaded it is becoming inevitable; and unless that kind Providence which has hitherto watched over our institutions with paternal care; unless that Power which guided our fathers in the Revolution shall now guide us, inspire us with wise counsels, breathe into us the spirit of peace and good will, and above all, govern and guide the conduct of the people of the North, of our *sister* States, as we are still happy and proud to call them; unless this shall be the case, good bye to this glorious Union of States; good bye to all hopes of the successful attempt of mankind at self-government, the last, the great, the decisive experiment will have failed.

Mr. STUART. I should be very glad, before the vote is taken upon this bill, to compare its provisions with other provisions of existing laws, and having satisfied myself, to go into the question; but I am satisfied that it is going to lead to a great deal of debate, and I shall be obliged if the Senate will postpone it until to-morrow, and let us take up and pass some two or three bills of great public importance which are on our table. I move that the further consideration of the subject be postponed until to-morrow.

Mr. PETTIT. Mr. President, I voted against taking up this bill. I voted in committee for it. I entertained no doubt about its constitutionality, about its propriety, and about the importance of its passage; but at the late period of the session I did entertain a doubt as to the propriety of taking it up. I believed, when that motion was made, that it would consume all the time from that hour until the close of the session. It will be recollected that the enemies of this bill, every one, to a man, and some of its friends, have voted to limit the session twelve hours short of its constitutional duration. I voted against that, for I wished to prolong it to its furthest hour.

But, sir, I have not risen to discuss the question at length, as there is a motion pending to postpone it until to-morrow; but mainly to say that I shall vote against that postponement. I am willing now, believing that it will consume the entire residue of this session, to lay the bill upon the table, much as I desire that it should become a law. I believe thoroughly that a fixed purpose exists not to allow it to become a law; but to spend the entire time of the session in its discussion, and I therefore say now, that if the motion to postpone until to-morrow be pressed with the intention to take it up again, I will first move to lay the subject on the table to end the discussion upon this occasion; but if the Senator will withdraw his motion, and we can go on with it now, I will sit one hour, two hours, ten hours, to hear the further discussion of it. If we are to take it up day after day, and spend an hour or two upon it, we shall see this session closed without any valuable business being done. If the Senator presses his motion to postpone until to-morrow, I intervene the motion to lay the bill upon the table.

Mr. TOUCEY. I hope the Senator from Michigan will withdraw the motion, and allow the bill to be disposed of to-day. It is a bill which applies to all officers of this Government, in all cases, and there is opposition to the whole bill because of one law to which its opponents take exception. I do not propose to discuss it. I hope the Senator will withdraw his motion, and permit the subject to be disposed of to-day.

I appeal to the friends of the measure not to consume time in its discussion, unless in what they believe to be indispensably necessary, so far as their own views may be concerned. The bill is a plain one. It is nothing but what has been done over and over. It is in conformity with the established law. There is in it nothing new; and as to its necessity, this debate shows that there is a necessity for it. Sir, it is my duty, as well as that of every other Senator, to look into the future. I regard the issue, as presented upon this bill, between those who will oppose the Constitution and the laws of this Government and those who will not. Sir, I am bound to declare the conviction that is fastened upon my mind, that if we are not prepared here to uphold the Constitution as it is, and the laws that are passed in pursuance of it, this Union cannot continue to exist. I think our peril was never greater than it is at this moment; and while I have a seat in this body, on all occasions, and under all circumstances, I shall feel it my duty to pursue the liberal and patriotic course of strengthening and upholding the constitutional powers of this Government as essential to the peace and happiness of the country; and, I may say, essential to the success of the experiment of the capacity of man to govern himself. I hope, sir, that we shall sit here to-night until we dispose of this bill, and if the postponement is to be pressed by the honorable Senator, I beg leave to call for the yeas and nays.

Mr. COOPER. I desire to say a very few words upon this bill before the question is taken upon it; but I do not desire to do it while a motion to postpone is pending. If my honorable friend from Michigan intends to withdraw that motion, I will wait until the bill is again regularly before

the Senate. I shall occupy but a very few moments of their time.

Mr. STUART. If the honorable Senator from Pennsylvania will allow me, I would like to say a very few words, and I will make them very few. I agree with what has been said by the honorable Senator from Indiana. I thought the action of the Senate this morning in limiting the session, was, under the circumstances, unwise, but a very decided majority of the Senate thought otherwise, and of course I am bound to submit to that decision. I do not mean to intimate, even, a censure upon the course pursued; but, sir, we are within some eight or nine days of the close of the session; we have important appropriation bills unacted upon; we have them not moved to be taken up, except when certain public measures are before the Senate, and when those public measures are before the Senate the appropriation bills are moved and those important public measures are set aside.

I have a very great desire that the measures that are in the Senate, before it for action, vitally affecting the commercial and agricultural interests of the country, should receive attention. That solicitude, on my part, does not arise on account of my preference for this bill, or my prejudice against it, for I have neither; but I only moved to postpone the consideration of the bill until to-morrow, in the hope that the Senate would come to the conclusion, by that time, that it was useless to expend the remainder of the session in its discussion. That is my opinion to-day; but it is evident that a very decided majority of the Senate think otherwise. They think that they can sit this question out; that they can make it a question of physical endurance. Sir, I am abundantly willing that they should try it. For myself, I do not intend to participate in it. I intend to remain here until a proper hour for adjournment, and then to abandon this question of physical endurance. I mean, as often as the opportunity shall arise during the remainder of the session, to urge upon the attention of the Senate the passage of these highly important bills. Sir, there is lying upon your table a bill which concerns the whole commercial interest of this country; it concerns the lives of millions of persons who are now emigrating to this country. It has been passed by the House of Representatives, and lies upon your table for action. There is another one which concerns a very large portion of the people of the border, and it lies upon your table now. There are others upon the Calendar. The appropriation bills are in a similar condition; and all I mean to do at this moment is simply, so far as any personal responsibility rests upon me, to wash my hands of the failure which any of those great measures may experience at the hands of Congress. If it should turn out that I am mistaken; if it should turn out that a majority of the Senate are right in consuming time, day after day, upon measures that are inferior in their consequence, and in their present importance, why, sir, no man will be more gratified than myself. I shall be happy, when twelve o'clock on the night of the 3d of March arrives, to see the whole Calendar disposed of, and disposed of properly. Sir, the Senator from Georgia, [Mr. DAWSON,] who had two hours assigned to him the other day for the consideration of important bills relating to this District, has not yet been able to get one of them acted on. So it has been with other cases.

Mr. President, I beg to have it understood by the Senate, that all I desire, and all I wish, is simply to discharge my duty, as I think, and to rid myself of personal responsibility. I do not mean to intimate that the action of the Senate, or of any individual Senator, is in the least degree inexpedient or improper. Therefore, as a majority of the Senate evidently desire it, I withdraw the motion to postpone.

Mr. COOPER. I do not rise to reply to any of the speeches that have been made in support of this measure, but only for the purpose of stating the reasons which induce me to vote against this bill.

I have no pleasure in agitation, and I shall not deal in arguments calculated to excite sectional controversy or ill-blood. I have never done so. I prefer to see harmony prevailing between the different sections of the Union, and I would be glad to see the old accord restored which animated our fathers in days long past. It was for this reason, sir, that more than a year ago I raised my voice against the passage of what was called the Nebraska bill. I thought I foresaw that, instead of ministering to peace, harmony, and brotherhood amongst the people of this Union, it would serve a different purpose—that it would produce agitation, engender discord, and sunder those who ought to be bound together in the bonds of fellowship. Standing where I now stand, I then ventured to predict that the legislation of Congress on that subject would be met by countervailing legislation on the part of the States, and that we should find the Legislatures of the States enacting laws calculated to prevent the carrying into effect of acts of Congress passed for the purpose of pacification, and comprising at the time they were passed, a part of a general system of adjustment and pacification. That prediction has been verified. We have seen in Vermont, Michigan, Connecticut, and other States, the kind of legislation to which I have referred. I am not standing here either to condemn or to vindicate that legislation; it is no part of my business.

But, sir, my opposition to the bill which is now pending, is not because I am unwilling to see all the provisions of the Constitution of the United States observed in my own State, in every other State. I have always, so far as it has been in my power, advocated and used such influence as I possessed to enforce the observance of the laws of Congress, and the provisions of the Constitution. And, sir, I am not to be held up as an enemy to the Constitution, as an enemy to the South, or as an enemy to any section of the country, because I choose to record my vote against the bill which is now pending. I do it because I believe that the bill is in itself improper, that it contains provisions which will operate as a hardship upon those on whom it is to act.

Sir, have you looked carefully into the provisions of this bill, and considered their consequences upon suitors in the courts? The first and main provision of the bill is, that in any suit arising under a law of the United States, which may hereafter be brought, or which is now pending, against an officer of the United States, or any other person acting under the authority of the United States, the party defendant may, by filing a petition in the court in which the suit is pending, or may be brought, remove it to the circuit court of the United States, there to be disposed of. Now, will not this operate harshly in many cases? Does it not violate the rights of the citizens of the States in a most essential manner? Suppose some officer or agent in the arrest of a fugitive slave should commit a wanton aggression on some citizen, abuse his person, and that citizen seeking redress should institute a suit against the officer for the trespass committed on him before some State tribunal, has he not a right to be heard there, and to have the injury that has been inflicted on him redressed there? Surely, sir, there are few who will deny to the citizens of the States a right of such inestimable value. What will be the consequence of this bill in such a case? The citizen will be dragged to a distance in order that the question between him and his adversary may be tried before a distant tribunal, thus increasing the expense, and virtually to him a redress for the injury which he has suffered. This is one of the consequences which will flow from the passage of this bill.

Another objection to it is, that it reflects unjustly upon the integrity of the State tribunals, and will be followed by no good result. Let me assure my southern friends that I know something of the state of feeling in the North, and I know that the passage of this bill will be attended by just such effects as attended the passage of the Nebraska act a year ago. Instead of subduing agitations, preventing feuds and controversies, it will stir up ill-blood, engender discord anew, and hasten the time adverted to so eloquently and feelingly by my friend from Louisiana, [Mr. BENJAMIN.] Sir, in your State and in mine, and in a large majority of the States of the Union, is there any danger that the courts will not do justice? I will not say all, but in a very large majority of the States of the Union, is there any danger that the State tribunals will not do justice? In my own State this question is no longer a matter of controversy. It has been settled, and the judgment of the tribunals of that State, I believe, have been mainly satisfactory everywhere. So it would be generally throughout the country. I think, therefore, that the bill conveys an unjust reflection on the integrity of the State tribunals. I do not wish to see such suspicion cast upon their integrity, and I know very well that it was not the intention of the Senator who is the author of this bill to cast such a suspicion upon them, but that such will be the effect of the measure is not to be doubted.

These, sir, are the main reasons which induce me to record my vote against this bill, and having stated them, I have done my duty and shall leave the floor to whoever chooses to occupy it.

Mr. BAYARD. Mr. President, it was not my intention to engage in this discussion, nor even to open my lips in reference to the subject, for I believed the measure could well vindicate itself in the common sense of the country; but after the remarks which have been made, I deem it proper to say a few words. As a member of the Committee on the Judiciary, I approved of the bill as being within the terms of the Constitution. I believed the necessity for it had arisen in consequence of the action of several States of the Union, unless we were prepared to abandon the enforcement of the laws of the United States. I do not mean now to go into the discussion, except to make a reply to the closing suggestion of the honorable Senator from Pennsylvania, [Mr. COOPER,] which, if true, is really a strong objection to the bill.

He supposes that the bill is objectionable on the ground that it is derogatory to, and evinces a want of confidence in, the State tribunals. The answer is an obvious one: It is not mandatory on a party that he shall be obliged to take advantage of the provisions of the bill, and remove the jurisdiction from one court to the other, when he is sued in a State court. It gives him the option to do so. It does not require him to do it. He may let his case go on and be tried in the State court, if he sees fit so to do. Now, in what respect is this more derogatory to the jurisdiction of the courts of the States, and the fair exercise of their jurisdiction, than the provision which exists in the Federal Constitution, and has existed in the laws from the origin of the Government, which enables a citizen of one State, when sued in the courts of another, to transfer it to a Federal tribunal? You might, under the same plea that it was derogatory to the character of the State judiciary, avoid the entire Federal jurisdiction.

Sir, I cannot see the force of this objection of my honorable friend from Pennsylvania, and it seems to me to be really the only objection which has been made to the bill that has even plausibility. It is no reflection upon any State, because if the case be tried in the Federal court before the district judge, it must be tried before a citizen of the State; it must be tried as a civil suit is tried, before a jury of that State, whether tried in the Federal or State court. All that the bill secures is this: We have practical evidence before us that some of the States of this Confederacy have so far forgotten their allegiance to the Union as to pass laws with the intention of putting the laws of the Union at defiance. A high tribunal of at least one State has, (in defiance of the express opinion of nearly every Judge of the Supreme Court, and some of the ablest State tribunals of the country, even in those States which are most deeply infected with Abolition feelings,) determined to put the laws of the United States at defiance. Such being the case, this bill provides that, when men acting under the laws of the United States, or those who aid them, shall be found in such circumstances that they cannot be fairly tried in the courts of a State, they may remove the jurisdiction, not out of the State, but to the Federal tribunals of that State. There is nothing, therefore, reflecting upon the tribunals of any State whatever. The transfer of the forum is left to the option of the defendant. The jurisdiction of the State does not cease; the right to sue is not taken away; but if, under particular circumstances arising from the fact that either by the legislation of the State, or by the influence of popular passion on the judiciary, the defendant, who is sued for an act done under a law of the United States has no chance for justice in that State, then, and then alone, it will be necessary for him to remove the jurisdiction from the one court to the other. All

the poor privilege asked, is that it shall go before a court composed of citizens of the same State, and be tried by a jury of the State, but freed from the local excitement which would otherwise impair the chance of justice in the decision of the cause.

I submit, then, Mr. President, that this is nothing more than a law proposed to carry out effectually the provisions of other laws of the United States. Its necessity is shown by the fact, not that all—God forbid that even a majority of the States of this Union should descend so low—but that some of the States have determined by their laws that they will put at defiance the legislation of Congress, adjudicated to be constitutional; and that they will, by their legislation, provide that a man whose slave escapes from one State into another, though the Constitution of the United States guaranties the rights of property to him, shall not be permitted to claim his property without the peril, if his proof fails, of standing convicted of felony by the laws of the State where he may make the claim.

Mr. WADE. Mr. President, it is not my purpose to enter into debate on this subject, for the bill has been so recently introduced that I confess it escaped my observation that any such bill was before us, until the Senator from Connecticut called it up. I believe it has not been reported more than two or three days, and among the multiplicity of business which challenged my attention, I had failed to see that there was any such proposition as this pending before us, or likely to come up for action during this session. I had begun to congratulate myself upon the idea that at least one session was to pass away without further agitation of this great subject. But, sir, in that I have been disappointed. I am not now prepared to say all that ought to be said. I am not prepared to go into a full discussion of this great subject, which is more interesting to the American people than any other that has, or probably ever will, come before them, for he is blind who does not see that this question overrides all others. Perhaps there are those who deprecate this state of things, and who wish this great subject were thrown into the background, and that it had never made itself known here; but that is absolutely impossible. It is here, and we must meet it.

I said before that I was no agitator. I believe you will all bear witness that, while I have had the honor of a seat here, I have, of all men, been the last to provoke a discussion on this question; but not because I was adverse to it if those equally interested with my constituents should see fit to bring it forward. Far otherwise; I regard it as my duty to come armed to the teeth with arguments to defend the views of my constituents on all occasions and under all circumstances. I have risen now more to answer some arguments that have been made since I took my seat before, than for the purpose of reopening the general discussion of the question.

I have already said that I believe the bill to be most objectionable, that I believe it trenches on the rights of the States, that it is an implied insult to the integrity of the States and the courts of the States of this Union. I know it will be received in that spirit, whether it be so intended or not. I know that the law which it is the purpose of this bill to carry out was couched in terms most odious and objectionable. I fear, sir, [Mr. Mason in the chair,] and no man knows the fact better than yourself, that it was drawn up and penned in a vindictive spirit, in a desire to punish those whom you considered as making unreasonable objection to your institutions. I fear that was the fact. At any rate no bill on earth could be more calculated to stir a free people, who had any spirit left in them, than that bill which it is the purpose of this to carry out; and in order to carry it out, you now propose to take away from the State courts the power and the jurisdiction of protecting their own citizens.

Sir, I have been charged here with being a nullifier. It has been said that I stand upon the floor of the Senate of the United States an advocate for disunion and nullification. Well, sir, I care but little how I am charged here. It sits easier upon no man's mind than upon mine. But how stands the fact? Have I invoked, in opposition to this detestable bill, any principle that has not been indorsed by your so called Democratic Conventions? Was not the President whom you last elected nominated upon the very platform on which I oppose this bill? Did not your own convention which nominated him indorse without objection the resolutions of 1798, passed, sir, by your own State (and you, no doubt, are proud of it) in order to resist a law infinitely less objectionable than this. Sir, those who went before you in that old State of Virginia, invoked the principle of those resolutions in opposition to the infamous alien and sedition law. Do I claim any more than they did? The Senator from Illinois said I was the advocate of dissolution and nullification; but when I asked him whether he subscribed to the doctrine contained in those great resolutions, I must say that he ignominiously dodged the question. [Laughter.] Surely a Democrat, a man who stands ostensibly before the country on that ground, ought to be the last to rise here and charge a Senator with nullification because he appeals to the great resolutions of Virginia in vindication of the rights of his own State against an impending danger. The sophistry of that Senator shall not avail him.

It will not do for the Senator from Illinois to get up here and rail against me, and those who act with me, as violating our oaths, trampling on the just laws of the Government, and opposing laws passed in accordance with the Constitution of the United States. Such statements evince a degree of sophistry unworthy of the intelligence of that gentleman. He knows he did not meet the case; nay, sir, he did not intend to meet the case which I put. I could not wring it from him to-day, whether he stood upon your resolutions of 1798 or upon some other doctrine. He told you that I was one of those who always stood up to ridicule the doctrine of those great resolutions, and, therefore, had no right to invoke them now in favor of the principles which I advocate. This was a miserable, sophistical, shrinking from the true question which I put to him. But the statement was not true, in fact. Where did I stand, except upon those very resolutions? I have looked for them in the brief period which I have had to prepare on this subject, but I have not been able to lay my hands upon them, though I should be glad to do so. They form part and parcel of your own Baltimore platform, and you ought to be acquainted with them, and no doubt you are. Now, let me ask any man if those resolutions do not sustain the doctrine which I have maintained here to-day? I never ridiculed them. I always believed it was necessary to invoke their principle in the last resort to defend the liberty of the citizen who was to pass his days in freedom, beneath the protection of the laws of his own State, and prevent the controlling and centralizing power of this great Government, and I believe in it to-day. It is not my habit to refer to such matters on every little bill that may come before us; but when great questions like this arise, upon which the very vitality of our republican institutions depend, it is a fit occasion for the exercise of the principle of those resolutions; and I shall fearlessly invoke it to my aid.

What did the Virginia resolutions of 1798 set forth? You, no doubt, recollect, Mr. President, what it was that they sought to attain. You remember, or at any rate you know from history, what strange doctrines had been incorporated into judicial decisions, what false constructions of the Constitution had been made by that court which is now so much revered; for the alien and sedition law was upheld by that tribunal. Mr. Lyon, and some others, were pining away their lives in northern prisons by the judgments of the Supreme Court of the United States when these resolutions were passed for their overthrow, and for the revindication of the rights of the States, and the liberties of the citizen; and, sir, I invoke them now for the same purpose.

I am no advocate for nullification; but in the nature of things, according to the true interpretation of our institutions, a State in the last resort, crowded to the wall by the General Government seeking by the strong arm of its power to take away the rights of the State, is to judge of whether she shall stand on her reserved rights. I differ with the Senator from Illinois on the question whether this be constitutional; but now I ask who is to be, and who ought to be, the arbiter between the General Government and a State? He who contends that the Federal Government, in the last resort, under complaints like these, is to determine in her courts such questions, is an enemy to that freedom which was guaranteed to us by the Constitution of the United States as interpreted by the greatest statesmen whoever adorned the annals of this country. Here, sir, I am denounced because I invoke this great principle to my aid, and to the aid of my State, when you seek to crowd her to the wall by a most objectionable and unconstitutional law, which deprives the citizen of his rights without trial by jury, denying him even that great writ of right, *habeas corpus;* for you so penned the law that you said, in substance, that no process issuing from any judge, court, or jurisdiction whatever, should interfere with your summary proceeding. What did you mean when you penned that law? Did you not intend to strike at the *habeas corpus?* Did you not do it in terms so plain as to avoid all doubt? I say it is unconstitutional, and my State will adjudge so whenever it comes to the point; and glory to Wisconsin, for her courts, in the last resort, have determined it to be so. There is one sovereign State which has asserted the great doctrine which your State, sir, (Mr. Mason in the chair) invoked in 1798 to free yourselves from the exercise of power that threatened to reduce you to slavery. Your great ancestors rose against it, and made the declaration of the platform on which I stand to-day, and on which you who are honest Democrats stand, and from which you will not shrink in the day of trial, unless you mean to indorse them at Baltimore and deny them at Washington. [Laughter.] Then I am not to be condemned as a nullifier, or as a disunionist, unless I fall with the great Democratic party upon the main plank in the last platform which they erected. Wisconsin has availed herself of those great principles that Virginia asserted in times of danger, and here now a *northern man* stands forth to be my censurer.

Sir, I have said that I am condemned by a *northern* man. I wish it had been a southern man. I could have borne it from him with more patience. I can bear almost anything from that quarter; for I know southern men feel a strong interest on this subject, which excuses almost any degree of zeal which they may see fit to exercise. I can appreciate it and understand it well. But when a *northern* man comes forward with a proposition like this, and a *northern* man stands forth as its advocate, I confess that, as a son of the North, my face burns with an unusual glow, which I dare not name.

The Senator from Illinois has undertaken to make a halting defense for the course he has taken on the subject of slavery. He plumes himself upon being the advocate of all pro-slavery movements in and out of Congress. I do not believe the free people of his great and glorious State believe that it is his proper business to be the especial advocate of what he may consider the rights of the South on this subject. They possibly think that the South is amply able to defend itself; but the Senator volunteers to be its advocate. Why is it? What is the reason for it? Have the people of Illinois forgotten that injunction of more than heavenly wisdom, that "Where a man's treasure is, there will his heart be also."

The Senator from Illinois has endeavored to break the force of the great northern sentiment which has broken out in condemnation of the measures of last winter, by ascribing it to all others than the true cause. It was my fortune to stand here on the dark and gloomy night when the nefarious Nebraska act was passed. Its passage was followed by the boom of your cannon as we left this place in the early hours of the morning. I recollect it well. I thought then your triumph must be short. You recollect that I told you I would take an appeal from you to the people. I told you I would go home and prosecute this great cause before the assembly of the people themselves, and not confide it to judges here in whom I had not the utmost confidence on such a question. I did go home to the State of Ohio, and I there prosecuted the appeal. I told the people what you had done. I told them of the measures which had been concocted here to extend the area of slavery, and send it, if you could, all over the

continent. For the consolation of the Senator from Illinois, let me tell him that he then had one advantage which he will never have again. It was then said, in and out of Congress, that the Nebraska bill was only a mere abstraction; that the South claimed nothing from it, because slavery would never go into the interior of this great continent in consequence of what you did. You yourselves denied it; and even some who advocated our side of the question were weak enough to suppose that slavery was not of a grasping nature, and would not go just as far as the law would permit it to go. I remember him [Mr. EVERETT] who made that soothing declaration; and I know that for making it, and for partially shrinking from the responsibilities which he ought boldly to have assumed, able as he was, and old statesman as he was, possessing ability hardly equaled in the country, he has been driven by the intelligent people of Massachusetts into private life, there to remain forever; and, sir, the verdict is most just.

The Senator from Illinois, however, is entirely wrong in ascribing the overthrow which he and his measure have met, to Know-Nothingism or any other *ism* except the nefarious Nebraska bill. That is the cause, and it will be proved. I told you then that your tables literally groaned beneath the number of petitions sent in imploring you Democrats, who professed to have a regard for the public will, to stay your hand in time to save the country from the necessities which have since devolved upon it. I say that during the whole existence of this Government, there never has been a time when the people were moved with such deep feeling as on that occasion, when they implored their Senators from the North to stay their hands, and withhold them from the ignominy of the Nebraska bill. I said so then. I told you that a free people, who, by resolutions and petitions, had implored their representatives to stay their hands from the enactment of the most objectionable measure, would not fail to meet your disobedience with a signal and fatal overthrow, and would cause you to feel that you had made a poor use of your brief authority. It was impossible that it could be allowed to be done with impunity.

The result has shown that all I claimed, yea, more than I claimed, has taken place, although you had the advantage of declaring that you were only the advocates of an abstract principle from which no practical evil could possibly result. And the people themselves believed, at the time, that it was impossible that the old Missouri compromise, time-honored as it was, which had received the sanction of every department of the Government, which had been slumbering in security for one third of a century, could be overthrown for the bare purpose of carrying slavery into the territory from which that compromise excluded it, particularly after they, who were the parties to the compromise, had received the price, and had in their pockets the full benefits of the bargain. In consequence of your action last winter, in breaking down that sacred compromise, men in the State of Ohio ceased to be either Whigs, Democrats, or Free-Soilers. The old parties crumbled to the dust, as though stricken with the palsy. Freemen became alarmed at your invasion of their rights. They saw that if these things were not nipped in the bud the whole continent was to be sold out, they themselves not excepted, to the grasp of slavery. The result was an overwhelming majority, in that State, in opposition to your Nebraska bill.

The Senator from Illinois has said that Know-Nothingism brought about that result, that men, however they differed on everything else, when they got into secret councils, agreed that they would punish the traitors who had inflicted this injury upon them. If that were true, nothing would have been more natural than that the predominant cause, which overrode everything else, should prevail. The fact, however, was not so. Know-Nothingism scarcely had a local habitation or a name within the State of Ohio when you passed your Nebraska bill. What did the people do in consequence of that measure? They assembled in mass conventions at the capital of the State, and, merging every other question in a great movement for the vindication of the rights of man and their own rights against threatened aggressions, they determined that freedom should be restored, and that was all they proclaimed. Not a word did they say about Know-Nothingism. Not a syllable was lisped in that convention in reference to the rights of foreigners. Look at their resolutions; read their proceedings, and you can find no mark of what you call Know-Nothingism. Though, formerly of all parties, they assembled together, and dropped their old party distinctions in a great movement to preserve the honor of the free States, and especially of the State of Ohio. They resolved that every man whose whole soul had not shown itself in opposition to the Nebraska bill, should be politically executed and buried. On that principle they proceeded, and the Senator from Illinois might have known it if he had looked at the facts, for he is shrewd, and understands the whole political field very well.

How was it in Cincinnati, where there are perhaps as many foreigners as native American citizens? Those men who had belonged previously to the Democratic party, and that party had been perfectly invincible in all elections, carrying that city and county by majorities of thousands, and sometimes many thousands. How was the result there? Why, sir, if they hated foreigners less, they hated your Nebraska bill more; for the vote shows that the people of that city, irrespective of any issue of Know-Nothingism, came up and vindicated the rights of freedom. Foreigners and those you call Native Americans, or Know-Nothings, stood side by side, voting for the same candidates. Your overthrow was not more signal and complete in any portion of the State than in the city of Cincinnati, where foreigners most abound. The same remark is true of Cleveland, where they have for many years held the balance of power when they would wield it. Forgetting that they were foreigners, but recollecting well that they were freemen, and that their rights were in jeopardy, they voted with those you have called Know-Nothings to the discomfiture and overthrow of your party. Does not that prove to you that the bold and confident assertion you have made is entirely without foundation? No, sir; no transient or permanent principle or sentiment of Know-Nothingism was connected with that great issue, nor will it be henceforth. The result in Ohio was brought about by abhorence of a measure for extending slavery over a Territory which was made free by a sacred compact, and the freedom of which had been purchased, and the price was in your own pockets.

But, Mr. President, can the gentleman draw consolation from what has followed? I have told you that during the last canvass you had this advantage over those who were opposing your nefarious measures; that it was impossible then to convince the free people of the North that you really did contemplate bringing that great country into the Union as slave country. You told them, then, that you were the advocates of popular sovereignty—that that was the basis on which you proceeded to pass that hateful act; you told us that your object was to vindicate the rights of the people in the Territories. You said they should be allowed to form just such institutions as they pleased—a right utterly denied by the whole administration of this Government from its foundation to this time, and even denied in your bill, except on this one question. Now, sir, how have you carried it out? How have you magnified this issue? How have you driven the free States almost to madness? And now you undertake, in furtherance of your usurpations, to pass this bill. Do we not know—are we blind to the fact—that, on the borders of a slave State adjoining one of the Territories over which the so called principle of popular sovereignty was extended, there have been meetings resolving that those who they dare to call Abolitionists should never be allowed to go into that Territory, and that they themselves would go there with bowie-knives and pistols and put down all sentiment except their own? Do you think the people will look with more complacency now on your proceedings than they did when you had the advantage of saying that all you contended for was a mere abstraction, because slavery would never gain a foothold in Nebraska and Kansas? I tell you, nay; but the verdict rendered by the people last fall is to be a final verdict; you never will repeal it. You may flatter yourselves that it was brought about by Know-Nothingism, but I say it is no such thing; and if it was, it is all the same; and even Know-Nothingism, if it has the least sentiment of justice in it, will repudiate and denounce the legislation of last winter. I know not whether this be so; but if the Know-Nothings are just men, they will do it.

Mr. DOUGLAS. That is Abolition ground.

Mr. WADE. Well, sir, Abolition ground is very different from what it formerly was. I remember the day when, even in the free States, it was dangerous for a man to say what I have been saying here to-day. I can remember that men were mobbed in the free States for using language much more measured than I have pretended to use before you. I have seen members of the party resting under this odium now elevated to be Governors of States to be Representatives in Congress, to be filling all the offices of honor and profit of sundry sovereign States of this Union. And now, when the cause for such revolutions of public sentiment exists in a ten-fold degree more than ever before, is it philosophical to suppose that it will cease? When the danger is imminent and impending, that the interior of this great continent is to be subverted to the nefarious purposes of slavery, do you suppose the people of the North will retire from the position which they have taken? I think not, Mr. President. I have no fears of any such retrogression; it is impossible. You have driven the North against the wall; she has been forced, reluctantly, to take her stand there, but she will defend her rights. I know she has been charged with aggression by my friend from Louisiana, [Mr. BENJAMIN,] for, as he said of me, I will call him a friend; I have no reason to call him anything else, for I have received nothing but kindness and respect at his hands. He being a southern man, I am the last one to assail him for defending his institutions. I have no doubt that if my habits and education had been like his, our positions would have been reversed to-day. I can understand that very well, and make all allowances for it. But I will say to that friend, that he is mistaken when he says the North have been the aggressors. When he makes that assertion, he has mistaken and misread the history of his Government. I wish to ask the Senator to be more particular, and to specify wherein the North have been the aggressors upon this subject of slavery. I deny that they have ever been the aggressors; but, on the other hand, their patience has not been exceeded by the patience of some long-eared animals with which you do your drudgery. [Laughter.] You have goaded them almost to desperation. You have compelled them to rise; yea, sir, if they had the spirit of men in them, the ascendency which you now wield in the Halls of Congress would not be suffered to remain; but the whole question would have been quieted, because every man on this floor coming from a free State, believing in the traditions of his ancestors, the advocate of universal freedom, would, at least, have possessed the influence here which a man has in this great Republic because he is the advocate of abject slavery.

Who, sir, does not know that we are not now regarded on this floor as equals, though we represent sovereign States? Look at the great State of Ohio. Do you permit her representatives on this floor to occupy a position upon any committee where they can have a voice, or a scintilla of judgment in moulding the policy of this country? No, sir; not at all. My colleague, [Mr. CHASE,] whom you will admit with me, is, in point of talent, in moral qualities, in everything that makes the true man and the republican, inferior to no one on this floor, where is he placed? What did you do with him when he first came here? You told him that he belonged to an unhealthy organization, and you banished him from all participation in the business of any committee. At the next session, thinking, perhaps, that you had taken a ground which was a little too strong, you banished him to the Committee on Claims. That, to be sure, is a useful committee; but it has no political influence whatever. On that one committee you put both the representatives of Ohio, although it is unusual to put two Senators from the same State on the same committee. You have so arranged your committees that no man can look at the list, no man can look at your

measures, and fail to see that you have so ordered it here, that those who have no more than one third of the votes of the Government shall mould every measure, and you suffer nothing to pass here except what is palatable to that one section. I do not accuse southern men of doing wrong in that. Undoubtedly they do very much as I would do myself. It is human nature, and I accuse you not. You are good fellows, so far as I am concerned, for you advocate what you consider your own rights, and your own principles; but, sir, what shall I say of those who permit you to bring ignominy and inferiority upon the representatives of the North? It is done, and every man sees it and feels it.

This measure, if it has any vitality, is gotten up for the benefit of the South, and yet it is brought forward by a man from the North. How does this happen? Why are all the rest silent upon it? Why was it that the great and enormous measure of the Nebraska bill, repealing the Missouri compromise, was also brought in by a northern man? These things make an impression on my mind which is never produced by what falls from any of my southern friends in advocating their doctrines.

But, sir, the Senator from Louisiana said that the North were the aggressors. Let me ask him if there is not a law in his State by which a man going there from other States, if his color, like mine, is a little darker than it ought to be, [laughter,] is seized upon and put in prison, though he may be the citizen of a free State, entitled, under the Constitution of the United States, to the same privileges and immunities as the citizens of any State?

Mr. BENJAMIN. I will answer the Senator from Ohio, if he will permit me to do so.

Mr. WADE. Certainly, sir.

Mr. BENJAMIN. It is true that the free blacks coming to Louisiana are confined until the vessel in which they come goes out again, when they are sent out with it. I am told, however, that when they go to certain northern States, they are met on the frontiers, and not allowed to come in at all.

Mr. WADE. I do not think there is any law to support that practice, if it prevails in the northern States; but I do not think it does.

Mr. PETTIT. The Senator will allow me to say that we have not only in Indiana a constitutional provision, but a law carrying out that provision, positively prohibiting any free black, or mulatto, from coming in and settling in the State. One word further: we have imposed a penalty for a violation of that law: we have not barbarously imposed that penalty on the black man, but on the white man who dares to harbor and dares to employ him.

Mr. WADE. I will ask that Senator if he was an advocate of that law?

Mr. PETTIT. I was.

Mr. WADE. I supposed so; and I say it does not elevate its advocates in my estimation.

Mr. PETTIT. I would like to enforce the law against the man who would violate it.

Mr. WADE. I understand the gentleman, perfectly; but I say, in my judgment, it is a law most infamous and disgraceful to that free State.

Mr. PETTIT. We choose to judge of the breed of dogs we want with us.

Mr. WADE. I only give my opinion of the law; but, sir, I was speaking of a certain law of Louisiana. It is of no consequence, at present, whether we have such a law as was alluded to; but it is a matter of consequence whether Louisiana, which stands here the accuser of those who have laws in their own vindication, has herself a law by which she claims to deprive a citizen of another State of his constitutional rights. I say a Senator from that State ought not to stand forth as the accuser until he has washed his hands by wiping out such an odious law. But it is said that the North are the aggressors. When did we aggress? What did we do? I remember full well that you plunged us into the war with Mexico in order to get territory for slavery. You avowed that you did it for that purpose. Mr. Calhoun, in his letter to Mr. Pakenham, openly avowed the necessity of acquiring territory for that very purpose.

Mr. BUTLER. I should not say anything, but I am sure the honorable Senator from Ohio does not wish to state anything inconsistent with historical truth.

Mr. WADE. Not if I know it.

Mr. BUTLER. Now, with regard to Mr. Calhoun, whose name is frequently quoted as authority on these subjects, I will say, that I think he was opposed to the acquisition of territory from Mexico. He was certainly opposed to the Mexican war. I am not aware of anything in the history of the past to authorize the statement of the honorable Senator from Ohio, that Mr. Calhoun wrote to Mr. Pakenham in reference to the acquisition of any Mexican territory. And allow me to say to the honorable Senator from Ohio, (whatever may have been the aim, and I do not believe there was any such aim,) it is very certain that not one inch of the territory acquired from Mexico, so far as I know, has been occupied by a slave population, so that his own statement is refuted by the facts before him.

Mr. WADE. I was speaking of the avowed object of the acquisition, not of its result. I think I have not misread that most extraordinary document to which I have alluded, nor the reply of Mr. Pakenham to it, nor the rejoinder of Mr. Calhoun.

Mr. BUTLER. To be fair to the gentleman, I will state that I have no doubt his remark is referable to Texas, and not to Mexico.

Mr. WADE. I think I said Texas.

Mr. BUTLER. No, sir; you did not.

Mr. WADE. Well, I said Mexican war, and the acquisition of Texas brought on that war.

Mr. BROWN, (jocularly.) Now you have it right.

Mr. WADE. I am glad to know that I have it right now.

Mr. BUTLER. But it took about four trials to get it so.

Mr. WADE. Mr. Calhoun asserted, when he made his apology to England, that the necessity of the acquisition was in order to get room for slavery. I am not mistaken about that. It was the avowed purpose for which you wanted that acquisition, with a full knowledge that it would give rise to war, and that it would be a just cause of war on the part of Mexico; and, in this way, you made the free North pay an immense sum in order to get that acquisition, which Mr. Calhoun, then your Secretary of State, said was for that very purpose. There was an aggression, I think, of some considerable importance.

In the next place, when the territory thus acquired from Mexico came to be admitted into the Union, what was done? The controversy in regard to the whole of it has not yet been determined, but you have provided that it may come in either with or without slavery, and you have reserved the right, as in the case of Kansas and Nebraska, to use all your influence to procure it to be brought in as slave country.

Mr. BENJAMIN. California?

Mr. WADE. Yes, sir, California I refer to; and recollect that Georgia and, I believe, some other southern States, but at all events Georgia and South Carolina resolved that it was a good cause for a dissolution of this Union, if that State came in free.

Mr. BUTLER. It is not so.

Mr. DOUGLAS. Never.

Mr. WADE. Yes, sir; Georgia resolved it.

Mr. DOUGLAS. I undertake to say that no State in this Union ever resolved that the admission of a new free State was a cause of disunion. The Senator can produce no authority, record or otherwise, for any such statement.

Mr. WADE. I think I can.

Mr. DOUGLAS. I undertake to say he cannot, and the Senators from Georgia will tell him so.

Mr. WADE. I do not believe they will.

Mr. DOUGLAS. Yes, sir; they will.

Mr. DAWSON. I will.

Mr. WADE. Will the Senator from Georgia tell me what they did resolve?

Mr. DOUGLAS. That is a different question. I only said the statement of the Senator is without foundation, and is contradicted by the records and the history of the country.

Mr. WADE. I think I cannot be mistaken in this——

Mr. BUTLER. As my State has been alluded to—though I did not intend to take part in this discussion—I suppose justice at least requires me to interpose, and I hope the honorable Senator will allow me to do so.

Mr. WADE. Certainly, sir.

Mr. BUTLER. I venture to say that there is nothing in any of the legislative resolutions or anything connected with that fearful controversy of 1849 and 1850, at all looking to the fact that California was to be excluded because she was a free State. I do not know how the gentleman has got that idea into his head. We have always taken the ground in South Carolina and Georgia, (and I think that every other southern State has taken the ground,) that the people of each State have the right to do as they think proper upon that subject. What we did complain of was that California was brought in by a process unknown to the previous history of the country, and that was all.

Mr. WADE. I understand it.

Mr. BUTLER. Now, mind, Mr. President, what the honorable Senator has said on this floor, and he has said it on the responsibility of a Senator. I repeat, that it may go forth to the public, he said Georgia and South Carolina passed resolutions that California should not come into this Union otherwise except as a slave State, or, in other words, that the door would be shut against her if she applied as a free State. Now, sir, is that the truth?

Mr. WADE. Mr. President, of course we are taken here by surprise. I have had to rely upon my memory for all these transactions which are past, and I cannot now refer to the documents. I have no desire to do any injustice to either of those States, or to misrepresent a single point of that controversy. I certainly understood their position to be what I have stated. I did not, of course, mean to say that the objection was open, avowed, and manifest that the opposition was because California applied as a free State, but the opposition was made to her coming in when she knocked at your door for admission, and I have said that that was the real cause.

Mr. DAWSON. I did not interrupt the Senator to correct him in relation to the State of Georgia, although I might properly have done so. I abstained from it, because the impression was made on my mind by the course of this discussion, that the great object of the Senator from Ohio was to create prejudice in one section of the country against the other, and I had come to the conclusion that the period was rapidly arriving when it would be unnecessary for either section to try to correct the errors of the other. I can see no good that this discussion is to lead to. I can see nothing to result from it, except the creation of excitement in one section against the other. I do not intend to limit, by any act of mine, the extent of any observations which any Senators may desire to make. I will say, however, that Georgia never has, from her foundation to the present hour, assumed any other principle than that each State has the right to come into the Union with such institutions as she pleases, with or without slavery. No such issue as was stated by the Senator from Ohio has ever been presented in our public meetings or the Legislature of the State. It is undoubtedly true that there was some dissatisfaction with the manner in which California came into the Union, and in which it was made a State. The only objection was to the mode.

Mr. WADE. Well, sir, of course I stand corrected by the remarks of gentlemen from those States, who ought to know the facts better than I do. I was barely relying on my recollection. I had not investigated the point. I never regarded that as so fearful a controversy as gentlemen magnify it to here. I was far distant from this Hall at that time; and the noise reached us, but we had no idea that the controversy was so fearful as gentlemen now represent. It arrested my attention sufficiently to look into the proceedings of Congress, and I think that some southern States did pass resolutions stating the grounds which would justify them in going out of the Union. This may be a misrecollection on my part, but it is certainly my memory. I undertake to state it only as a matter of recollection. But what was the object of the compromise made in 1850? Was it not said to be, by its advocates, to save the Union

from the disasters which were threatened at the time? Threatened by whom? Not by the North. For what purpose did any of your eminent and distinguished men go to Nashville? What did you proclaim you would do there? Was it to invite a general convention of all the people of the States to take into consideration any of the great interests of the whole country, or did you meet there to devise ways and means whereby you could break the bonds of this Union, and march out of the Confederacy? I will ask the Senator from Georgia whether he has not frequently known southern conventions to meet for the purpose of deliberating upon subjects not at all pertaining to the general administration of the Government—conventions of southern men meeting together to consult how best they could depreciate the interests of the North and build up their own? Has not the Senator himself presided in such conventions? And what would he think now of a convention assembling in the northern States to take into consideration matters pertaining to themselves, to build up their commerce, to build up interests in opposition and in derogation to those of the South? Men standing obnoxious to the charge of getting up such southern conventions, continually come here and tell us that we are aggressors. This is strange doctrine. What have we ever done except to bear and forbear, and when threats of dissolution have been thundered forth continually, not by us——

Mr. DAWSON. If the speech of the Senator from Ohio is to go out with these references to myself, it becomes necessary that the country should understand this subject. I do not know the object of the Senator, or what he intends to effect by his own statements.

Mr. WADE. I am barely replying to the Senator.

Mr. DAWSON. But you appealed to me, and asked me if I had not presided over southern conventions calculated in their character to impair the rights of the North. I answer, never, sir, in my life; and it is the first time in any place, or on any occasion, that I have heard such a charge made. There have been southern and southwestern conventions called for the purpose of regulating the internal trade, and carrying on our internal improvements, at which gentlemen from your own State, from Indiana, and other free States, were present; and the idea of disunion, or doing an act of injustice to the North, or violating any constitutional right, never entered into the mind of a single individual in those conventions. Their debates were all published, and not even the newspapers of the day made such an insinuation.

I repeat, again, that I presume this discussion is for the purpose of irritation; that the object of the Senator is to inflame one section against the other. I can see no other purpose; but the Senator's references to history and past transactions ought to have been better adjusted, so that insinuations might not be made against gentlemen who have always been for this Union, and who have always been patriotic.

In presiding over the conventions which have been alluded to I set forth my views. Let them be obtained to-day and read, and if there is anything but Union feeling, but patriotism, but just appreciation of the rights of every section of this country to be found in them, I will submit. If there ever was a resolution presented calculated to impair the affection of one section of the country towards another, I will yield the point. But, sir, I do deprecate this off-hand manner of speaking, which is calculated to bring into the discussion the names of individuals who do not desire to enter into it. I say it is wrong. I have endeavored to restrain my feelings about it; but, I say, if it is the determination of this class of politicians to bring this country into confusion, to create excitement, to produce the dissolution of the Union, let them come out and state so manfully; let them not avoid the point at issue. I am a lover of this Union; but I, for one, seek to have no alliance with a class of men, or of politicians, who do not desire to associate with me in preserving this Union.

Sir, my whole life is well understood; my whole course has been that of a Union man, and I trust that of a patriot. I have stood by this Union almost as long as any man ought to stand. I have a sacred regard for the memories of the Revolution, and the feelings which have united, and still unite, me to my northern brethren. I shall not suffer this exhibition of bad faith, of unkindness, and of want of generosity, to influence me, if I can possibly avoid it, for I know it is not the feeling of the great North or the great West.

Mr. WADE. Mr. President, it was not my desire or wish to stir up any ill feeling, although the Senator from Georgia accuses me of it. I have none but the kindest feelings for all concerned in this controversy; but as I understand it so must I state it. I think we have gone far enough on this subject to be plain with each other. There is no use in attempting any longer to plaster over this wound. I tell you, sir, there must be good feeling and forbearance on both sides, if you intend to escape a rupture. We stand here accused of being the aggressors, and I have asked in what we have aggressed. I have undertaken to state a little of the history of the past connected with former excitements on this subject. It is said, however, that my memory is at fault. If so, my excuse is to be found in the fact that we have been unwillingly driven into this discussion without being allowed a single moment to prepare for it.

I have already told you that I did not know such a bill was pending until it was called up this morning. I have only alluded to those things in regard to which it is said my memory is at fault, in reply to the assertion that the North are aggressors. I say we are not aggressors. I say there has been an undeviating, unfailing purpose constantly to extend the institution of slavery. I tell you, sir, that last winter's legislation is, above all other things, an aggression which cannot and will not be tolerated. I should be false to you of the South, and false to the North, if I stood here to cry "peace, peace," when I know there is no peace. I tell you you must retrace your steps, you must put us *statu quo ante bellum* before you talk of peace. That is one of the points which must be settled before there will be cordiality, before there can be peace. Do you suppose that we whose political equality on the floors of Congress is hewed down and destroyed by your institution of slavery, will look complacently on your endeavor to spread your institution over a region as large as the old thirteen States from which it was solemnly excluded by a sacred guarantee? Who talks to us of aggression in the face of an act like that? Sir, I tell you you have gone as far as the people will bear. I do not say so by way of threat, because I am not in the habit of making threats. I am only replying to the threats of others as well as I can. I am speaking only of a state of things which all of you must know. No man can fail to understand the feelings of the North on this subject.

Now, while they are struggling to recover the ground lost by the dereliction of northern men at the last session of Congress, while they are struggling to place themselves back in the condition in which they stood before that enactment, when they are very sensitive upon the subject, is it wise, prudent, or proper for you to come in here with a bill which threatens to deprive the States of their power to vindicate their own citizens from your aggressions, and which carries with it, as I said before, an implication that the States are not to be trusted in the administration of the Constitution of the United States? Let me inform you again that your time is ill-chosen. We of the free States, in order to escape annihilation, are compelled to stand up for our rights. For myself I need no prompting on this subject. I claim to feel as ninety-nine hundredths of my constituents feel upon it; and, therefore, in opposing this bill I do no more than they would require at my hands if they were here. My own sense of propriety compels me to tell you the truth. Have you not witnessed the uprising of the North, where the people, snapping the bonds of party like a pipe stem, have come up and united together on the slavery question, to roll back, if it may be, the tide of battle which went so disastrously against them at the last session; and now upon the heels of that, is brought forward a proposition more invidious, more calculated to wake them up to a sense of their position than even your Nebraska bill itself. When such a state of things is presented do you suppose that the men of the North, the representatives of those who are struggling in this great cause, are to stand forth here like sucking doves to beg of you to stay your hands? No, sir; I am not made of that kind of stuff. This is an aggression on our rights, and I am not afraid to tell you so. I blame no man of the South for it, for I have not seen as yet the finger of the South in it. I say it is distasteful to the North; it is in contravention of the rights of the States; and it will be met in the same spirit in which the North met the Nebraska bill. It would have been better for those who wish for peace and harmony between sections, if they had not brought in this most unnecessary and most exciting bill.

What necessity is there for it? The Senator from Maine [Mr. FESSENDEN] commented upon that subject. He has asked you to tell us why, now, after waiting for more than half a century without discovering any occasion for such a law as is here proposed, you should at this particular time, at the heel of the session, crowded with legitimate business, introduce this exciting topic? When I stand up to vindicate, as well as I may, the rights of my State which I think are assailed; when on a sudden, having been given no time for preparation, I make the best defense I can, I am accused of being an agitator. Sir, if so, I glory in the name. I will ever meet your aggressions with what I have of spirit; I will make what opposition I can, knowing full well that I am only doing what my constituents expect and require at my hands, and if I failed to do it, they would justly consider me as recreant to my duty.

Mr. President, the accusation is not true that I stand here for the purpose of arguing this question in order to agitate and irritate gentlemen. I have no such wish. I have no other desire than to ask gentlemen to reflect and see if they do not believe the bill is fraught with more evil than good to the institutions of the country. The Senator from Louisiana, in his closing remarks, paid a beautiful tribute to the Union of these States. I agree fully with him on that point. I admit all the advantages of the Union; but nevertheless, I cannot fail to see that here is a sectional controversy, a determination on the one side to carry slavery over the whole of this continent, which, if persisted in, will be met and met firmly, and no invocation to the beauties and glories of this Union will save us from that collision to which this attempt must necessarily lead. I have no fears that there will be a dissolution of the Union; but when we are threatened by southern gentlemen with dissolution, I must say to them, as a northern man, that I have great confidence in the ability of the North to take care of themselves. While I am no advocate for disunion, I must say, in reply to those who threaten its dissolution, that even if that disastrous result should come, the free North will survive the shock. I have no fears but that each section may take care of itself, and least of all have I any fear for the section to which I belong.

I say, then, to gentlemen, argue anything else, say anything else, but do not threaten dissolution, because it has no terrors for me. If this great people cannot find it to be their common interest to keep together, I know full well they will not remain united. The very moment a majority of the North and South shall find that it is incompatible with their interest to be united, they will separate, and nothing can prevent it. Let me assure gentlemen that nothing will lead to such a result sooner than the introduction, at times like this, of bills of this description, without any regard to the feelings or principles of the free North. Here it is proposed, by the power of the Federal courts, to go into the free States, override their jurisdiction, take from them a man who has to be adjudged by them, carry him off from his home, to be tried before your Federal tribunals. Do you believe you can execute it against the settled convictions of the North? The Senator from Connecticut said, if I understood him aright, that this was necessary because the feelings of the whole North had risen up in opposition to the Nebraska bill.

Mr TOUCEY. Do you refer to me?

Mr. WADE. Yes, sir.

Mr. TOUCEY. I said no such thing.

Mr. WADE. Then why is there necessity for your bill? If there is no such thing in existence; if the people are all loyal, and willing to execute

the decrees of your laws, I ask again, where is the necessity for your bill?

Mr. TOUCEY. The necessity of the bill——

Mr. BUTLER. Will my friend from Connecticut allow me, [Mr. TOUCEY. Certainly.] and I am sure the Senator from Ohio will.

Mr. WADE. Yes, sir.

Mr. BUTLER. I shall not even be betrayed or provoked into this debate; but, sir, it is a debt of justice to my honorable friend from Connecticut, upon whom the gentleman from Ohio has poured out his wrathful and scornful indignation, without any regard to justice; without any regard to the truth——

Mr. SUMNER. I call the Senator to order.

Mr. WADE. Never mind.

Mr. BUTLER. I say, sir, without any regard to the truth of the transaction, as far as I can understand its recorded history. Now let the gentleman call me to order.

Mr. BRIGHT. I hope the gentleman will state his point of order.

Mr. BUTLER. Sir, I had not finished my sentence.

Mr. SUMNER. The point of order I state is that the Senator from South Carolina has charged a Senator on this floor with want of truth.

Mr. BRIGHT. He has not charged half that is true.

Mr. MASON. The rule requires the point of order to be in writing. Let the Senator from Massachusetts put it in writing.

Mr. RUSK. Put it down.

Mr. BUTLER. I do not want anything of that kind.

Mr. BRIGHT. Let him put his charge down in writing.

Several Senators addressed the Chair.

Mr. MASON. Let us get through with this point of order before anything else is done.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) The Chair will entertain the point of order if it be reduced to writing, but not otherwise.

Mr. WADE. I hope the Senator from South Carolina will be permitted to go on.

The PRESIDING OFFICER. Senators will suspend until the point of order is decided.

Mr. MASON. Let it be reduced to writing.

Mr. BUTLER. The gentleman from Ohio has a much higher perception of his own dignity and what is due to himself, than has his——

The PRESIDING OFFICER. The Senator from South Carolina is out of order. No remarks can be indulged in until the point of order is decided, and it must be reduced to writing.

Mr. BUTLER. I would have explained that I meant no personal——

Mr. WADE. Go on, and explain.

Mr. BUTLER. No, sir, let the question of order be put in writing and decided, since it is insisted on.

Mr. MASON. Let it be reduced to writing.

The PRESIDING OFFICER. The following point of order is made in writing by the Senator from Massachusetts: "The Senator from South Carolina charged the Senator from Ohio with a want of truth."

Mr. BUTLER. I did not so charge him.

Mr. MASON. I understand the rules to be that the words must be written down. Let him write down the words of the Senator from South Carolina.

Mr. RUSK. The writing which the Senator has sent up is no point of order under the rule.

Mr. BAYARD. I presume it all arises from a misconception——

Mr. RUSK. Will the Senator allow me? The rule requires that when a Senator is called to order the words must be written down in full, not an *ad captandum* abtract.

Mr. BAYARD. I think I had the floor.

The PRESIDING OFFICER. The rule is that the words must be reduced to writing.

Mr. BADGER. They must be reduced to writing before anybody has the floor.

Mr. BAYARD. The words put down are not the words which were used by the Senator from South Carolina, and no man except one under extreme bias could have so understood him. The words used by the Senator from South Carolina, I think were "contrary to truth," not imputing any falsity, but having the same meaning as a man has when he says "contrary to the facts of the case." In using such language you make no imputation at all.

Mr. MASON. I rise to a question of order.

The PRESIDING OFFICER. This question must be decided without debate.

Several SENATORS. Let the words be written.

Mr. SUMNER. [Having obtained the precise words from Mr. D. F. Murphy, one of the short-hand writers for the Globe, who then occupied the reporters' chair.] The language employed was as follows: "It is a debt of justice to my honorable friend from Connecticut, upon whom the gentleman from Ohio has poured out his wrathful and scornful indignation, without any regard to justice, without any regard to the truth." These words I object to as contrary to order.

Mr. DAWSON. The Senator from South Carolina immediately followed that by the expression "as shown by the record," or something of that sort.

The PRESIDING OFFICER. The language sent to the Chair by the Senator from Massachusetts was used by the Senator from South Carolina, but with additional words, which showed upon their face that all that he said was only an impeachment of the memory of the Senator from Ohio. The Chair did not understand it to be an impeachment of his veracity.

Mr. SUMNER and Mr. CHASE. Let us hear the other words.

The PRESIDING OFFICER. They were "as shown by the record," or "as shown by the history of the transaction," or something similar. The Chair undertakes, then, to decide that the whole language which escaped the Senator from South Carolina was not out of order, because it was simply an impeachment of the memory of the Senator from Ohio, and not an impeachment of his veracity.

Mr. BUTLER. I did not even intend to impeach his memory, but simply to impeach his want of information. The Senator from Massachusetts, sir, has put his hand in too soon. I believe my courtesy towards the gentleman from Ohio is generally rather cordial, and I do not believe I would ever allow myself to violate, I will not say the beautiful proprieties which should characterize the conduct of men occupying the relations of gentlemen. I know, sir, under what sanctions I speak when I speak here as a gentleman at least, and I had not the least idea of throwing an impeachment on his personal veracity.

I said that I owed a debt of justice to my honorable friend from Connecticut. I must stand here and perform my duty as chairman of the Committee on the Judiciary, of which my honorable friend from Connecticut is a member. It has been said by the Senator from Ohio that this measure could be borne if it had originated with and been advocated by southern men; but that, when it came from a northern man, it was one of those things that was to be treated with scorn and contempt. Now, what is the situation of my honorable friend from Connecticut? Did this originate with him? Is it the truth? Let the Senator from Massachusetts call me to order again. The fact is, Mr. President, that this matter came before the committee by a regular reference. It was referred to them upon petitions, resolutions, and remonstrances I may say, from many of the district attorneys, marshals, and I may add, judges of the Federal courts of the United States, and they came from the free States. The subject was fairly referred to the committee, and it devolved upon my friend from Connecticut, indifferently, without regard to sections, to make the report as he did by the direction of the committee. I believe I was the only one—but we ought not to mention what takes place in committee, and I shall not do so. My friend is and has been acting upon the authority of the committee, and not on his own mere motion, as my honorable friend from Missouri [Mr. GEYER] can bear testimony. I said that I rose to do justice to that honorable gentleman, [Mr. TOUCEY.] Why, sir, if I can state what took place in the committee, but I believe I cannot——

Mr. BRODHEAD. You can state it.

Mr. BUTLER. Can I?

Mr. BRODHEAD. Certainly.

Mr. JONES, of Tennessee. State it all.

Mr. BUTLER. Since it is to be disclosed, I will state that I told the committee, substantially: "Gentlemen, I am the chairman of this committee; but when it is said that a constitutional law of Congress cannot be enforced in the State courts, and that an individual discharging the duties of an officer under the authority of the Constitution and laws of the United States is to be made a victim by the decision of an irresponsible multitude, in the form of a court, what am I to think? Are you asking for a law against public opinion? I say, gentlemen, this has gone further than you think." Now, I will say, sir, that my friend from Connecticut then remarked: As long as we are in this Confederacy—and he hoped it might continue—he was for preserving the constitutional legislation of Congress; not as a northern man, not as a southern man, but as a jurist, a statesman, and a gentleman, as he is, and a patriot, as I firmly believe. He did not originate it. The fact is, there were petitions poured in upon that committee, and I believe I was the only one who said nothing upon the subject. The committee authorized my friend from Connecticut to report the bill; and, allow me to say, he stands here in this temple of the Constitution maintaining his rights upon the altar of the Constitution of his country, not as a northern or a southern man, but as the organ of the Judiciary Committee of this body, desiring to preserve the Constitution of the United States.

Mr. WADE. Mr. President, I hope I shall not be considered responsible for the interruptions which have taken place. I said nothing derogatory that I know of to the Senator from Connecticut, any more than is to be found in the fact that he, as a northern man, was, so far as I could see, (and that is all I accused him of,) responsible for this bill. I did not know who stood behind him, nor did I say who stood behind him. I said I had seen nobody's finger in it except that of the Senator from Connecticut. Now we have had some other disclosures. I suppose the Senator from Connecticut does not pretend that there is anything derogatory to him in a bill which he has deliberately reported. I have not stood here to impugn his motives, but I have stood here to deplore the fact that such a bill should come before us from a northern man, as I understand to be the fact.

Mr. RUSK. Let me interrupt the Senator, to ask the Secretary to read, for his information, where the bill does come from.

Mr. WADE. I know where it comes from.

Mr. RUSK. But I hope it will be put down just here.

The PRESIDING OFFICER. The Senator from Ohio is entitled to the floor and will proceed.

Mr. WADE. I give way.

Mr. RUSK. I ask the honorable Senator if the bill does not come from the Committee on the Judiciary?

Mr. WADE. I suppose it does. I am so informed.

Mr. RUSK. Does he not know that it came from the Committee on the Judiciary? Is not that manifest on the records of the Senate?

Mr. WADE. I can say that I have no doubt of it, and I have not denied it.

Mr. RUSK. Well, then, it is very easy to admit it.

Mr. WADE. I have been speaking of its advocates. No man has heard me say where the bill originated. I said I saw no man's finger and no man advocating it, when I spoke before, except northern men; and at that time the remark was strictly true; for nobody had advocated it but the Senator from Illinois and the Senator from Connecticut.

Mr. SEWARD. Will the Senator from Ohio excuse me for a moment, in order that I may make a statement which I think is necessary to make this matter understood?

Mr. WADE. With pleasure, sir.

Mr. SEWARD. Although it is undoubtedly true that this bill was brought in on a report from a committee, it is also true that there are no papers with the bill, and it is indorsed on the back of the bill, "no papers."

Mr. DOUGLAS. What necessity is there for

stating that? Is not the Senator from Ohio able to get authority to sustain his own statements?

Mr. RUSK. On the face of the bill this appears: "In the Senate of the United States, February 17, 1855, Mr. TOUCEY, from the Committee on the Judiciary, reported the following bill; which was read, and passed to a second reading." That appears on the face of the bill, which is on file in every Senator's desk.

Mr. TOUCEY. Mr. President, perhaps I ought to reply to the statement of the Senator from New York. This subject was first committed to the Senator from Georgia, who is absent, [Mr. TOOMBS,] with the papers, and the papers are supposed to be in his possession. After his absence, it was put into my hands, and I have reported this bill by the direction of the committee, and it has my full and hearty concurrence.

Mr. GEYER. In reference to the remark of the Senator from New York, I beg leave to say that it is not customary to report back, with public bills, the petitions and resolutions on which they are based, and which were referred to the committee reporting the bill. When such matters are referred to them, they may report a public bill, and it is stated on its face that it is supported by the authority of the committee, but it is not usual in such cases to submit reports and papers. When a private bill is reported, the evidence on which it is based, is always reported with it. In regard to public bills, the case is different.

Mr. WADE. Mr. President, this only shows what I was contending for before. I now learn, if I understand the gentleman aright, that this bill originated with the Senator from Georgia, [Mr. TOOMBS.]

Mr. BUTLER. Not at all. You are wrong every way.

Mr. WADE. What did the Senator from Connecticut say on that subject?

Mr. BUTLER. The Senator from Connecticut said what was the fact, that when these papers were sent to the Committee on the Judiciary from a very high source, I may be allowed to say—from those persons concerned in the enforcement of the public laws, they were referred to the Senator from Georgia, [Mr. TOOMBS,] and not to the Senator from Connecticut, [Mr. TOUCEY,] to draw up a bill.

Mr. PETTIT. The Senator from Georgia is absent.

Mr. BUTLER. The absence of the Senator from Georgia was the only reason why we referred it to the Senator from Connecticut.

Mr. WADE. I understand they referred it to the Senator from Georgia, and in his absence the Senator from Connecticut took the authority upon himself.

Mr. BUTLER. No such thing.

Mr. WADE. At any rate he went with willingness into the matter.

Mr. BUTLER. I referred it to him myself, and I asked him to take charge of the bill, and report it.

Mr. WADE. Certainly, sir. I had very little doubt that the inception of this measure was in a southern latitude.

Mr. BUTLER. It was not so, sir. I stand here to contradict that, and the gentleman from Massachusetts may now call me to order if he pleases. It did not originate in a southern latitude.

The PRESIDING OFFICER. The Senator is out of order now; the Senator from Ohio is entitled to the floor.

Mr. WADE. If it did not originate in a southern latitude my first suspicion is true, that it originated with northern men. [Laughter.] There it is, just as I insinuated before; northern men are responsible for this. Now, let me ask, is it not rather surprising that they should have entered upon a measure which southern honor discards? Is not this the very thing of which I accused them? Sir, I doubt whether there is any southern man who is imbued with their high principles of State rights, who would advise the introduction of a bill of this kind, for, most assuredly, as I understand the bill, it outrages every principle they profess to hold dear. It seems, however, that it has devolved on northern men to stand here and abet their peculiar interest by the passage of this bill, discarding the courts of the States under which they live, impliedly accusing them of a want of loyalty to the Constitution of the United States; and therefore, if I may believe what the honorable Senator from South Carolina now says, they, on their own motion, have stepped in here to vindicate what they conceive to be the rights of the South.

Mr. President, before I was interrupted I had said pretty much all that I proposed to say, and more than I originally intended to say when I rose, because my object in again addressing the Senate was principally to set the Senator from Illinois right in his idea that the result of the late election in Ohio had been brought about by the party called Know-Nothings. I certainly think I have shown that he is entirely mistaken in that. I have pointed him to the fact that in those places where foreigners most abound, as in Cincinnati and in Cleveland, the anti-Nebraska majority was the largest. He then is utterly mistaken in the idea that this great revolution was brought about by any such thing as Know-Nothingism. I am willing that he shall flatter himself that such is the fact; but, sooner or later, he will wake up to understand that the whole free North have risen with the determination that they will undo what was done against their will, against their protestations, and against all they could do to prevent the passage of that bill by their representatives here. Glory to the name of the great State of Ohio. Not a Nebraska man from that State will obscure the doors and the Hall of the House of Representatives in the next Congress. Not a man on whose skirts there is the least smoke of the unholy fire, not a man suspected of the least leaning to that bill will be there to represent her. No matter whether he was Whig, Democrat, Free-Soiler, or Know-Nothing, if he wavered upon that point, if he stopped to doubt over it, if he hesitated at all, that doubt, that hesitation, was political death, from which there was and will be no resurrection.

Mr. DOUGLAS here addressed the Senate, but his speech, retained for revision, could not be obtained in time for insertion here. It will be found in a subsequent part of this volume.

Mr. GILLETTE. Mr. President, I regret the necessity of trespassing upon the patience of the Senate at this late hour of the session; but since Connecticut has been made to lead off in this new conflict for the defense of slavery by my colleague, who reported the bill before us, I feel myself called upon to represent what I think to be her true sentiments, and vindicate her good name from dishonor. I am free to say, sir, that no other State in this Union more deeply abhors the fugitive act of 1850 than Connecticut; and to no other State could this bill, being intended as a sequel to that act, be more distasteful and odious.

Sir, it affords me no pleasure to appear before the Senate on any question which may not be agreeable to some Senators. It would be less uncongenial to my taste and feelings, either to sit in silence, or confine myself exclusively to such subjects as commend themselves to the favorable consideration of all. But when propositions are thrust upon our attention which I cannot approve; or when injustice stalks before us in its most appalling forms, trampling humanity in the dust, I have no option but to oppose them at whatever hazard, and can only say, in self-justification, with a great statesman and orator of antiquity, when about to urge an unpopular measure before an Athenian assembly, that "while I am not so perverse as to study to give offense where no good purpose can be answered by it, my opinion is, that every honest speaker should prefer the interests of the State to the admiration and applause of his hearers."

In the discursiveness of this debate, the Senator from Louisiana [Mr. BENJAMIN] has charged the North with aggressiveness upon the South. He represented the South as the aggrieved and outraged party, always suffering in her rights from the encroachments of the North, and always acting in defense of her peculiar institution from the assaults of freedom. Such was the burden of much of his eloquent speech. Now, sir, I believe this to be as contrary to the whole history of this Government, as opposed to our own observation. The Senator from Ohio [Mr. WADE] has called our attention to some facts of recent date to show the fallacy of the idea which the Senator from Louisiana advanced, and I wish to call his attention, and that of the Senate, to certain other facts of a prior date, to show the error into which he has fallen. If I do not greatly mistake, the declaration is true which was made by the Hon. Caleb Cushing, now the Attorney General of the United States, in a letter addressed, in the year 1838, to certain citizens of Massachusetts, in which he says:

"In its industrial, financial, and political relations, slavery is at the bottom of all the action of Congress." * * "It is that thing which pervades, colors, and controls, by its unpronounced, but ever present influence, all the measures and operations of the Government."

Now, Mr. President, I believe this to be true, literally, historically, humiliatingly true. And in proof of this, I would first call the attention of the Senate to the action of the Federal Government in relation to the District in which we are assembled. Let us begin here. This Government has enacted laws over the National District which are a violation of every principle of freedom and justice, for the existence of which my constituents are held equally responsible with those of the Senator from Louisiana, and which involve every State in this Union in a fearful responsibility—laws which are the sublimation of injustice, barbarity, and despotism, and which, according to Jefferson, impose "a bondage one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose."

By the enactment and authority of the United States, one portion of the people of this District hold another portion as property, as chattels, to be worked without wages, to be scourged without remedy, and sold without redress.

Laws are in force here, by the enactment and authority of the United States, which authorize and permit some hundreds of children, annually born in this District, to be snatched, "while yet the seal of Heaven is fresh upon them," out of that condition of natural liberty which our fathers truly asserted to be the birth-right of every human being, and doomed to life-long slavery; children which, from their very helplessness, cannot be supposed guilty of any crime, nor for the alleged reason that their mothers (not to speak of their fathers) are criminal. According to the Constitution, the children of the blackest culprits even cannot be attainted. What, then, can be said of the infliction of the severest punishment upon the innocent children of innocent mothers, even the doom of slavery for life? Said Governor Giles, of Virginia:

"Slavery must be admitted to be a punishment of the highest order, and it ought to be applied only to crimes of the highest order."

Yet the Government of the United States dooms *innocent* men, women, and children to a punishment of the highest order.

By the authority of the United States a part of the population of this District are doomed to the profoundest ignorance, absolutely stultified, and then, if the poor darkened wretch, the eyes of whose mind have been thus put out, and the chambers of whose soul have been filled with darkness, should violate a certain law which he was thus forbidden to read and understand, he is condemned to have his right hand cut off, to be hung in the usual manner, to be beheaded and quartered, and have each fragment of his mangled body hung up in the most conspicuous places in the District. And although, as I am informed, and am happy to believe, this Draconic enactment has not been executed here for many years, I do not understand how a court could evade the infliction of it, upon a conviction of either of the crimes of which it is the penalty, without a renunciation of the lower law dogma.

By another law in force here, by the enactment and authority of the United States, if any person of the proscribed class breaks into a shop, storehouse, or warehouse, *not* contiguous to, or used with any mansion-house, and steal from thence any goods to the value of five shillings, such offender, on conviction, shall suffer death without benefit of clergy. Yes, sir, death for stealing the value of five shillings, when slavery itself is the master-theft of earth, teaching theft as its first, rudimental, and practical lesson—plundering not simply five shillings from the pocket of a man, but clutching the man himself, body, soul, pocket,

shillings, all, and devoting them upon its execrable altar. Death for stealing five shillings, notwithstanding the Constitution forbids the infliction of cruel and unusual punishments!

By another law in force here, by the enactment and authority of the United States, if a person belonging to a certain class, whether man or woman, presumes to strike a person of another class, whether in self-defense against a drunken ruffian or an adulterous villain, or under any provocation whatever, on conviction by the oath of the person struck, he or she shall be maimed by having an ear cut off, "cropt," as the law has it.

By another law in force here, by the enactment and authority of the United States, if a person belonging to a certain class goes out into the woods and shoots a hog, and refuses to return on the demand of a person of another class, it is lawful to shoot, kill, and destroy such person.

By another law in force here, by the enactment and authority of the United States, any person of the proscribed class, who shall give false testimony against any other person of his own class, shall have one ear cut off on the day of his or her conviction, and receive thirty-nine stripes on his or her bare back; and the next day the other ear shall be cropped, and the like number of stripes given the offender.

It is note-worthy, in passing, that the number of lashes generally meted out to the slaves by slave-law, is thirty-nine. Why this precise number should be designated it is not easy to understand, unless it was suggested by the "forty stripes save one," which St. Paul tells us he received five times from the Jews, and adopted in the hope of canonizing the so-called "Patriarchal institution" into the higher sanctity of apostolic saintship.

By another law in force here, by the enactment and authority of the United States, any colored person, free or bond, coming into the national District, is liable to be seized and imprisoned as a fugitive from slavery; and if unable, in that helpless and forlorn situation, to pay all fees and rewards given by law for apprehending runaways, is liable to be sold into slavery for life to the highest bidder; and to crown the atrocity, the price of blood—"the money or tobacco," as the law reads—shall go into the pockets of the marshal himself—the judge in the case—as imprisonment fees, except what may be needed to pay for the arrest of the victim—thus holding out a bribe to the marshal to adjudge him to slavery. Under this law several persons, according to the reports of the marshals, not having been claimed as slaves, and therefore presumed to be free, have been sold into slavery for life. Thus the Government sells its own citizens into slavery, as cannibals sometimes eat their own children.

By the connivance, if not by the positive enactment of Congress, a traffic is here carried on in human beings. Advertisements of sales flare in the newspapers of the District with cold-blooded effrontery; and men, women, and children are bought and sold here, around this Capitol, as brute beasts. I am aware that, by one of the famous compromises of 1850, the bringing of slaves for sale into the District is forbidden, under penalty of the forfeiture of such imported slaves; but I have been unable to learn that any efficient steps have been taken to execute the law; and it is believed that, by concealment and fraud, the traffic is still carried on here to some extent, though the great slave barracoon used by the brokers in human flesh residing in the capital, is just across the Potomac. Soon after arriving in this city last May, I noticed in the organ of the Administration an advertisement of a whole family, consisting of five or six members, to be sold at auction, in front of the City Hall; and during the present session of Congress I have seen persons advertised for sale in the fair-seeming Intelligencer, "*without restriction*," in violation of a provision of the compromise of 1850.

By the authority of the United States, if a person of the proscribed class shall fly any kite or kites within the limits of the Corporation of Georgetown, he shall be fined, or flogged, at the discretion of the Mayor.

By the authority of the United States, the free colored inhabitants of this city are taxed annually from fifteen to twenty thousand dollars, to support its white poor, to sustain the schools for the education of its white children, and for all the other municipal expenses of the District, while, at the same time, they are precluded from any participation in the benefits of what they are thus compelled to pay, being left alone and unaided by their *chivalrous* exactors to feed their own poor, to sustain their own schools, and bear all their other burdens as best they can. Language, sir, is too poor to characterize such extortion.

By the authority of the United States, there appeared in this city a few days since, under the meridian sun, a human shape on horseback, dragging a woman by a rope around her body through its muddy streets. With unblushing face, and head erect, gloating over his victim with a spider-like exultation, this gallant son of "the chivalry," ascended the hill on which we are assembled, with his human prey, and passed by under the very shadow of the Capitol over which at that moment your national flag was proudly floating as the ensign of freedom. Oh, "the model Republic!" "The model Republic!" The great slavemonger, the great slave-market, the great slavery-propaganda of the nineteenth century, around whose Capitol men are bought and sold like oxen, and woman is hunted and led, as savages hunt and lead buffaloes by the lasso!

Mr. DAWSON. As chairman of the Committee on the District of Columbia, I will only take occasion here to say to the Senator from Connecticut, that those laws are not in force in this District any more than the old laws of the State of Connecticut against witchcraft, and the laws made at New Haven against violating the Sabbath. No such laws, I believe, were ever passed by Congress. Even if they were, they are no more in force, than the Blue Laws of the Senator's own State. What is the object of the course of the Senator, but to excite prejudices against the District of Columbia, and against the character of our country and its institutions? I submit to the Senator himself whether it would not be well to refrain from such a course of remark.

Mr. GILLETTE. I have in my hand (holding up the book) these laws of which I have made an abstract. I have the code here entitled "the Black Code of the District of Columbia." The gentleman can look at it.

Mr. RUSK. I wish to ask the honorable Senator where that code was printed. The book looks like a very small one to contain a code of laws.

Mr. GILLETTE. It was published in New York.

Mr. RUSK. Just where I expected. [Laughter.]

Mr. GILLETTE. These laws are found in the statutes of Maryland; I have seen them there myself, they were enacted into *United States laws* by Congress in 1790, and they have never been repealed.

Mr. RUSK. New York is very kind to print the statutes of Maryland.

Mr. GILLETTE. Mr. President——

Mr. JONES, of Tennessee. The Senator will allow me, I am sure, before he proceeds, to vindicate the truth of history.

Mr. GILLETTE. Certainly.

Mr. JONES, of Tennessee. The "Black Code" from which the Senator has been quoting, and on which he has made his speech, is a New York work, "by Worthington G. Snethen, Counselor-at-Law; Published for the A. and F. Anti-Slavery Society, by William Harned, 61 John street." That is the title page of the book. I merely wish the authority for the Senator's statements to go out with his speech.

Mr. GILLETTE. I ask the Senator from Tennessee whether in his State the authority of an author is discredited, from the fact that his work is not issued by a publishing house in Tennessee? Does he question the validity of the United States laws because they are published in Boston, and not in Tennessee?

Mr. JONES, of Tennessee. Not at all; but with me, the fact that anything on the subject of slavery comes from an Abolition source, is enough to make me regard it as questionable. If it is published by an anti-slavery society, it is pretty sure to be a slander on the South, and on the country.

Mr. GILLETTE. The honorable Senator, I think, has given the very profoundest reason he can for his disbelief, with a characteristic courtesy.

Mr. MALLORY. I trust the Senator from Connecticut will be suffered to go on, and not be interrupted. The statements which he has been making can certainly do no harm in the country; if wrong, they can be corrected.

Mr. RUSK. I feel great interest though, if the Senator will allow me to say a word, to know the name of that thing, in the shape of a man, who was seen dragging a woman with a rope tied around her body. As a matter of curiosity, I should like also the time when it occurred.

Mr. GILLETTE. In reply to the Senator from Texas, I will say, that I am not informed as to the *name* of the "thing." It passed this Capitol about one o'clock, p. m.——

Mr. JONES, of Tennessee. When? To-day?

Mr. GILLETTE. On Monday of last week.

Mr. RUSK. Did the Senator see it?

Mr. GILLETTE. No, sir; but I have the testimony of several persons who did see it.

Mr. RUSK. Will the Senator name who they are?

Mr. GILLETTE. If essential, I could name the persons. They were ladies at the boarding house where I lodge. One of them, the wife of a Senator, two others, the wife and daughter of a Representative, and a fourth, the sister of another Representative.

Mr. RUSK. Then I understand the Senator did not see it himself?

Mr. GILLETTE. I never pretended that I myself saw it.

Mr. RUSK. I am glad of that, for I believe the Senator would have chivalry enough to stop such a thing if he should see it; and I would help him in doing so.

Mr. GILLETTE. I am glad to have escaped such a spectacle.

Mr. BUTLER, (to Mr. GILLETTE.) What would you have done if you had seen it?

Mr. GILLETTE. I would have called the attention of the Senator from South Carolina to the scene, as a specimen of *his* "patriarchal institution," as it exists in the Federal District, and under the authority and laws of this Federal Government. I mentioned it by way of illustration of the subject in hand.

Mr. BUTLER. I know what I would have done.

Mr. GILLETTE. Now, Mr. President, it is pertinent to inquire, by what authority did the Congress of the United States, acting under a Constitution ordained, among other purposes, "to establish justice"—aye, sir, *to establish justice*—and "secure the blessings of liberty," enact the consummate injustice of earth, and the outrage upon liberty, of striking down thousands of persons in this District to the degradation of chattelhood? In what article, section, or clause of the Constitution is the tremendous power given to this Government to make a man a slave, to snatch from him the crown and jewels of his immortal nature, and load him with chains? We look in vain for any power therein given to Congress to chattelize a part of the people, and throw them, despoiled and helpless, into the hands of another class, to be used as property, "to all intents, constructions, and purposes whatsoever," in the language of slave law.

Such legislation is no less a violation of the Constitution than an outrage upon humanity. It is an arrant usurpation of power, such as few, if any, eastern despots could safely commit. By the Constitution, Congress has no more power to make a slave than a lord; no more authority to rob a man of his liberty than of his life; no more warrant to legalize slavery than piracy. The Constitution forbids the granting of any title of nobility—does it then authorize the granting of a title of ignobility, even the ignominy of slavery, and invest one man, with whip and spurs, to ride another man whithersoever he listeth, by the grace of this Government? We find no warrant in the Constitution for thus dividing society into distinct castes more odious than any to be found in the Old World, into slaves and slaveholders, menials and masters, bondsmen and freemen, vassals and tyrants, victims and victimizers.

It can hardly be necessary for me to say, that

the Constitution, based, as it is, on the great principle of the national declaration, the exact equality of all men by nature in political rights, so far from countenancing "the wild and guilty fantasy that man can hold property in man," nowhere recognizes the principle of slavery in any such sense as to authorize, support, and countenance it; but on the contrary, if faithfully executed, slavery could not exist another hour anywhere under its exclusive jurisdiction. Instead of its shield, it would prove its sword; instead of its refuge, its hot avenger. The Constitution, while its declared objects, in part, are "to establish justice," and "secure the blessings of liberty," expressly provides that "no person shall be deprived of life, liberty, or property, without due process of law;" that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated;" and that "the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." Slavery, as it is well understood, deprives persons of life, liberty, and property, not by due process of law, but by the summary process of force; it annuls the right of people to be secure from unreasonable searches and seizures, by breaking open the very sanctuary of private rights, searching, and seizing, not only property, but *persons*, and dragging them forth as booty, to be worked, whipped, and sold in the human-flesh markets. It suspends, in effect, the writ of *habeas corpus*, the great bulwark of liberty, in relation to persons not guilty of invasion or rebellion, but "guilty of a skin not colored like our own," and not even of that, in many cases, but of a "*pure white*" complexion—the negro Anglo-Saxonized.

Mr. THOMPSON, of Kentucky. Will the Senator from Connecticut allow me to make a motion to adjourn?

Mr. BUTLER. Let him go on.

Mr. THOMPSON, of Kentucky. I do not see any end to this talk.

The PRESIDING OFFICER, (Mr. WELLER.) Does the Senator from Connecticut yield the floor?

Mr. GILLETTE. Yes, sir.

Mr. THOMPSON, of Kentucky. It is evident to my mind that this is to come to nothing, but that we are to have an interminable discussion on subjects which nobody wishes to hear or cares anything about. I wish to go home now, and come back to-morrow to attend to the appropriation bills and other measures properly appertaining to the business and interests of the nation, and let the Senator from Connecticut make his speech on some leisure occasion when we have nothing else to attend to. I do not wish to listen to him now; I wish to adjourn, so that I may get some rest, for I did not come here to-day prepared to sit so many hours.

Mr. CLAY. I trust the motion will not prevail. I want the Senator from Connecticut to deliver himself of the one idea which he brought here with him, before he goes away.

Mr. THOMPSON, of Kentucky. Does the Senator from Alabama expect to get a vote?

Mr. CLAY. Yes, sir. Let us unkennel the whole pack to-night.

The PRESIDING OFFICER. Does the Senator from Kentucky move that the Senate adjourn?

Mr. THOMPSON, of Kentucky. Yes, sir; if the Senator from Connecticut will allow me to do so?

Mr. GILLETTE. Certainly; I yield the floor for that purpose.

Several SENATORS. No adjournment now.

Mr. SEWARD. Let us have the yeas and nays.

Mr. THOMPSON, of Kentucky. As the Senate do not appear to favor my motion, I withdraw it; but I will not remain here to listen to this worse than useless discussion. Other Senators can stay if they choose.

Mr. SEWARD. I move that the Senate adjourn.

Mr. BUTLER. I hope we shall not adjourn.

Mr. BADGER. It is very early; only half after six o'clock.

Mr. SEWARD and other SENATORS asked for the yeas and nays.

The PRESIDING OFFICER, (after counting those who rose in favor of taking the question by yeas and nays.) There are only five Senators rising—not a sufficient number, in the opinion of the Chair. The yeas and nays are not ordered. Senators, you who are in favor——

Mr. COOPER, Mr. SUMNER, and others. Count the other side.

The PRESIDING OFFICER. It is too late now to ask for a division. The Chair decided that the yeas and nays were not ordered, and no division was asked for at the time.

The motion to adjourn was not agreed to.

Mr. GILLETTE. I am very sorry, Mr. President, to tax the patience of the Senate, but at the same time I am not responsible for the introduction of this subject into the Senate, and therefore I shall proceed with what I have to say.

The Constitution expressly prohibits the passage of any bill of attainder, yet slavery defiantly attaints persons of African descent to such a degree that the purest anglo-Saxon blood of the "first families" has but little power to bleach out the taint and work an absolution. The experiment has been in progress in this country for more than two hundred years, under the cunning and conservative principle, *partus sequitur ventrem;* and still it is found that it requires not less than fifteen-sixteenths of the purest Caucasian blood to remove the attainder and restore the attainted to the rights and dignity of manhood. In the early history of the country three-fourths parts of white blood entitled the slave to freedom, and be became, in virtue thereof, a white man; but owing since to the rapid fading of the slave's complexion, it has been thought necessary and profitable, practically, to dispense with color altogether as an index of slavery, and make it depend—not on *paternal*, no, no—but on maternal descent. Such is the fact in this District. Persons are held here in slavery, at this moment, as white as the whitest Senator on this floor.

I am aware that, in years past, when the free States, through their Legislatures and otherwise, have invoked Congress to abolish slavery in the Federal District, it has been the policy of its defenders to take refuge behind the States which ceded the District, and cast the responsibility upon them, but, in my opinion without any shadow of a reason. Let us examine this subterfuge for a moment. The slave laws of the District, no one will deny, were enacted by the Congress of the United States, approved by the President of the United States, and they are enforced by the authority of the United States, in a District over which Congress has "exclusive jurisdiction in all cases whatsoever" by the Constitution of the United States. Because Maryland may have had such laws at the time of the cession of that part of the District now remaining to the United States, so far from making that State responsible for their existence here, it only shows that Congress copied those laws from her statutes, and adopted them as its own. Supposing, if it were possible, Congress had derived those laws from the customs of some barbarous tribes, would that act have inculpated those barbarians, and exonerated Congress and the United States from the responsibility of their enactment and existence here? No man could entertain so preposterous an idea for a moment.

By the constitutional provision anticipating the cession of the District, the jurisdiction of the United States is unconditional and complete, without anything implied or understood. Neither Maryland nor any other State asked to exercise coördinate jurisdiction over the District, and dictate its legislation. Had such a demand been made, the answer would have been found in the Constitution, vesting in Congress the right to "exercise exclusive legislation, in all cases whatsoever, over such District;" thus inhibiting Congress from becoming a party to any such stipulation. Says Madison, in the forty-third number of the Federalist:

"The indispensable necessity of *complete* authority at the seat of Government carries its own evidence with it."

The absurdity of the pretense of an implied obligation to Maryland, or to any other State, to maintain slavery in the Federal District, according to the pleasure of such State, may be thus exposed: Supposing a landholder should make an absolute conveyance of a farm with an unsightly and pestilential marsh upon it, and when the owner proposed to drain and reclaim it, his neighbors should tell him of an *implied* obligation to do no such thing, inasmuch as the grantor has a similar swamp of vastly greater size on his remaining lands, and there are many such on the surrounding farms, all of which would appear the more unsightly and repulsive by the contrast, and the whole neighborhood be exposed to a partially purified and healthful atmosphere. The utter baselessness of such a pretension is obvious. Is it any the less preposterous to say, that inasmuch as Maryland had slavery when she ceded the District to the United States, there was an implied obligation on the part of the latter, never, without her consent, to abate the nuisance within the District, to drain the pestiferous marsh, because her own slavery might appear all the more odious from the contrast with liberty here, and not only herself, but all slavedom would be in danger from freedom.

Congress is responsible to all the States, and to the people of the States, for its legislation here, and not to Maryland solely, else the National is subordinate to a State authority, and is incompetent to fulfill its great design. Congress has the same authority to abolish slavery in the Federal district, that Maryland, or other slave State, has to abolish it within her limits, and to assume that the only legislative power in the District is incompetent to do away the evil here, is tantamount to saying that it cannot repeal the laws of its own enacting, within its own exclusive jurisdiction, which is contemptibly absurd. If a lunatic Congress should frantically assume to legalize robbery in the District, could not a subsequent Congress, restored to reason, blot out the barbarous enactment, and make restitution to the victims? Clearly then Congress, having enacted laws by which men are held in slavery in this District, can hasten to their relief, knock off their chains, and restore to them their plundered rights, their long-lost manhood.

The Jeffersonian Ordinance of 1787, abolishing and prohibiting slavery within the Northwestern Territory, was ratified by the unanimous vote of the first Congress under the Constitution. Supposing some member from Virginia had arisen there and objected, on the ground that, inasmuch as Virginia had ceded that Territory to the United States, there was a tacit and implied understanding that Congress would not abolish slavery therein, without the consent of Virginia—he would have been challenged to produce the proof, and, failing, would have been justly regarded as more zealous for slavery than wise for freedom.

But, Mr. President, I deem it unnecessary to pursue the argument further on this point, since the power of Congress over slavery in the District has been admitted by the highest authorities in the country; and, in 1850, conceded by Congress itself, by the passing of a law prohibiting the importation of slaves into the District, for sale. If Congress can abolish the slave-market here, can it not strike another blow at the root of the complicated wrong, and abolish slavery itself? If it can forbid the traffic in men, can it not forbid the enslavement of men, by repealing the laws of its own enacting, which make men slaves? If Congress is competent to declare every slave brought into the District for sale, free, is it not competent also to declare every slave already in the District free? Thus, sir, the whole question has been conceded and settled incontrovertibly.

The maintenance of slavery in the Federal district, by the *authority of the United States*, exerts a conservative influence over the institution in the States, by clothing it with the countenance and sanction of the nation. The District of Columbia is thus made the citadel of American slavery, its munition of defense; or as the late Mr. Calhoun once said, "the very key of slavery." Its existence here under the attendant circumstances, involves the whole nation in all its responsibility and infamy, from which Connecticut and other free States have repeatedly and earnestly implored Congress to relieve them, and cast from their shoulders the ignominious load. Petitions for this object now lie on your table, sir; and but a few days ago, the sovereign State of Michigan, through her noble Legislature, spoke to us in relation to this and other kindred abuses, in a voice so clear and thrilling, that none but squatter-sovereigns, clamorous for "popular sovereignty," can disobey.

As a Senator on this floor I do not speak of slavery within the States; but must leave them, I suppose, to hug the monster to their breasts, until, like the stolen fox which the Spartan boy concealed under his tunic to hide the theft, it shall eat and gnaw into their vitals. If all that modern discovery has revealed concerning it be true, and the institution is, as asserted, beneficent in its character, tending to civilization, purity, liberty, education, physical prosperity, and social advancement; or if, as I think, the reverse of all this is true, and its tendencies are toward barbarism, debauchery, despotism, ignorance, material decay, and social demoralization, we of Connecticut and the other free States do not desire to participate in either its blessings, or its curses, but to be exempted from any responsibility therefor. As citizens of the free States we ask especially that this District may be purified with a thorough lustration, so that the capital of the nation, which should reflect the national honor, shall cease to be trodden by a slave, and the national flag no longer protect slavery and the slave trade under its folds. We ask to be released from the infamy of the traffic in men, women, and children, which is often heralded through the city papers to take place almost under the shadow of the Capitol. Let this foul blot be wiped off from our national escutcheon. Let the city bearing the honored name of the Father of his Country be cleansed of the rank offense, and made a fit dwelling-place of the ark of our liberties. Let American citizens, when they visit the capital of their country, no longer have occasion to take up the indignant lamentation of the poet:

> "Who can with patience for a moment see,
> This medley mass of pride and misery,
> Of whips and charters, manacles and rights,
> Of slaving blacks and democratic whites?
> To think that man, thou just and righteous God!
> Should stand before Thee with a tyrant's rod,
> O'er creatures like himself—with souls from Thee,
> And yet to boast of perfect liberty!"

We demand the abolition of slavery in the national District, not only as an act of justice to the enslaved and to the free States which have been treacherously implicated therein, but also as one of the reformatory measures necessary to the vindication of our national character before the world. Everywhere the cause of republican Government is sadly disparaged and stigmatized by our inconsistency and treachery. American liberty is understood abroad to mean the liberty to oppress, the liberty to enslave, the liberty to imbrute our fellow-men; and one foreign writer has even suggested that our national emblem should be made truly emblematic of our real character, by picturing the eagle with liberty on his wings, and with a negro chained and writhing in his talons, and his heart's blood dripping from his beak. American Democracy is looked upon as a huge, one-eyed, gigantic monster—a modern Polyphemus—sporting the cap of liberty on his head, and mouthing the peans of freedom on his tongue, while he stalks ruthlessly over men and treads them down as worms. He is sometimes depicted in foreign cities, according to the reports of American travelers, standing erect upon the human auction block, in the act of selling men, women, and children, to the highest bidders; again, with coat off and arms bare, whipping nude-backed women; and again, with rifle and hounds, chasing a flying fugitive slave over mountain and moor, whose only crime is, that, like Washington, he loves liberty too well.

Said Lafayette, a few years before his death:

"While I am indulging in my views of American prospects and American liberty, it is mortifying to be told that in that very country a large portion of the people are slaves. It is a dark spot on the face of the nation."

Says E. S. Abdy, in his book entitled "A Residence and Tour in the United States:"

"A view of the national sin of America, after admiring the natural grandeur of the country, is like discovering the object of worship in the old temples of Egypt, where, after the stranger had walked bewildered through vistas of superb architecture, he came at last to the filthy idol—a mouthing and obscene ape, playing its pranks on a throne of gold! And this is the thing to be worshiped in America; a mockery and disgrace of the human character enthroned in the West; a nation of slave-drivers masquerading it with the cap of liberty; a Christian people surpassing all the heathen tribes of the world in systematic wickedness; a free Republic practicing greater oppression than was ever heard of in the old king-scourged and priest-ridden despotisms of Europe."

Says an Edinburgh Reviewer, in an article on "Travelers in America:"

"Every American who loves his country should dedicate his whole life and every faculty of his soul to efface the foul blot of slavery from its character. If nations rank according to their wisdom and virtue, what right has the American, a scourger and murderer of slaves, to compare himself with the least and lowest of the European nations, much less with this great and humane country where the greatest lord dare not lay a finger on the meanest peasant? What is freedom where all are not free, where the greatest of God's blessings is limited, by impious caprice, to the color of the body? And these are the men who taunt the English with their corrupt Parliament, with their buying and selling votes! Let the world judge which is the more liable to censure—we who, in the midst of rottenness have torn the manacles off slaves all over the world, or they, who, with their idle purity and useless perfection, have remained mute and careless, while groans have echoed and whips cracked around the very walls of their spotless Congress. We wish well to America; we rejoice in her prosperity, and are delighted to resist the absurd impertinence with which the character of her people is often treated in this country. But the existence of slavery there is an atrocious crime, with which no measures can be kept, for which her situation affords no sort of an apology, which makes liberty itself distrusted and the boast of it disgusting."

I have cited these passages not that they can afford any satisfaction to national pride or patriotism—they certainly afford me none—but because they are truthful, and teach us in what estimation we are held abroad on account of our slaveholding. Every *true* American, every real patriot must feel deeply for the honor of his country, and lament the dark plague-spot which has brought upon it the keen reproaches and scorn of an enlightened universe. Oh, sir, this fair temple of freedom, with the demon of slavery as the presiding divinity enthroned within; this magnificent altar of liberty, with human victims for the sacrifice, this asylum for the oppressed of all other lands, and the cruel grave of the rights and liberties of millions of our own land! Justice, humanity, liberty, patriotism, all implore us to banish slavery from the national capital, and everywhere to absolve the Federal Government from its guilty complicity with slavery. They call upon us to denationalize it, and disabuse the national character of the horrible infamy which burns and blackens upon its escutcheon, from the perversion of the freest and best Government on earth, ordained for the protection of human rights, into a tremendous engine for their destruction. Have we become so callous, so reckless, so lost to a proper self-regard, and "a decent respect for the opinions of mankind," as to madly persist in trampling upon the great and vital principles of our own Government, and in offering hecatombs of men upon the altar of American liberty? Shall we wait for the avenger of blood to teach us the awful lesson affirmed by all history, that national calamities and ruin are the sure and inevitable consequences of national injustice and crime?

Mr. President, here I might pause; but it may not be amiss to glance at the subsequent policy of a Government which signalized its inauguration by reëstablishing slavery in the metropolis of the nation, and expose its profligacy in pandering to the vilest despotism beneath the sun. Although the Constitution of the United States makes no distinction on account of complexion, and admits no right or disqualification therefor, its administrators have taken it upon themselves, in utter violation of its letter and spirit, to proscribe all whiteless persons, and legislate them out of the pale of its protection. Never has a Government been guilty of a more audacious usurpation of power, or a grosser violation of constitutional prerogative. Let us glance at the proscriptive crusade of the Federal Government against a part of the people of this country. Its first act in this direction, as we have seen, after the adoption of the Constitution, was the enactment of the whole slave code, and the reinstitution and perpetuation of slavery in the Federal District.

In 1790, Congress passed an act of naturalization, by which any alien, being a *white* person, may be admitted to the rights of citizenship, thus proscribing all aliens, however worthy, on whom, or on whose ancestors, the sun may have shone a little too vertically, and, at the same time receiving any and all other persons, however immoral and debased. Marvelous statesmanship, sir, thus to open the door wide to ship-loads of white paupers and criminals from the Old World, and bolt it fast against colored foreigners, though ennobled by all the virtues and excellencies that can adorn human nature! In 1792 Congress passed an act to organize the militia of the United States, which provided for the enrollment of none but free, able-bodied, *white* citizens, although the fact was then fresh in the knowledge of Congress and the country that no class of soldiers had fought more heroically, or done more, proportionally, to achieve the liberties of the country in the revolutionary conflict, than the very class thus proscribed. And it should be added, in justice to them, thus cut off from the privilege of participating in the defense of their country—a privilege denied by no other Government on earth to its subjects—that they came forward as volunteers in the second war with Great Britain, and, by their patriotic devotion and soldierly exploits, won from the lips of their commanders the highest meed of praise. Their patriotism and valor rose superior to the injustice and contumely of their persecutors.

In the year 1810, Congress again thrust at the dark-complexioned people of the country, by enacting that "no other than a free *white* person shall be employed in carrying the mails of the United States, either as a post-rider, or driver of a carriage." Any other person, of whatever character, may carry the mail: but a *native* American, of unsullied character and virtuous aims, unexceptionable for probity and trustworthiness, if his complexion chances to be a little dusky, is proscribed as unfit to drive the horses which draw the mail-bags of the country.

The Federal Government has disfranchised the colored men of the District of Columbia, and left them to be plundered of their money, under the specious name of taxes, in the disbursement of which they have no voice, and no direct benefit—thus holding to their lips the same bitter chalice of oppression which our revolutionary fathers dashed from theirs with indignant scorn. Taxation without representation they could not endure—but this Government has inflicted the same intolerable wrong upon the colored man.

By the laws of this Government all colored persons are precluded from the advantages of some, if not all, the Territories of the United States, they being opened to none but "free *white* persons." A dark complexion is thought incompatible with a settlement in the wilds of the West.

Thus, sir, has the Federal Government warred upon a part of the people—it has pursued them to the utmost extremity; it has legislated them down, and frowned them down, and trampled them down, with an arbitrariness and cruelty well illustrated by the Procrustean bedstead of antiquity, on which men were laid and made to fit—those too short were stretched, and those too long were cut to its length. Wherein is the difference between this barbarity, and that of cutting and graduating human rights by the hue of the skin? They are alike arbitrary, unjust, and tyrannical. Men are no more responsible for their color than for their stature, and to make their rights depend on any such accident of birth, or climate, is the baldest despotism—as absurd as impious.

And yet the friends and abettors of this inhuman policy, with an air of great self-complacency, tell us that the colored people are an "inferior and degraded race." Then why not have the justice and magnaminity to remove their civil disabilities, and let them rise, and no longer exhibit toward them the dastardliness of an overgrown bully, who pounces upon the weak and defenseless? Their alleged inferiority should entitle them to the protection of their superiors rather than to their destruction. Ill does it become the cruel inflictors of all their wrongs to speak of their inferiority, ignorance, and debasement. Inferior, sir! Who has made them inferior? Ignorant! Who has doomed them to ignorance? Debased! Who has sunken them in debasement? They, be it understood, who have brought all the sanctions of law and custom to crush them; who have snatched from them the key of knowledge, and closed every avenue to their elevation and advancement. Put out the eyes of men, and then tell them scornfully that they are blind. Extinguish the Promethean fire in their souls, and then tell them tauntingly that they are darkened and debased. It is the crowning villany of tyrants that they visit their own crimes upon their victims, and thus seek to hide their own guilt under the wrongs which they inflict. Allege not the depressed condition of your

colored brother, whom you have sold into Egypt, as an excuse for your cold-blooded treachery. As well might the hawk taunt the dove in his talons, because he does not fly away to the azure heavens, or the wolf upbraid the lamb in his clutches, because he does not skip and play. Rather does it become you to lay your hand on your mouth, and your mouth in the dust, and cry unclean! unclean!

Sir, what would be thought of the father who should depress and degrade one part of his family, and permit another portion to trample upon the victims of his unnatural cruelty and injustice? He would be pronounced a miscreant, or a lunatic; and is not this equally true of the larger family of the State? What shall be said of that kind of statesmanship which treats one class of people with scorn and contumely, thus alienating their affections from the State, and filling their bosoms with hate and revenge; forcing upon them the maddening conviction that they are despised aliens and outcasts in their own country, with nothing to dread but peace, and something to hope from revolution? It is a dangerous and infatuated policy which, at some national crisis, might bring resultant disaster and ruin. The grand aim of all just Governments and all wise legislation is, not to depress, but to elevate; not degrade, but to ennoble; not to curse, but to bless every class and condition of people, and thus, while fulfilling their appropriate functions, conciliate the patriotic regards of all, and fortify the State with a circling rampart of true, devoted, loyal hearts. Well did Jefferson wax warm on this point, and exclaim:

"With what execration should the statesman be loaded who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies; destroys the morals of the one part, and the patriotism of the other. And can the liberties of a nation be thought secure, when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God, and not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situations, is among possible events: that it may become probable by supernatural interference. The Almighty has no attribute that can take side with us in such a contest."

But, Mr. President, there is still another chapter in the history of the prostitution of the Federal Government to the purposes of slavery and slavery propagandism, to which I ask the attention of the Senate. By the act of 1807, Congress undertook to regulate the coastwise American slave trade, and directed in what vessels, and in what manner it should be carried on, thus abetting and protecting a traffic in the people of this country, which, if prosecuted on the coast of Africa, Congress has since declared to be piracy punishable with death. Can any political casuist tell us how it is that the Government of the United States should allow its own native-born people to be bought up and transported in vessels under its own authority and regulation, to be sold in the slave markets of the Republic; while at the same time, it prohibits the buying and shipping of native Africans under penalty of death? Or why it should hang a man as a pirate for trading in one African savage, and assume to regulate the trade in thousands of American Christians, as they are sometimes represented; thus withdrawing its protection from millions of its own native people, and lavishing it on a barbarous people in a distant land? If it be piracy to steal men from Africa, and sell them in the human shambles, how shall we characterize the stealing of Africo-Virginians, and transporting them under the regulation of United States laws, to be sold in the man-markets of the South and Southwest? We even hear the African slave trade palliated in a certain quarter, as a grand missionary enterprise, by which its poor benighted victims are translated out of their heathenish darkness into the marvelous light of the "Model Republic;" but no such plea can be urged in extenuation of the American slave trade, inasmuch as its victims are snatched from under the blazing light of the old slave-breeding States, and doomed to regions less blessed with the beams of the day-star. The trader's profit is the sole consideration, at the expense of the slave's interests and happiness.

In the city of New York a man now awaits the execution of the sentence of death, pronounced by a United States court, for buying and selling Africans into slavery. Two citizens of Wisconsin have been condemned to fine and imprisonment, by a United States court, for the alleged crime of helping one American out of slavery. To steal a man from Africa and sell him into slavery is piracy, punishable with death; to assist this stolen man to escape from the pirate, or his successors, and regain possession of himself, is a crime to be expiated by a felon's cell and a fine of $1,000. To traffic in the people of Africa is piracy: to trade in the people of this country, even to the selling of white women for purposes of prostitution, why, sir, this is entirely innocent and right, *according to law*. Such are the fatuity and villany of human legislation, which courts, conspiring with tyrants against the authority of Heaven, attempt to baptize by the sacred name of law, and teach obedience to its murderous behests! The Government of the United States has virtually authorized and sanctioned this execrable commerce in the people of this country, by interfering to regulate the traffic which annually tears tens of thousands of persons from all that they hold dear on earth, and transports them, to be sold into a strange and weary land. Said Thomas Jefferson Randolph in a speech to the Legislature of Virginia, in 1832:

"It is a practice, an increasing practice, in parts of Virginia, to rear slaves for market. How can an honorable mind, a patriot, and a lover of his country bear to see this ancient dominion, rendered illustrious by the noble devotion and patriotism of her sons in the cause of liberty, converted into one grand menagerie, where men are reared for the market, like oxen for the shambles? Is it better, is it not worse, than the [African] slave trade—that trade which enlisted the labor of the good and wise of every creed and every clime to abolish it? The trader receives the slave, a stranger in language, aspect, and manners, from the merchant who has brought him from the interior. The ties of father, mother, husband, and child, have all been rent in twain; before he receives him his soul has become callous. But here, sir, individuals, whom the master has known from infancy, whom he has seen sporting in the innocent gambols of childhood, who have been accustomed to look to him for protection, he tears from the mother's arms, and sells into a strange country, among a strange people, subject to cruel taskmasters. In my opinion it is much worse."

Said the Synod of Kentucky in 1825:

"Brothers and sisters, parents and children, husbands and wives, are torn asunder and permitted to see each other no more. These acts are daily occurring in the midst of us. The shrieks and the agony, often witnessed on such occasions, proclaim, with a trumpet-tongue, the iniquity of our system. There is not a neighborhood where these heart-rending scenes are not displayed. There is not a village or road that does not behold the sad procession of manacled outcasts, whose mournful countenances tell that they are exiled by force from all that their hearts hold dear."

The Richmond Inquirer, Virginia, in 1847, held the following language:

"It is a melancholy fact that negroes have become the only reliable staple of the tobacco growing section of Virginia, the only reliable means of liquidating debts, foreign and domestic. They are sold here by hundreds, under the hammer of the auctioneer. The domestic cannot compete with the southwestern demand for them, for the plain reason the tobacco grower cannot make half of one per centum per annum on slave labor, while the cotton and sugar planters make, perhaps, from fifteen to twenty per centum. Our negroes are going by hundreds, yea, by thousands, to the southwest."

Although the census is cautiously silent, and furnishes no statistics relative to this branch of American commerce in Americans, we are able, by much labor, to glean from it certain data, from which we can form some estimate of the probable amount of human exports from the slave-breeding States, and the human imports into the slave-buying States, during the last decennary. We find the average increase of the whole slave population to have been 28.87 per centum. But in Virginia the ratio of increase was but 5.21 per centum; in Maryland 0.07; in North Carolina 17.58; in Delaware the decrease was 12.09.

What became of the slaves thus disappearing from these States? They were not swept away by pestilence or famine, but by the "soul-drivers," as they are technically called, into Georgia, where the increase was 35.85 per centum; into Missouri, where the increase was 50.10 per centum; into Florida, where it was 52.85 per centum; into Mississippi, where it was 58.74; and into Arkansas, where it was 136.26 per centum.

Mr. GEYER. Let me tell the Senator from Connecticut that the slaves brought into Missouri are not brought there for sale; we have a law forbidding that; but they are brought by emigrants from other States.

Mr. GILLETTE. That is the Senator's explanation, but it does not alter the facts I have stated.

Mr. DAWSON. The increase being so great shows how well they have been taken care of, fed, and clothed.

Mr. GILLETTE. What does the honorable Senator from Georgia say in relation to the facts appertaining to the old States, which show a large decrease? What does that indicate?

Mr. DAWSON. Simply that they have been taken to the newer States where the land is better and cheaper, and there are better opportunities of living freely and liberally.

Mr. BUTLER. My friend from Georgia ought to have answered that the process was very much like that in Massachusetts, Connecticut, and other States, where, when they had no further occasion for their slaves, they sold them, and sent them to other places. In some States, years ago, when they had no further use for slaves, they sold the mothers and kept the children.

Mr. GILLETTE. I will only say, in reply to the Senator from South Carolina, that there was in Connecticut *a class* of the *real* slaveholders who sold their slaves; but another and a much more numerous class who emancipated them. As for slave mothers, he knows more about them than I do. But, sir, to return to my argument.

In several slave-importing States other than those which I have already mentioned, the increase is much above the average ratio, thus showing a vast domestic slave trade which numbers many thousands annually. Supposing the natural increase in the four slave-exporting States mentioned, to be thirty-three per cent., which cannot be too high, considering the mildness of their climate, the lightness of slave labor, and the leniency of slave treatment, compared with the climate, labor, and treatment endured by the same class in the rice, cotton, and sugar States, in some of which the consumption is reported to exceed the domestic increase, the number of slaves in the four States named should have amounted to.....1,050,699
Whereas the actual enumeration was but. 851,444

Thus making the number exported... 199,255

between the years 1840 and 1850, which, at $600 each, would amount to $119,535,000—the great consideration, after all that has been said to the contrary, for the perpetuation of slavery in those States.

In this connection, Mr. President, and in conclusion of this topic, I will read a short extract from the speech of the Hon. T. B. Macaulay, delivered in the British Parliament, on the "sugar duties." The great name of its author must secure for it the attention of every Senator "who hath ears to hear:"

"Then a new distinction is set up. The United States, it is said, have slavery; but they have no slave trade. I deny that assertion. I say that the sugar and cotton of the United States are the fruits, not only of slavery, but of the slave trade. And I say further, that, if there be on the surface of this earth a country which, before God and man, is more accountable than any other for the misery and degradation of the African race, that country is not Brazil, the produce of which the right honorable baronet excludes, but the United States, the produce of which he proposes to admit on more favorable terms than ever.

"I affirm, then, that there exists in the United States a slave trade not less odious or demoralizing, nay, I do in my conscience believe, more odious and more demoralizing than that which is carried on between Africa and Brazil. North Carolina and Virginia are to Louisiana and Alabama what Congo is to Rio Janeiro. The slave States of the Union are divided into two classes—the breeding States, where the human beasts of burden increase and multiply, and become strong for labor, and the sugar and cotton States, to which those beasts of burden are sent to be worked to death. To what an extent the traffic in man is carried on, we may learn by comparing the census of 1830 with the census of 1840. North Carolina and Virginia are, as I have said, great breeding States. During the ten years from 1830 to 1840 the slave population of North Carolina was almost stationary. The slave population of Virginia positively decreased. Yet, both in North Carolina and Virginia, propagation was, during those ten years, going on fast. The number of births among the slaves in those States exceeded by hundreds of thousands the number of the deaths. What, then, became of the surplus? Look to the returns from the southern States, and from the States whose produce the right honorable baronet proposes to admit with reduced duty or with no duty at all, and you will see. You will find that the increase in the breeding States was barely sufficient to meet the demand of the consuming States. In Louisiana, for example, where we know that the negro population is worn down by cruel toil, and would not, if left to itself, keep up its numbers, there were, in 1830, 107,000 slaves; in 1840, 170,000. In

Alabama, the slave population during those ten years much more than doubled; it rose from 117,000 to 253,000. In Mississippi it actually tripled; it rose from 65,000 to 195,000. So much for the extent of this slave trade. And as to its nature, ask any Englishman who has ever traveled in the southern States. Jobbers go about from plantation to plantation, looking out for proprietors who are not easy in their circumstances, and who are likely to sell cheap. A black boy is picked up here, and a black girl there. The dearest ties of nature and of marriage are torn asunder as rudely as they were ever torn asunder by any slave captain on the coast of Guinea. A gang of three or four hundred negroes is made up; and then these wretches, handcuffed, fettered, guarded by armed men, are driven southward as you would drive, or, rather, as you would not drive, a herd of oxen to Smithfield, that they may undergo the deadly labor of the sugar mill near the mouth of the Mississippi. A very few years of that labor in that climate suffice to send the stoutest African to his grave. But he can well be spared. While he is fast sinking into premature old age, negro boys in Virginia are growing up as fast into vigorous manhood, to supply the void which cruelty is making in Louisiana. God forbid that I should extenuate the horrors of the slave trade in any form. But I do think this its worst form. Bad enough it is that civilized men should sail to an uncivilized quarter of the world where slavery exists, should there buy wretched barbarians, and should carry them away to labor in a distant land; bad enough. But that a civilized man, a baptized man, a man proud of being a citizen of a free State, a man frequenting a Christian church, should breed slaves for exportation, and, if the whole horrible truth must be told, should even beget slaves for exportation*; should see children, sometimes his own children, gamboling around him from infancy; should watch their growth; should become familiar with their faces, and should then sell them for $400 or $500 a head, and send them to lead in a remote country a life which is a lingering death—a life about which the best thing that can be said is that it is sure to be short. This does, I own, excite a horror exceeding even the horror excited by that slave trade which is the curse of the African coast. And mark: I am not speaking of any rare case, of any instance of eccentric depravity. I am speaking of a trade as regular as the trade in pigs between Dublin and Liverpool, or as the trade in coals between the Tyne and the Thames."—(Pp. 344, 348.)

As additional proofs of the action of the Federal Government in behalf of slavery, I might speak further of its tolerance of slavery in the Territories where, by the Constitution, its jurisdiction is exclusive; of its unconstitutional and barbarous enactments for the rendition of fugitive slaves; of its persevering negotiations with foreign nations for the surrender of, or compensation for, fugitive slaves; of its invasion of Florida to capture absconding slaves; of its interference to prevent emancipation in Cuba; of its duplicity in its insincere attempts to suppress the African slave-trade; of its refusing to acknowledge the independence of Hayti, or receive an embassador from that Government; of its annexing Texas to extend and strengthen slavery, as avowed by the leading southern advocates of that measure; of its invasion of the right of petition; the liberty of the press, and the freedom of speech on the subject of slavery; of its admission into the Union of nine new slave States; of its wars of conquest for the acquisition of a vast area of territory, to be devoted to slavery; of its recent abrogation of the Missouri compromise; of its admitting the principle of property in man, by granting claims for lost slaves, as was done but two or three days since; and worse, and more revolting even, allowing claims for children of female slaves, that never were born, as was done in 1834 to certain citizens of Georgia, for depredations by Creek Indians, on the principle set forth in the report of the committee thereon, to wit, that "a much higher value is set on a female slave in consequence of an anticipation of increase—a property in expectancy in the issue of such female slave." (Reports of committees, first session, Twenty-Third Congress, No. 140.) Thus, sir, the people of the free States were taxed many thousand dollars by the Government to pay for slave children which, happily for them, were never created, and lived only in the prolific imagination of the slaveholder, engendered there by his cupidity.

"To such base uses" has this Government come at last—thus has it been perverted, debauched, prostituted, by a domineering negroöcracy, now numbering three hundred and fifty thousand members, and bound together by a monopoly of at least $1,500,000,000 in human flesh. By this slaveholding oligarchy this Government has always been controlled and wielded, for the support and extension of slavery which, the late John Q. Adams truly said in a speech to his constituents, shortly before his death, "constitutes the very axle around which the administration of your national Government revolves. All its measures of foreign and domestic policy are but radiations from that center."

Mr. President, the Constitution under which we are legislating knows no man by his color, creed, or clime. Based on the great principle of natural law, as enunciated in the national declaration—the exact equality of all men in natural rights—it reads: "We, the *people*, do ordain and establish this Constitution," thus emanating from all, and embracing all within its ample scope. The illustrious men who formed it, had not made the profound discovery that human rights depend on complexion, or any other physical peculiarity. They embarked in the revolutionary struggle with the motto emblazoned on their banner—all men are equal in rights; under its inspiration, they conquered, and came out of the contest declaring it to be "the boast and pride of America that the rights for which she had contended are the rights of human nature." Deeply imbued with these noble sentiments, they formed the Constitution, and so far from admitting therein the possibility that man can be made property, they not only discarded the odious term slave, but went so far as to substitute the term service instead of servitude, it being understood that the former implied the state of freedom, and the latter the condition of slavery.

No matter what physical difference may exist among men; no matter whether an African, an Asiatic, a European, or an American sun may have shone upon them; no matter whether the human soul be enshrined in ebony, bronze or ivory, "a man's a man for a' that," equal in rights before God and the Constitution of the country. To deny this is to contradict the spontaneous utterance of human nature herself, and strike at the center column of the temple of liberty. For how can any man's liberties be secure after this fundamental principle is overthrown? That moment we are all at the mercy of the strongest, and might usurps the place of right. Perfect equality of rights, and equal liberty to exercise those rights—such is the organic law of the land; and though rejected and trampled now, it must and will prevail.

"Truth, crushed to earth, shall rise again;
The eternal years of God are hers;
But Error, wounded, writhes in pain,
And dies amid her worshipers."

In conclusion, Mr. President, I can only deprecate the measure before the Senate, urged as necessary for the enforcement of the fugitive act, and designed to complete its supremacy over State authority. No effectual resistance can be made to its passage. The arm of the slave power is again uplifted, and another blow is about to fall upon the liberties of the States to crush them into Federal absolutism. I bow to what is inevitable by the fiat of a power that knows no forbearance, looking hopefully to a higher Power, to whom our fathers looked in the day of their calamity, and were signally delivered. I have no threats to fulminate, and but a word of admonition. I caution you not to drive the North to intenser exasperation. Her grievances are already greater than she can bear; do not throw another combustible upon the flame. Desist from your reckless crusade upon her rights; your aggressive war upon her liberties. Having crossed the Rubicon, I warn you to stop and count the cost, before pushing on to capture the last citadel of freedom.

Constituted as the Senate now is, there can be no reasonable hope of resisting any decree registered here by the dominant power. That power, strongly backed as it is by its northern minions, is absolute for evil. But, sir, as said the elder Adams on a memorable occasion, "great is Truth; great is Liberty; great is Humanity; and they must and will prevail." They who resist their march, whether Senators, Presidents, or Judges, will be scattered like chaff by the breath of the tempest. All the high and holy attributes of Omnipotence are pledged to "break the oppressor in pieces," and pluck the human spoils out of his teeth.

Great changes in public sentiment have occurred within the last twenty years, and greater changes are to come within the next ten years. The booming cannon which celebrated the fall of the Missouri compromise, just north of the Capitol, on the memorable, the "melancholy night" of my induction into this body, also heralded the resurrection of liberty from her inglorious sleep, and the overthrow of that colossal power that has so long darkened and cursed the land. In the lurid flash of those cannon it might have read the hand-writing of its doom upon these walls, and heard in their roar its echoing dirge. I thank God the dark night of servility and shame is passing away, and the day-dawn of a regenerated freedom and manliness is shining upon our mountains and hills. Animated, quickened, transported by its cheering rays, I catch and echo the words of one of freedom's own poets:

"Through all the long dark night of years,
The people's cry ascendeth,
And earth is wet with blood and tears,
But our meek sufferance endeth;
The few shall not forever sway,
The many moil in sorrow;
The powers of hell are strong to-day,
But Christ shall rise to-morrow.

Though hearts brood o'er the past, our eyes
With smiling futures glisten!
For lo! our day bursts up the skies;
Lean out your souls and listen!
The world rolls freedom's radiant way,
And ripens with her sorrow;
Keep heart! who bear the cross to-day,
Shall wear the crown to morrow."

Mr. BROWN. I now rise for the purpose of asking permission to be allowed to have a change made in a vote which I gave this morning on a motion of the Senator from Ohio, [Mr. CHASE,] to strike out the words "under color thereof." I was mistaken in the question, and voted in favor of striking out. I intended to vote differently, and as it makes no difference in the result, I hope, by unanimous consent, I may be allowed to change my vote.

The PRESIDING OFFICER, (Mr. WELLER.) It cannot be done, except by unanimous consent.

Mr. CHASE. I object. I should not do so but for the fact that I asked the same favor the other day, and it was refused on the ground that it could not even be done by unanimous consent.

Mr. BROWN. Well, sir, it is a matter of no consequence.

Mr. JONES, of Tennessee. I do not mean, Mr. President, to enter into this debate. The truth is, I did not know that this bill was coming up, nor did I know the purport of the bill. There are, however, some things which have occurred here to-night to which I desire to allude.

We have heard two speeches from the Senator from Ohio, [Mr. WADE,] each about an hour or an hour and a half in length, deprecating the introduction of this question suddenly, asserting that it was sprung upon them; that they were not prepared for it; and that they were astonished that it was sprung on them. Now, we have sat here for one hour and a half listening to the elaborate essay which we have just heard, written out, every *i* dotted and every *t* crossed, which must have required days, if not weeks, in its preparation. What are we to think of the frankness, candor, or sincerity of that party who are fighting this measure? We are upbraided for hours with forcing the question on them suddenly, and we have just heard delivered an essay written out in advance, which no man in the Senate could have prepared in a week; and in that essay the Senator refers to this very measure, showing that he had his eye to it and had prepared himself for it. Now, gentlemen, if you can find it in your hearts to be honest for once, just tell us that you knew all about it, and were ready to come up and fight it. Just try and be honest for once. [Laughter.]

Another thing, Mr. President, to show you that this is a concocted scheme, and that it is perfectly understood by this little band, I will not say of traitors, because that would not be respectful, but if I were to say what I think I should say so.

Mr. SEWARD. Speak it out.

Mr. JONES, of Tennessee. I believe it on my own personal responsibility. I do not say it senatorially, but personally I do. [Laughter.] I

* Soon after resuming my seat, upon this statement being called in question, I received a note from a stranger in the gallery, stating that "fourteen instances" of fathers selling their own children had fallen under his observation, several of which are known to members of Congress, and in two of which he himself was the purchaser. On subsequent inquiry, I have learned that the gentleman, who made the communication, is from a slave State, where he has held high judicial positions.

wish to say that there is a perfect understanding, a secret understanding, between these men. How did the Senator who has just addressed us, [Mr. GILLETTE,] who has all the urbanity of a gentleman—and I hope I shall deport myself to him as such—happen to allude to the remark contained in the address of the Senator from Ohio [Mr. WADE] about the booming cannon and its lurid flames, unless he knew precisely what that Senator was going to say? There is no mistake about it. Just own like gentlemen that you knew all about it. [Laughter.] Here, (pointing to Mr. GILLLTTE,) how did you know that the Senator from Ohio was going to say that, unless you conferred with him about it, and how did you happen to have an allusion to it in your speech written out, covering about fifty pages of manuscript?

Mr. PETTIT. If the Senator from Tennessee will allow me, I should like to have him press this further question, whether it was not one of those gentlemen who had the subject referred to the Committee on the Judiciary for consideration.

Mr. JONES, of Tennessee. I will ask that question. I did not know anything about it before, but I put the question whether any one of them did that? Answer the question, gentlemen; come out like men, and answer it. [Laughter.] I put the question whether any of you did have this question referred to the Committee on the Judiciary, or not?

Mr. PETTIT. Silence gives consent.

Mr. JONES, of Tennessee. I am afraid there is a little cheating here. [Laughter.] Both the Senators from Ohio said that this subject had been precipitated upon them, but yet, we are now led to believe that one of them did have it referred to the Committee on the Judiciary; that they did know the bill was to be reported, because here is an elaborate speech, requiring a week to write it out, (I think it would have required a week for me to write it out,) in which he refers to remarks that were made by another Senator who preceded him. You are not playing fair; there is no mistake about it; you are dodging this question. [Laughter.]

But, sir, I wish to say a word on another point, which is more important. I do not mean to answer, I do not suppose I could answer, the essay of the gentleman from Connecticut; but there are one or two points in it to which I wish to advert. He has read to us extract after extract from foreign journals, foreign reviewers, and foreign witnesses, all for what? To throw dishonor and discredit upon his own country. He has read to us abuse, lower, meaner, more servile, falser than the low miserable abuse of Mrs. Trollope herself.

Mr. GILLETTE. Will the gentleman allow me to say a word?

Mr. JONES, of Tennessee. Certainly.

Mr. GILLETTE. I stated distinctly that my object was to show the position which we occupied in the estimation of foreign nations, while I deeply regretted the fact that there was occasion for any such opinions abroad.

Mr. JONES, of Tennessee. Mr. President, God forbid that I should ever reach that point when sectional prejudice or influence will induce me to throw dishonor on my country! The Senator has reviled not only the slaveholders, but the slaves themselves; but, sir, if even the separation were to take place between me and my slaves, and my rights and my paternity were to be sacrificed, if to maintain them were at the expense of the pride, the character, and the honor of this country, God forbid that I should ever avail myself of it. If in assailing the fanaticism of the North, which I think worse than the treachery of Judas, I am driven to assail my own country, I will submit to that treachery. When the time comes that I shall so far forget my duty to my country as to revile her, I ask God to paralyze the tongue that does so. Sir, (addressing Mr. GILLETTE,) look upon that picture, (pointing to the portrait of Washington, which is suspended above the President's chair,) I fear you dare not look up to it; but when the time comes that I shall forget the presence of the Father of his Country, and revile that country for the purpose of ministering to the low, the mean, the sordid passions and prejudices of fanaticism, may the God who made me sacrifice me on an altar purer and better than that.

Mr. GILLETTE. I look that picture full in the face, and I tell the Senator that the honored man whom it portrays uttered sentiments as hostile to slavery as any I have uttered this night on the floor of this Chamber. He deprecated it with all his heart, and declared, over and over again, that his vote should not be wanting to abolish it. That face, I see, darkly frowns upon the Senator himself for the atrocious sentiments which he is uttering.

Mr. JONES, of Tennessee. Ah! Mr. President, if the dead could rise, if that mighty form which is represented there could stand up here erect, in all its majesty, and he who was the master of hundreds of slaves, he who gave his whole life and services to his country, could stand here and hear his name invoked to vindicate the foulest treachery against the Constitution of his country, we should——

Mr. COOPER. I call the Senator from Tennessee to order.

The PRESIDING OFFICER. The Senator from Pennsylvania will state his point of order.

Mr. COOPER. The language which the Senator from Tennessee uses is not in order.

The PRESIDING OFFICER. What is the point of order?

Mr. COOPER. That he is addressing himself to another Senator, denouncing him as a traitor.

Mr. JONES, of Tennessee. Not at all.

Mr. COOPER. You were denouncing his conduct as treacherous.

Mr. ADAMS. I insist that the Senator from Pennsylvania shall address the Chair and not the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee will proceed.

Mr. JONES, of Tennessee. I understand I am in order. I do not mean to be disrespectful, but I will never stand in my place in this Chamber and hear the name of the Father of his Country invoked in support of a tirade of denunciations against the institutions of that country for whose benefit he gave his whole life and his whole services. Make all the questions of order on me you please; I will never submit to it. But, sir, I did not mean to say that much. I sat here and listened, I think, with Christian forbearance, to a tissue of the strangest misconception—if that term will suit gentlemen, but if I were to express myself plainly I should say misrepresentations—phantasies of the imagination, chimeras of the brain. He has told us of a woman hawked through the streets with a rope around her body. Nobody saw it done; there was no witness to testify to it. It may have been so. I do not know the facts, but I submit to the Senator whether that is the sort of argument which dignified and honorable Senators ought to use here. The honorable Senator stated in his address that this question had been precipitated upon him, and yet in that very address he quoted remarks made by the Senators who preceded him.

The Senator from Connecticut must suppose that gentlemen of the South are utterly abandoned to all ideas of self-respect. Does he think they can sit here, quietly and submit to hear such statements as are contained in a publication which he read from one of his foreign witnesses, to the effect that it was not unusual to see men separated from their wives, and children from their parents, and that under the operation of the slave trade between the States, even they were selling their own children in the market. Those are his words. I call upon that Senator to tell me, to tell the Senate, to tell the world where he ever knew a Southern man to put his own children in the market. Yet, sir, if we sit here and, after hearing charges of this kind preferred against us, open our mouths, we are said to be agitators, or are called to order. A fouler calumny against the South was never perpetrated. Name your man, wherever he lives, wherever he be; if there be such a man, and I will join you in the bitterest execrations and denunciations of such a wretch as you may feel it in your own heart to bestow on him. Yet, sir, you stand upon the floor of the American Senate and read charges of that sort against Southern men! Where is the man who will stand up and prove any such charge? I can take the whole speech and prove that more than half of it is as ridiculous and as false as that. But I do not mean to answer the speech. I would not lower myself so much as to do so.

I listened to the Senator as patiently and as respectfully as I could, considering the circumstances, and I found that one half hour of his speech was devoted to prove the wrongs and injustice perpetrated by the white man upon the black man. He even quoted higher than any earthly authority to prove the gross injustice and iniquity of the servitude of which he spoke. Half an hour of his speech was devoted to prove equality between the black and the white man. Now, I ask that Senator if he is sincere in his declaration that the black man is entitled to equality with the white man, socially or politically? I put that question to the Senator.

Mr. GILLETTE. Mr. President, the Senator from Tennessee, unintentionally, I trust, quotes but a part of my language, and thus misrepresents me entirely. I endeavored to show the reason why the black man is not equal to the white man in this country to be, because the whole legislation of this Government, and of many of the States, has been wielded to crush him. I did say that, under the Constitution of the United States, *all* men are equal in natural rights, and have the same title to the enjoyment of those rights. That was my language, and not as the Senator quotes me as saying that all men in this country are equal.

Mr. JONES, of Tennessee. I did not say that; but I mean that this issue shall be met fairly. I put the question now to the Senator. Does he believe that a black man is entitled to an equality of rights, socially and politically, with the white man? That is a plain issue. I put the question directly to the honorable Senator, and respectfully; do you believe that the black man is entitled to an equality of rights with the white man, either socially or politically?

Mr. WILSON. Mr. President——

Mr. JONES, of Tennessee. I do not yield the floor to the Senator from Massachusetts. I am speaking to the Senator from Connecticut. I will take you one at a time.

Mr. GILLETTE. I thought that, I before expressed myself in such a manner, that every Senator could understand me. I do believe, and I have the highest authority for the belief, that all men are equal in natural rights, that they have the same right to life, liberty, and the pursuit of happiness, irrespective of color, or of any other physical peculiarity.

Mr. JONES, of Tennessee. That is not answering the question. Natural rights are one thing, and social and political rights are a wholly different thing. It is a natural right to breathe the air of the atmosphere, to drink water, to eat food. Every animal upon God Almighty's earth, the horse, the mule, the ass, all are entitled to those benefits. My question was not in relation to them. My question is this: While these gentlemen are waging a war against the institutions of the South, and contending for the equality of the rights of the black man with the white man; while they are inveighing against the cruelties which they say we perpetrate on our negroes; while they are maintaining all this philanthropy, I put a naked, an isolated, an abstract question: Do you believe in the equality of the two races? But, sir, I will vary the question, and put it in this form—are you willing that the black man shall participate equally with the white man, in all the social and political benefits of this country?

Mr. GILLETTE. Mr. President, I certainly am willing, yea, desirous, that all men, irrespective of color, should have the same rights and the enjoyment of the same privileges to work out the great problem of their existence; and to "participate equally" in that social equality to which the gentleman alludes. I do not know, however, by what right it is he questions me on a topic that I never brought into consideration in the remarks which I made. I do not see why he should take occasion thus to travel out of the record, and call me to my feet for that purpose. If I had brought the matter of social rights into consideration, there would have been some apology for the interrogatory which has been put to me. But I will answer the Senator on that point, by saying again, that I think "*all* men are entitled by their Creator to life, liberty, and the pursuit of happiness," and

have the same right to all the privileges, immunities, and benefits of society, in every department, that I have, or that the honorable Senator himself has. Is that satisfactory?

Mr. JONES, of Tennessee. It is not satisfactory, and certainly cannot be to any Senator here. Sir, I like frankness; and I think, if you would allow the Senator from Ohio [Mr. WADE] to come up here and sit by me, he would answer better than that. I think he has nerve to say just what he pleases, and to do what he pleases, though he dares to do a great many things that are wrong. [Laughter.] These gentlemen will not answer the question I put to them, because they are afraid of it. It only unveils their duplicity and hypocrisy when they attempt to answer it, because, the very moment they say the black man is on an equal footing with the white man, they strike a fatal blow at the prejudices of their own part of the country. Let me ask those Senators how they would be willing, how would the Senator from New York be willing to sit side by side with a colored man as his coequal in the Senate of the United States? How would you like to see a colored man sitting upon the Supreme bench of the United States to advocate the rights and to vindicate the honor of this country? How would you like to see them in your Legislatures? How would you like to dare go to that desk and vote to confirm the nomination of a colored man to a foreign court, as the Representative of this Government? Not one of you is so lost to self-respect as to be willing to do that; and yet you stand here uttering your lamentations against the wrongs of the black man, and talk about his rights, and also his equality.

But, sir, that is only one side of the question. How would you like to bring them into the social relations of life? How would you like to invite a black man to your table—to the social table, surrounded by gentlemen? How would you like to be found walking Pennsylvania avenue with a colored woman upon your arm? God forbid that I should be indelicate; but how would you like to see the daughter of one of your neighbors married to a colored man? How would you like to see your son take to his bosom a colored woman? Now, gentlemen, if you do not mean what you say, why do you not say what you mean? If you do not mean that the negro is equal to the white man, why consume the time of the United States, and the time of the Senate, in your lamentation over the wrongs of the colored man, when you deny an equality in all the relations of life? You scorn to associate with him. You scorn to make him your equal. You scorn, as you would the leprosy, a social contact with him. And yet here you are continually, from day to day, urging this question forward on the great principle that they are entitled to as many benefits as we are. When the Abolition party become honest on that subject, and practice what they preach, I shall have some respect for them; but as long as they preach one thing and practice another I am constrained to question their sincerity and their frankness. I have done with this question, sir; I did not mean to say this much.

Mr. CHASE. I think it is now pretty evident that I was right when I first objected to the introduction of this bill to-day. We have consumed a great deal of time on it which might have been appropriated to other business. It is now getting late in the evening, and I move that the Senate adjourn.

Mr. SUMNER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 7, nays 30; as follows:

YEAS—Messrs. Brainerd, Chase, Fessenden, Gillette, Seward, Sumner, and Wade—7.

NAYS—Messrs. Adams, Badger, Bayard, Bell, Bright, Brown, Butler, Clay, Dawson, Dodge of Wisconsin, Douglas, Evans, Fitzpatrick, Geyer, Hunter, James, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Pearce, Pettit, Rusk, Sebastian, Shields, Slidell, Thomson of New Jersey, Toucey, Weller, and Wright—30.

So the Senate refused to adjourn.

Mr. PETTIT. If the honorable Senator from Massachusetts, who has been recently elected, [Mr. WILSON,] desires the floor, as I understand from a friend that he does, I will yield it cheerfully to him.

Mr. WILSON. The Senator from Indiana may go on.

Mr. PETTIT. Mr. President, I was a member of the committee who reported this bill; I took the responsibility of assisting to order its report; I am, therefore, in favor of the bill. I did not, however, believe it was politic—not to say policy—to bring up the bill for discussion at so late a period of the session. I supposed that it would involve the whole cycle of the discussion in reference to the negro, and negro slavery; and especially the entire review of the Nebraska question, or the Nebraska debate of last year. I do not believe that any good will come from a continuation of its discussion, and if I can have the promise of the Senate that they will now take a vote and end it, I will say no more; or if I can have the promise of the Senate that they will now lay it upon the table for this session, I will agree to say no more.

Mr. RUSK. I believe every friend of the bill will promise to vote upon it immediately.

Mr. PETTIT. Can I get the enemies of the bill to say that?

Mr. RUSK. I am not responsible for them.

Mr. PETTIT. Then I cannot take the gentleman's promise.

Mr. MASON. Will the Senator indulge me in one word?

Mr. PETTIT. Certainly.

Mr. MASON. The whole Senate cannot but see that those who are in favor of the bill have, by participating in the discussion, given a character to the opposition which it does not deserve, and that they ought to say nothing more. I would, therefore, respectfully suggest that if those Senators who choose to oppose the bill protract the discussion, let them be permitted to do it without reply.

Mr. PETTIT. That would have been a good suggestion to have been made two or three hours ago. I proposed the same thing. I insist that a Senator in favor of the bill should not make three or four speeches—that a Senator who had not participated in bringing it in should not insist on being heard three or four times. So far as that is concerned, it would have been good policy to have pursued then; and the Senator from Virginia might well have suggested it hours ago; but he saw fit not to make the suggestion to anybody but myself; therefore I cannot take his advice.

Mr. MASON. I hope the Senator will not suppose that I made the suggestion with any desire to interfere at all with him in pursuing the discussion. Certainly that was not my intention. I only made it because he himself suggested that he desired the debate should end.

Mr. PETTIT. That I would be very glad to do, but I know that another Abolition speech or two is to be made, and that will provoke three or four of our friends. Those who have already spoken three or four times will not be the last to take the floor. I cannot be mistaken in this; I am too conversant with the practice here to be mistaken in regard to it.

I propose, sir, then, to detain the Senate for a short time on this subject, and first upon the bill itself. Why this whole range of debate has been brought about, no man can tell, but to gratify a morbid and preconceived determination to redebate the whole question of negro slavery, the equality of the races, and every question that can, by any possibility, be appropriated by you to hang discussion upon. The bill simply proposes to provide that those charged with violating the United States laws shall be tried by the courts of the United States. That would seem to be, in itself, a simple proposition, and one that it is the right of every citizen to demand, and the duty of every Government—not only ours, but every other—to provide. England might as well impose duties and denounce penalties, and leave France or Germany to provide courts to enforce those penalties. The State of Ohio might as well denounce penalties and impose duties and obligations upon her citizens, and leave the municipality of Cincinnati or Cleveland to provide courts to inflict penalties for the non-performance of the duties so enjoined. You might as well say that you will organize a Government, with power to impose duties and obligations, and to denounce penalties for their non-performance, but that you will provide no judiciary, no *judex*, no power to inflict these penalties or enforce those obligations at all.

This is all that need be said in reference to the propriety of the bill itself. You impose duties upon your marshals, your district attorneys, and your judges; you denounce penalties for the violation of your laws, yet you provide no court in which you can enforce those penalties, or in which those against whom you denounce them can show their innocence or non-liability to your law. No greater solecism could exist in Government, than the idea of leaving to foreign tribunals and foreign jurisprudence the enforcement of the law and the trial of those who make opposition to it.

You have compelled, by law, your citizens to perform duties; you have imposed upon them penalties for their non-performance, but you have not provided a court of your own, in which they may be heard and the penalties enforced, or themselves be screened from the penalties. I repeat that this is all the argument that can be legitimately urged upon this bill. There is not another. You owe it to your citizens, they have a right to demand it at your hands; that wherever you impose an obligation, wherever you inflict a penalty, you shall provide a court in which such contest may be decided.

But this debate has taken a wide range. I am not disposed to follow the Senator from Connecticut [Mr. GILLETTE] in all his mazy dance upon the subject of negro slavery, and of beating women and children with ropes, or otherwise. To no man could such a scene be more disgusting than to myself. But there are other questions which have been brought to our consideration in this discussion. A question arose between the Senator from Ohio [Mr. WADE] and the Senator from Illinois, [Mr. DOUGLAS,] in reference to the elements that were brought into the recent elections, not only in the West, but in the North, in the free States. I take great pleasure in saying, so far as my judgment and observation are concerned, that I fully indorse what the Senator from Illinois said in reference to the arguments, the policy, and the views of the Nebraska men, as they were called. The grounds that they assumed were none other than the right of the people, under our form of Government, to establish in the Territories, as well as in the States, their own domestic institutions. Further, sir, I join with that Senator in saying, that so far as my judgment and my conviction go, the question of Nebraska had nothing to do with the result of the election in Indiana. I now aver, and I believe solemnly as I believe that I exist, that it gave us strength in Indiana—that we got more national Whigs with us in the contest there upon that question, than we lost Democrats upon it; but that the real ground of defeat in Indiana—it is said, and it was supposed to be a defeat—was Know-Nothingism, a secret political organization for persecuting purposes.

Here, Mr. President, allow me to add, further, for my own justification, for I saw in a paper from Indiana to-day, resolutions that had an existence, I presume, as they are in a Democratic paper alleged to have been the handiwork of my colleague and my friend from Indiana, as being the expression of his views which they said they had taken from a New York paper. It is commended as an expression, by at least one of their Senators, of his views upon Know-Nothingism. I know that no one would be more ready than he to bear me testimony that I as cordially would indorse those resolutions, and go as far against such a political organization as my colleague; but I will not dilate upon it, nor upon its effects. Any policy of a political secret organization which seeks to elevate a man or strike down a man, has now and shall forever have my utter hatred and contempt.

Added to that was the excitement in reference to what is called the Maine liquor law, a law to prohibit either the manufacture or sale of spirituous liquors. Those questions were the ones which carried the election in our State. That the people of Indiana are to-day largely in favor of leaving to all other people the rights they claim for themselves, I entertain not a doubt.

Mr. President, another remark has been made which struck me as singular, and in regard to it I will trespass upon the attention of the Senate for a moment. I confess that whether in their closets I differ from my friends or not, in their public debates I do, and with none more than my friend from Virginia, [Mr. MASON,] upon the subject of

State sovereignty. I heard long years ago a Virginia Representative in the other House complain that a *sovereign* State, and that old Virginia too, was not allowed more than five minutes to express her views. I hear to-day the Senator from Ohio proclaim the *sovereignty*—the absolute, unconditional *sovereignty* of Ohio. I heard him proclaim that he was in favor of the resolutions of 1798, which I suppose from the view he is now taking, insist that all the States of this Union are absolute, unconditional, unrestricted, unlimited sovereignties. Sir, I totally and wholly dissent from that. We are for certain purposes a consolidated Union; for other purposes there are reserved sovereignties and rights.

Allow me to suppose a thing that could possibly never exist; that I should be in possession myself, as a prince, as a stadtholder of all the political powers of Virginia. Suppose, in my sovereign right, I should proclaim to the world that the sovereign prince of Virginia proclaimed or decreed so and so, and a quizzical man should come to me and say: "You claim to be sovereign; you have all the rights vested in you that Virginia has now." I reply, "Yes, certainly; I am a sovereign prince." "Well, when are you going to declare war? A nation has offered you an indignity, or insulted you." "When am I going to declare war! I cannot declare war at all." "What! and you a sovereign! Is not that one of the attributes of sovereignty?" "Well; I cannot declare war at any rate?" If at war, he might say to me: "When are you going to make peace?" "I can never make peace." "When are you going to raise an army?" "I can never raise an army." "When are you going to raise a navy?" "I can never raise a navy." "When are you going to do the pitiful business of carrying the mail?" "Oh, never; I have no such power at all." "When are you going to determine in your courts of law all the rights of the citizens arising under foreign treaties, foreign contracts, foreign alliances?" "Oh, never, never; I have no such power." "Well, are you not a pretty sovereign prince!" [Laughter.]

Sir, it is the greatest and the grossest fallacy that ever existed. There is no such thing; no, I will not say there is no such thing, for there is a sovereignty in a most limited, shadowy, flickering, remaining form in the States, and none other. I always prefer, Mr. President, that we should have the truth, whether it is wholesome or unwholesome. What are the attributes of sovereignty in a nation? The greatest and most glaring is that of levying taxes in the first place, in all their forms, directly and indirectly. Because you have a right in the different States to levy taxes directly upon the people do you say you have a sovereignty? Where is the right that pertains to every sovereign to levy foreign taxes, or taxes upon foreign importation? Sir, it does not exist in the States; you have no such power; you have surrendered it and yielded it up to another Government. Where, I ask you, is that next highest attribute of sovereignty, to declare war, and compel your citizens to bare their breasts to the bayonet or the bullet of the enemy, and lend their lives to be sacrificed for the good of the whole. You have no such sovereignty; it does not exist; you have surrendered it here. So with a dozen other instances which I might refer to. Where are your emblems of sovereignty? Where is your national flag of the State? Where is the sovereignty of the seas that belongs to you? You have surrendered it here; yet you say you are a sovereign! You have a right to punish a man if he stabs another, if he steals his money, or if he knocks him down with his fist or a cudgel, or if he blackens his eye; you have a right to punish him, and that is about the extent of your sovereignty. Show me the emblems of your sovereignty, and the right to exercise them, and then I will admit it, and not before. It does not exist, Mr. President.

Then all the essentials of sovereignty for national purposes are delegated here, and exist here, and nowhere else. Talk, then, to me no more of it. You might as well say that your city corporations are sovereign because they can compel the construction of a jail, or because they can enforce local penalties, as to say that the States are sovereign. They were sovereign, I know, but they yielded and surrendered that sovereignty, and they have not got it now. Yet, sir, having said all this, I say I am as much of a State-rights man as can be found. I will take the charter, and see where you have yielded to this Government the authority, and where you have reserved it; and to the utmost farthing will I claim it where the reservation is made, but I will not stultify myself, or render myself ridiculous, by saying that the States are sovereign arbiters short of a resort to arms. Arms alone constitute them the sovereign arbiters. The Autocrat of Russia, the Sublime Porte, any Black Hawk, or any other chieftain that may exist, if he has the power, is the sovereign arbiter of all matters. Sovereignty for all the main purposes of a nation is in the Union, and not in the separate States. Here you have got to exercise the power. Here you have to exercise the influence that will bind you together. Sovereign are the States in everything, it is said, and yet here we have the power to fix the time, places, and the manner of the election of members of the other House, and to fix the time and manner of the election of the members of this body; yet your States are sovereign! Sir, no greater absurdity could possibly be uttered. Here is the error that gives us trouble. Yield to this Government the power that it actually possesses under the Constitution, and you will have no trouble in the settlement and understanding of this question; but if we say that all power is in the States, then, as a matter of course, you will find the Senator from Connecticut, [Mr. GILLETTE,] and the Senator from Ohio, [Mr. WADE,] insisting that the sovereign arbitrament is in the States; that they can constitute courts, and can suppress, and annihilate, and overrule the decisions of the national courts. They are sovereign only in things reserved to them, and this Government is sovereign in things that are delegated to it.

What then, Mr. President, is delegated to this Government? Is it not delegated to this Government to establish a judiciary, and necessarily to appoint the officers connected with it, and necessarily to protect those officers in the discharge and the administration of their duties? Not only is it a right, but it is a duty so to do.

Mr. President, this debate has taken a wide range, and I shall indulge in a few more remarks. The Senator from Ohio asked me whether we had prohibited the immigration of free negroes into Indiana. I replied that we had; that we had made it a constitutional provision, and that we had legal provisions carrying out and enforcing that constitution. The Senator said it was a cruel, a harsh, and an inhuman measure. If I recollect rightly those were the words he used. I hold that it is neither harsh, inhuman, nor an improper law; but, on the contrary, that it is the reverse of all these propositions.

First, allow me to say that the people of a State have the right to determine what population shall be suffered to come among them. This is reserved to the States. We believed that it was not wholesome to us to allow that population to settle, or to inhabit equally with us. The intelligent portion of the people of that State believe that it is the decree, the will of God, that no two distinct races of men can live upon an equality with each other in any community. When you talk to me about making an Anglo-Saxon or a northern European of the African, because he stands upon pedestals, or has two arms, or five digits upon each arm, I tell you that you may as well bid the negro change his color, the leopard change his spots; you may as well bid the wild prairie grass become timothy or clover, all trees become mountain oaks, all beasts become lions, the braying ass to roar like the monarch of the forest. With equal prospect of success bid all fowls become eagles; the boding owl, with his blurred and dim sight, and sluggish wing, expand his pinions, and with unblanched eye, gaze at and ascend to the blazing orb of day at meridian height, with the proud bird of Jove. One is as possible as the other. Nature never so designed it.

Now, Mr. President, it is possible, that before I conclude, I shall enunciate some unpleasant and disagreeable doctrines, but I beg Senators to console themselves with the reflection that I shall not be long here to repeat them. Sir, I have no lamentations to make over the dispensations of Providence. I was taught early in my catechism, morning, noon, and night, that "God out of his mere good pleasure from all eternity elected some to everlasting life, and others to everlasting damnation; and all for the glory of God." This I believe, and that it applies as well to nations and races of men as to individuals. I am not going to deliver you a discourse upon theology, but I take great pleasure in saying that these precepts were early instilled, and the twig being so bent in early life, the tree continues so inclined. I as firmly believe as I do that I exist, that so far as the disposition of races is apparent, nature designed that certain races of men should come upon earth, and that for a time they should inhabit it; that upon this quarter such an one should exist, and upon that another, and that they might either be improved to some extent, or supplanted by a better race; but that if you attempt to make one race out of another, it is as impossible, as I have said it would be to change the meanest of animals into the noblest.

Mr. President, I have no lamentation over these things. The decrees of nature are beyond my control. I lament not the disappearance of the red man who formerly trod the very ground on which we now are. It is the order of nature that he should give way before us. It is the order of nature that we should occupy it still. No, sir; I have no such disposition. If I should see in God's decrees, the doom of my own race written and the end of its duration fixed, I would stand up and say:

> "Rest, mortal rest, on God's decree,
> And, thankful, own his power."

Let the races have their run. Let them in their turn be swept from the face of the earth. As well might I repine at the deluge that the Almighty brought upon the earth. As well, Mr. President, might I complain of Divine wisdom for having written the significant language on the walls of the palace of Belshazzar. As well might I complain because a Daniel was found to interpret it; but, though all those things be written in much plainer language than the hieroglyphics and the marks of the shadow finger upon the wall; though they would not take, it would seem to me, a Daniel to interpret them, we are loth to admit the unmistakable destiny of the races of men on the earth or in our own country. As well might I complain of the downfall of Babylon and Nineveh, of Sodom and Gomorrah. As well might I complain of the downfall of the Jews and Jerusalem. As well might I complain of the overthrow of Tyre and of Sidon. As well might I complain or mourn over the obliteration, and bondage, and almost the subversion of Rome. All these things have happened, and if we allowed ourselves to reflect upon the cause, we should not be at a loss to know what has produced them. Different races of men coming in contact, sir; that was all. In some instances the attempt was made to amalgamate and unite them, which always did, and always will prove an abortive and fallacious thing. In other cases, different races came into contact, and the stronger overpowered and annihilated the other. Such, sir, is the true solution of the question.

Mr. President, what destroyed Rome? That is a question that you have heard asked and discussed in your schools and your colleges, in Fourth of July orations, and perhaps in the Senate of the United States. A thousand answers have been given, but has the true one ever been given, is the next question? Let me remind Senators, carrying out the view which I have presented, that distinct classes of persons cannot live upon terms of equality together, in the same country and under the same Government; that Rome, in her course of supposed or seeming oppression—for I do not hold that that which appears to be oppressive is always so—collected together different races under its Government. Was it oppressive or wrong that the Jews were held in bondage four hundred years? To human vision it would appear so; and by human wisdom it would have been pronounced wrong; but God, for higher purposes, and higher designs, ordered it so, that they might be restored to the promised land, with more prospects and certainty of perpetuity. Rome had pursued a long course of conquest, both north and south. She had crossed the Mediterranean; she had extended her power from the Atlantic ocean to the Red sea, not to go any further, upon the whole borders of Africa, north of the mountains of Atlas, upon which

existed a tawny, a yellow, not a black race, but a distinct race from her own citizens, the Copts probably. She had conquered, by Scipio, and by others, hundreds and thousands of those people; she had taken them to Rome and sold them as slaves. She had gone, by Cæsar and other consuls and proconsuls, to the extreme north of the continent on which she was situated, and had taken our ancestors, the ancient Scandinavians, the ancient Saxons, if you will, the Germans, or by whatever name you call them, and transplanted them to Rome, as slaves.

Here, then, she had brought together three distinct races of people—the Romans, native Sabines or Italians, the Africans, and the northern Europeans—our own ancestors. As long as she held those two races in control, and under her power and subjection as slaves, so long did Rome prosper; so long she carried her sway, military and civil, the world over; so long was there no power to compete with her on the earth in war, or in the arts and sciences; but the Gracchi, and a few that preceded them, no less than those who succeeded them, clamored, like my friends, the Abolitionists, for the equality of the races; that the slaves of Africa, and the slaves of Europe, should be placed upon an equality with the ancient Roman citizens. They had a long persuasion, long excitement, long appeals to sympathy and to justice, and a long catalogue of grievances committed. The stern Romans yielded to fanaticism, and set all the slaves free. What was the result? A perfect pandemonium from that very hour existed. From that hour greatness existed not in Rome. From that hour did weakness, and imbecility, and decay come, and nothing was left, in fifty years from that day, of her physical or moral grandeur. Nothing more was left than now exists, her decayed and decaying monuments, statues, and temples. Sir, the result was inevitable. As soon as you equalize different races of men in one country so soon do you commence the work of annihilation and destruction. They had a chaos on earth that was worse than the contention in Heaven. In my idea I would be hardly willing to doubt, even upon the best authority which exists, that Satan himself was of a different race from the other inhabitants of Heaven with whom he warred. Races cannot, and will not, live together. You, sir, [Mr. Weller in the chair,] talked to me for days together in the Senate, I listened to it with pleasure, but I drank of it as much as pleased me, and no more, about civilizing the Indians upon the prairie, and raising an army to go against them. It was doubted by many Senators whether we ought to have an army to keep the white man off the red man, or the red man off the white man, but the idea was never broached of raising an army to keep the two respectively from each other.

You want as much to keep the white man from the red man as the red man from the white man. Why, I will not undertake to say, but so it is, when different races are brought into contact or juxtaposition, so long as there remains one spark of pride or ambition, or self-respect, so long the races will fight until one or the other is annihilated. No man who will look to past history, can shut his eyes to the fact. Sir, you may follow this thing closer down. I now say to you that to-day the troubles between England and Ireland exist in the fact of their being different races. I will not attempt to say which is the best, which has the most elevated notions of philanthropy, or morality, or propriety; which knows best what form of Government would be best; who is the best judge of religion, revealed or natural; but I will say to you that England and her possessions are governed by the Saxons, and while her Celtic subjects in Ireland feel oppressed at her form of Government—I will not say but that, as a matter of fact, they are oppressed—it is altogether likely that they are, for no race of people ever did, or ever can, make a Government that will not seem to oppress another race. You cannot make for the Indian, in your wild possessions, a Government that will not oppress him. He wants to be free, he would die if he could not be free. He must roam wild and uncontrolled. He must take his own personal revenge. The *lex talionis* is his law. He will not submit to any other. So when the Saxons, the Scandinavians properly speaking, made their will the rule in England, they made a rule of Government that the Celt thoroughly deprecates and despises. He never will be satisfied. I doubt not there are many men in England who have studied and considered this question; but if England knew well the truth, she would dissolve the ties that exist between the two races; for peace and harmony can never exist, advantage to both can never exist, but disadvantage to both must always exist, while they are under one Government.

Now, Mr. President, we come to speak of our own country for a short time. Is it possible that the African can live upon an equality with us? Is it not philanthropy misdirected to desire such a thing? The same power that has given him a black skin, with less weight or volume of brain, has given us a white skin, with greater volume of brain and intellect; and that we can never live together upon an equality is as certain as that no two antagonistic principles can exist together at the same time. What, then, is the condition—the necessary condition—of this race? I say to you, that however the breast of the Senator from Connecticut may throb with humanity and kindness towards the African—and I say to him in all sincerity that his sympathies in that respect do not exceed mine, for my feelings would go with him while my judgment directs me elsewhere—he might as well fancy that he can make the negro white as that he can give the negro his mind or mine. One is no more impossible than the other. There is a barrier set up between us that utterly prevents it. I do not wish to repeat the comparison I have used before, but as well might you bid the most lowly and timid bird soar upward with the majestic eagle, as bid the lowest race of men come up to the standard of the highest. They cannot live upon an equality with you, I care not what your pretenses or what your exertions.

I will not delay the Senate by repeating statisticts; but it cannot be denied that statistics show that in slavery negroes live twenty per centum longer, and produce more progeny by twenty per centum than they do in a state of freedom. There is an abundance of statistics to support this statement. They show that, if you entertain feelings of real philanthropy towards the negro; if you would give him long life, contentment, and happiness; if you would bestow upon him in the greatest degree the power of procreation and the raising of his successor, you must keep him in bondage and servitude as his necessary condition.

Sir, no man regrets more than I do that they are mingled with us. I would to God that no British cupidity and power, or no Yankee grasping should have ever brought them among us; but they are here, and the practical question with the learned, the wise, and with him who attempts to assume the position of a statesman, is, what can now be best done with them? Sir, all reason and all experience show beyond a doubt, that if you would preserve them from destruction you will keep them in servitude, where some one will have an interest in caring for them. It should be the policy of all wise Governments to make the mass of their people producers. How will you put this maxim into effect without putting this race in servitude? Does not every man who has at all observed the negro character, know that he has no foresight? He will not lay up for to-morrow; he will follow the literal injunction of the Scriptures. It is the only thing which he can understand, and in it he simply obeys the laws of his nature, or he would not understand that. It is his nature to "take no thought for the morrow." In the precincts of Philadelphia, in Moyamensing district, and in New York, they are constantly dying in squalid misery and wretchedness, as will the negro race whenever they are free among us. I hold that, by the written and unwritten law of God and nature, these men when placed in contact with us, either by design, by accident, or by fatuity, are to be the inferior race. They are inferior in the free States; it is only a difference of degree, not of kind. I say to-day, that, in my solemn judgment, the slaves in Louisiana, where slavery is supposed to exist in its worst aspect, are in a better and happier condition than the same number of free negroes in Indiana. I do not entertain a doubt that, if, as a friend of the race, I desired them to increase in number, to multiply their progeny, I would advise them that slavery was their proper condition.

It may be urged that they suffer hardships and wrongs. I grant it without hesitation; but there are hardships and wrongs in every relation of life, between master and servant; yea, sir, in the most endearing relation of our own race, that of husband and wife, that of parent and child. There are hardships and wrongs existing in these; yet, because of their occasional existence, would you abolish altogether the relations of husband and wife, of parent and child? The former you might abolish, but I doubt very much whether you could abolish the latter.

Mr. President, in expressing my views upon this subject, I know they are *ultra;* I know there are some men who do not appreciate them, some who cannot, and others who will not. There are some who would denounce me, though conscious I am right, if they supposed they could excite against me some local fanaticism or prejudice; but I hold to truth in all its forms, though it hurl me from happiness to misery, though it hurl me from Heaven to the depths of hell. The truth should always be uttered, and I feel no greater consciousness of the truth of anything than of the doctrine which I have asserted, that only men of the same race can live upon an equality; that however slightly the race may be tinged, however small the discrepancy or degree of difference, there will exist between them in any Government under which they may mutually live a corresponding degree of discontent and dissatisfaction, and that as the difference increases between the races, one or the other will rise to a condition of absolute supremacy. It cannot be avoided.

Sir, I go further than all this. I would throw no damper—no cold water, as the saying is—upon the efforts of the colonizationists. They are attempting to colonize the blacks of this continent, and are inducing them to return to their native clime. I would throw no cold water upon such an effort. It is one of those movements which must necessarily exist. Its supporters deserve no great credit, and those who oppose it are entitled to no just denunciation; but I wish to give, in a very few moments, my view of the final result of this undertaking. In Liberia they have organized a Republic, and they have asked us to acknowledge their indedence, their nationality. For my part I could never see any objection to doing so. It does not follow, if we did, that my friend from South Carolina, or any of his connections, or my friend from Georgia, or my friend from Connecticut, is to be sent there as minister plenipotentiary, and take a formal state dinner with the negro President. We acknowledge that they have a national independence, but we do not by that stipulate to keep up all the courtesies of international reciprocity. We are under no obligation even to send them a consul, much less a minister plenipotentiary. That must depend upon our own judgment of policy and propriety. I never could see the least objection to granting their request, though I am certainly somewhat ultra in my views upon this subject. It is a sovereign and independent State, though it may not have power to exercise all the attributes of an independent State.

But while I would not obstruct in the least the efforts which are directed towards colonization; while I would hold up both hands to accomplish it, and would gladly see it progress; while I would willingly be taxed until I should be driven into the very earth, if I could see the last African, the last man tinged with African blood, sent from this continent to the land of his fathers, let me say that such rejoicing would not arise from the idea which rules the emancipationists and colonizationists. Such rejoicing would not result from the expectation of ever seeing Africa redeemed and regenerated, or an African Republic established which could have duration and continuance. No, sir; my joy would be that the races at home in my own country were separated, and that the causes of quarrel, of distrust, and of sacrifice of blood had been removed; but I should look to the future with a certain and unerring judgment, as the Indian looks to the flight of his arrow well aimed at the game. In the round of time that Republic would necessarily and inevitably return to the condition of ancient African barbarism. While I deplore the convictions of my mind, and would gladly con-

vince my judgment that it were otherwise, I say that in two hundred years after Liberia and the coasts of western Africa shall cease to receive, from among us, their supply of civilized blood—semi-civilized—civilized as far as it is capable of civilization—in two hundred years or less from the time all commerce with them shall cease, and we no longer supply them with cultivated and tutored African blood, to keep up the information among them, they will be utterly degenerated to their former condition of African barbarism. The constant quarrels and revolutions in Mexico are entirely owing to the contact and attempted equality of the races. The minor in numbers are seeking to govern the major; and in five hundred years, unless large and fresh supplies of European blood goes into that country, the European race will become extinct, and Mexico will return to her ancient Indian condition.

Sir, if I am right, your attempts at placing the African upon an equality with the European are vain and fallacious. He who has considered these things can come to no other conclusion, however reluctant he may be to utter it, or however certain he may be that he is digging his political grave. Where are the evidences that the African is not naturally inferior? What advantages had northern Europe over Africa for attaining civilization, and progressing in the arts and sciences? Do not those men know, who are acquainted with theological history, that the Africans had among them Caucasian or white bishops of the Christian church long before the Europeans; that churches were established in Africa among the negroes, and your holy religion was preached by its ministers; that for a brief time it flourished, but that it was like the comet; it was like the will-o'-the-wisp; it was like the candle, when, for a short time, it gives light about it, but goes out of its own accord. Thus it was with Christianity among the Africans, and thus it has been with every attempt to civilize them. Thus will fail every effort to elevate to our position the man who has not our mental organization, who has not our volume of brain and its various proportions. For the time, for your life and mine, the experiment may have the appearance of promise and prosperity; but just as surely as time advances, so surely will the races return to their original condition.

Sir, some one might pertly ask how we have attained this condition? I simply reply, this was always our condition. I defy any man to point to the authentic history which shows that time or period when our race was not as civilized and as cultivated as now. Go back, if you will, to the time of the Jews, or to the earliest period of which you have any reliable record, and you will find them then as learned and intelligent as now. Turn to the earliest writings of Moses, long anterior to Solomon, and to David; read the language of Abraham, Isaac, and Jacob, as there recorded. It is declared to-day, by the best linguists, to be the most perfect composition in the world. Go, if you will, to the erection of Babylon, or to Nineveh, where Layard has recently been laboring in research; go, if you will, to Jerusalem; and I ask if, in arts or sciences, in sculpture or engraving there is anything now to compare with what then existed? Our race, from the earliest history which we possess, has always been civilized. You may speak of the wilds of Scandinavia, if you will. It is true the country was not greatly improved; but the people were highly cultivated, as is shown by their architecture, their arts and sciences. It is true, as you may say, that we have learned a few things since that time. We have learned to propel upon water the steamboat, and upon land the railroad car; we have learned to whisper to our friends by the wire that carries the lightning; but I am not quite certain that we, of this day, have not lost a thousand valuable acquirements known to the ancients—the Jews, the Babylonians, and the Ninevites. But, sir, look at the negro race. When or where were they civilized? Their only civilization has been gained by contact with us, and that polish will remain as long as that contact continues—no longer. It will rust and decay; the race will return to its native sloth and degradation.

I do not deem it necessary to point to passing historical events, such as the liberation of the negro in the islands of the South, in Jamaica. It is a matter totally unimportant. I argue upon the broad principle. I could as well have predicted, before the liberation of the negro in Jamaica, what his condition would be, as I can tell it now. I say here to-day, so that it may be recorded—and let it last two thousand years, if it will—that two hundred years from the time Liberia shall cease to receive civilized negro blood from us, that day and that hour she will have returned to her original degradation, ignorance, and barbarism.

Mr. President all this trouble grows out of our error and ignorance in reference to the necessary condition of things. That is a conclusion that cannot be avoided.

Sir, we have a difference existing among some of the States. To make the story short, in some we have no slaves; in others we have slaves. A provision exists among us that the slave of one State shall be surrendered to his owner when he escapes into another State. You have passed a law making it the duty of your judges and marshals to effect that surrender; and you have acted wisely. You have not only acted with a view to peace and harmony among yourselves, but you have acted most kindly towards the negro. I solemnly affirm that while I hate slavery, and would not myself own a slave, yet, in my judgment, you do a most charitable, kind, and philanthropic deed for the negro by returning him to his master. If all the negroes of the South should to-day leave their masters, and flee, like so many army-worms, to the North, I ask, would it be philanthropic to leave them to starve, to be chilled by the inclement blast of the North, and to gain there a scanty subsistence from a scanty employment; or would philanthropy and humanity be better shown by returning the wanderers to their homes, where the climate, the soil, and the people are accommodated to them, and where they can be most happy?

We have passed a law imposing upon our judges and marshals the duty of carrying out this constitutional compact, this agreement between the North and the South. What then? It is alleged that your judges, or marshals, or their assistants, have not performed their duty under the law, or that they have performed an excess of duty; that they have done what they ought not to have done in executing the law, and are subject to pains and penalties in consequence. What reason is there that this Government, which imposed that law and that obligation upon them, shall not provide for them a court in which the wrong alleged to have been committed shall be heard, adjudicated, and redressed? Sir, it is our solemn duty to provide that court. I regret to say, that I fear the disposition of others to talk even longer than I have talked, may prevent the accomplishment of that desirable object during this session.

Mr. President, in what I have said I may have given utterance to some words and ideas not palatable to all my friends in the Senate, or to all those who have listened; but I would to God every one of my countrymen understood this question as I think I understand it; and though his heart might sicken at the idea of slavery, though he might prefer rather to have lost his existence than that Great Britain, or New England—England old or New—should have transplanted that people here; though he might loathe slavery, and believe it a curse to his race; though he might think it will produce no lasting good to mankind, yet, if he understood this subject as I think I understand it, he would not hesitate to advise the runaway negro, as a runaway of old was advised, to return to his master. I would invoke of his master kindness, charity, humanity, and good feeling; but I would say to the negro to-day, if he asked my advice, "Sir, if you desire to live long; if you desire to have happy progeny; if you desire to be the parent of a long line of succession; if you desire, not only your own prosperity, but the perpetuity of your race, you will return to slavery, the most happy and prosperous condition which your race can attain."

Mr. President, the religion, the morality of this relation is brought into question. The shutting of the Bible, by forbidding them to read it, and the sacrifice of all hopes of Heaven, are charged to southern men. I am not their defender; they can defend themselves; I am simply vindicating my own views and my own ideas. Let me say to that stickler for reading the Bible, that man who believes that the soul can only be saved through an understanding of the Christian religion, through baptism, through a communion with the church militant on earth, that there is a prospect, as the result of slavery, of saving half a million of these negroes, who are free and that belong to the church, have been baptised, and have partaken of the sacrament. I defy the most squeamish and the best informed upon this subject to show me the ancestor, cousin, neighbor, or friend, who remained in Africa, of any of those who were brought to this country in slavery, that has, according to his theory, one earthly or heavenly prospect of salvation hereafter. Where is baptism in Africa? Where are your churches? I have told you that Caucasian ministers went among them long before they came among our ancestors. Yet the attempt failed; they could not inculcate their doctrines; it was a religion the Africans could not appreciate; and hence it took no lasting root.

I have heard gentlemen speak of making Christians of the Indians. You may occasionally get one to go through the form; but if you expect ever to make of him an humble Christian, who will get down on his knees every morning, and say he is a poor, miserable, naked being, I will hazard my head any day that you can no more make him a Christian like yourself, than make yourself a Heathen like him. The Christian religion is one of humiliation and abasement in which you say that you are worthless, and that everything good and great comes from a different source. That feeling the Indian never can and never will entertain, though he may go through the form to please a missionary; to suppose anything else is the veriest nonsense in the world. You talk of carrying to all the races of the world your institutions, your religion, your arts and sciences. You can no more do it than you can give to all the races your color, form, and development. The power does not exist.

Mr. President, whether my discourse has been interesting to any one I cannot say; that it has been mingled with truth I entertain no doubt at all. When we shall have learned the true characteristics of the races, and the demarcation between them, we shall have less quarrel and dispute about their dispositions or worth. God destroyed one race by a deluge; he has destroyed, by his own means, city after city, which his physical laws had forbidden to exist. The violation of those laws brought destruction upon them. So it must be with all attempts to amalgamate and equalize these races; one must be, and will be, the superior, and the other the inferior.

Mr. President, for the reasons I have explained, because I or my predecessors have imposed upon officers of this Government the performance of certain duties that are as necessary to our national existence as bread and meat to our individual existence, I would go further, and pass a law providing a court, under this Government, for the trial of these men when they are supposed to violate our law.

Mr. WILSON. Mr. President, I have no desire to mingle in this excited and angry debate, which has so unexpectedly sprung up; but the tone and temper of the remarks which the Senator from Tennessee [Mr. JONES] has seen fit to indulge in towards my friend from Connecticut, [Mr. GILLETTE,] and the extraordinary language he has applied to Senators from my section of the Union, should not be permitted to pass unnoticed. Sir, the Senator from Tennessee, with bitterness of manner, has denounced the Senator from Connecticut, and other Senators who oppose this measure, as a "little band of traitors," men who are "treacherous" to their country. This is extraordinary language, Mr. President, to apply to honorable Senators upon this floor for acting in accordance with their convictions of public duty. That Senator may, if he chooses, class me with "the little band of traitors," for I assure him, the Senate, and the country, that I shall not shrink, in this hour of their weakness, from standing side by side with men who, amid obloquy, sneers, and reproaches, have faithfully and fearlessly vindicated the sentiments of the freemen whose representatives they are. Sir, the honorable Senator from Tennessee would do well to remember that

the Senators to whom he has applied such language represent on this floor the opinions of at least one million of the intelligent voters of the Republic, and that they are sustained by the action of fifteen sovereign States. Cheered by the approving voice of the people and by the consciousness of growing power, the Senators he has tauntingly denounced will not be deterred by epithets, no matter how profusely he may apply them, from the vindication of their cherished convictions. I intend to tell you, gentlemen of the South, where we of the North stand upon this exciting and disturbing question of slavery, and what we purpose to do. I intend to deal frankly with you in regard to this question in which you and your people are so deeply interested.

Sir, I have not an unkind word to utter towards my friends from the South. God knows I have not an unkind feeling in my heart towards them or those whom they represent. I trust that I have a heart large enough to embrace in its affections the whole country, and every man that breathes the air or treads the soil of the Republic, be that man black or white. I have no war to make, and those whom I represent have no war to make upon Senators from the South or the people of the South. To me, sir, the proudest master and the lowliest bondman are alike brethren and fellow-countrymen.

Sir, I believe, and the people of Massachusetts believe, that slavery is a violation of the holy commands to love our neighbor, and to do unto others as we would that others should do unto us. I tell you, frankly, that we of Massachusetts are unalterably opposed to African slavery in America, and we are in favor of all practicable efforts for its entire abolition. But we do not propose to interfere with slavery in the States. We believe that slavery in the States is a local institution—that we are not responsible for its existence, and that we have no legal authority to interfere with it in any way whatever. I am content to leave slavery to the people of the States where it exists. I recognize the Democratic doctrine of State-Rights in its application to slavery as well as to other local affairs, and while I have a seat in this Chamber I shall resist all attempts to encroach upon the reserved rights of the sovereign States of the Union. I will stand side by side with my Democratic friends in vindication of the Virginia and Kentucky Resolutions of 1798 and 1799, which they endorsed at Baltimore in 1852.

I will tell you, Mr. President, just what our position is in Massachusetts. We stand upon the impregnable basis of the Constitution of the United States. We do not propose to encroach upon the rights of our southern brethren, but we claim that, under the express authority of the Constitution of the United States, we have ample power to abolish slavery in the District of Columbia. We of Massachusetts, and of the free States, are responsible for the existence of human slavery here in the National capital. Slavery exists here by the authority, or rather by the permission of Congress; and the people of New England, of the central States, and of the West, are as responsible for its existence as are the sons of Maryland and Virginia whose ancestors planted it here.

My friend from Connecticut [Mr. GILLETTE] referred to the shocking and brutal sight of a woman led by a man on horseback along the streets near the Capitol, with a rope fastened around her body. The Senator from Tennessee [Mr. JONES] poured out upon the Senator from Connecticut, his indignation for calling the attention of the country, and the world, to that degrading spectacle, witnessed by the wife of a New England Senator, and several other ladies. Sir, that spectacle was witnessed in North Capitol street only a few days ago, while the Representatives of the free States, who have majorities in both Houses of Congress, were in session. The laws under which that woman was dragged through the streets of the capital of the Republic, may be repealed by Congress. The people of the free States know that they are responsible for the existence of laws under which this degrading act was perpetrated. Sir, do you think the men who read God's holy word will silence the voice of conscience, and the holiest and noblest impulses of their hearts, and tamely permit this national ground to be dishonored by such scenes? Sir, we of the free States feel that we have a clear, undoubted, constitutional right to abolish slavery here, and we mean to do it. Yes, sir, we intend to do it, by securing a majority in this Senate and in the House of Representatives, and voting you gentleman of the South down. We propose to do it in no spirit of unkindness, and we do not believe that you will dissolve the Union if we repeal the laws, under color of which, women may be dragged along the streets of the national capital.

Then, sir, we believe that over the Territories of the United States we have absolute power and jurisdiction. I wish to read to you from a sound Democratic authority on this point, and you know in my State the tendency is towards Democracy. I hold in my hand resolutions written by the chairman of the National Democratic Committee of the United States, the Hon. Benjamin F. Hallett, a gentleman of talents and national reputation, or he would not have been placed in a position so high—a gentleman who was appointed district attorney by the present Administration. And, sir, this Administration leans upon his arm to support it in that section of the country. I will read one or two of these resolutions; and I wish to say that, in regard to them, there is in Massachusetts hardly a dissenting voice. At the time they were written and adopted, Mr. Hallett was chairman of the National Democratic Committee, and chairman of the State Committee of Massachusetts. They were passed on the 19th of September, 1849.

Mr. BENJAMIN. Where?

Mr. WILSON. In the State Democratic Convention at Springfield on the 19th of September, 1849. They were published in the Boston Post, the leading Democratic organ of New England, then, and now, edited by Colonel Greene, a gentleman who was appointed navy agent by the present Administration:

"*Resolved*, That we are opposed to slavery in every form and color, and in favor of freedom and free soil wherever man lives throughout God's heritage."

Sir, the people of Massachusetts most heartily respond to this resolution, proposed by the chairman of the National Democratic committee, and adopted by six hundred Massachusetts Democrats with shouts of applause:

"*Resolved*, That by common law and common sense, as well as by the decision of the Supreme Court of the United States, (in Prigg *vs.* Pennsylvania, 16 Peters,) 'the state of slavery is a mere municipal regulation, founded upon and limited to the verge of the territorial law,' that is, the limits of the State creating it.

"*Resolved, therefore*, That, as slavery does not exist by any municipal law in the new Territories, and Congress has no power to institute it, the local laws of any State authorizing slavery can never be transported there, nor can slavery exist there but by a local law of the Territories, sanctioned by Congress, or the legislative act of a State in its sovereign capacity."

Now, sir, we, in Massachusetts, agree with these resolutions. We believe we have the power to abolish slavery in all the Territories of the Union; that, if slavery exists there, it exists by the permission and sanction of the Federal Government, and we are responsible for it. We are in favor of its abolition wherever we are morally or legally responsible for its existence.

We of Massachusetts believe the fugitive slave act of 1850 an inhuman and unconstitutional enactment, and we are in favor of its immediate and unconditional repeal. The extradition of fugitives from labor should be left to the States, where we believe the Constitution leaves it. I assure Senators from the South that we do not propose to interfere in any way whatever with slavery in the States; but we are in favor of abolishing it wherever it exists under the jurisdiction of Congress—to banish the question from the Halls of national legislation.

I believe, conscientiously, that if slavery should be abolished by the National Government in the District of Columbia, and in the Territories, the fugitive slave act repealed, the Federal Government relieved from all connection with, or responsibility for the existence of slavery, these angry debates banished from the Halls of Congress, and slavery left to the people of the States, that the men of the South who are opposed to the existence of that institution, would get rid of it in their own States at no distant day. I believe that if slavery is ever peacefully abolished in this country—and I certainly believe it will be—it must be abolished in this way.

The Senator from Illinois [Mr. DOUGLAS] pronounces all the Abolitionists disunionists. If he means to include men who think as I think, and act as I act, I beg leave to say to that Senator that he mistakes us altogether.

Mr. DOUGLAS. I have a letter in my possession, written from Boston, indulging in the most—I will not say fulsome—terms, of the Senator from Massachusetts, just elected, in which the chief merit urged is that upon the question of the dissolution of the Union that Senator would prove himself a man.

Mr. WILSON. All I have to say is, that I never uttered a word in my life to warrant such an assertion. Sir, I make no pretensions to any peculiar devotion to the Union over other men; but if I know myself, I would sacrifice all of life and of hope to maintain and perpetuate the Union of these States. From boyhood I have dreamed of a glorious destiny for my country. I have wished to see the flag of the Union wave in peaceful triumph over the North American continent, over a Confederacy of free Commonwealths. I have so much faith in Democratic ideas, so much confidence in the people, that I have no fears from the annexation of territory and the extension of the boundaries of the Republic.

The Senator from Illinois [Mr. DOUGLAS] has undertaken here to-night to denounce all of us of the North, whom he is pleased to call Abolitionists, as Disunionists. Now, sir, in my judgment, no part of the Confederacy is more devoted to the Union than the State I have the honor in part to represent. I believe that in my State the opinion in favor of the Union approaches unanimity. We respond, with all our hearts, to the words of Daniel Webster, uttered on this floor more than twenty years ago: "*Liberty and Union, now and forever, one and inseparable!*" But we mean *liberty* and Union. The voting anti-slavery men of Massachusetts will not be frightened from their advocacy of impartial liberty by threats, made here or elsewhere, to dissolve the Union. These menaces have no terrors for us. We know that the people will stand by the Union even if slavery should be abolished.

But the Senator from Illinois tortures our expressions of confidence in the stability of the Union into designs on our part to plot for its dissolution. Sir, the Senator has asserted what he cannot believe. That Senator understands the sentiments of the people of the northern States quite too well to mean anything like that. The State of Ohio gave seventy thousand majority, at the last election, against his Nebraska bill. Does the Senator believe the intelligent people of Ohio, who gave that majority of seventy thousand—or eighty-four thousand, as the Senator at my side [Mr. CHASE] reminds me—are enemies of this Union? He knows they would shed their blood this day quite as freely as he himself, or any other Senator, to perpetuate the Union. The great State of New York gave an almost uncounted majority in opposition to the Nebraska bill. Does the Senator believe that the intelligent freemen of New York are opposed to this Union? The State I represent on the floor of the Senate gave more than one hundred thousand majority against the Nebraska bill at the last election. I do not know one disunionist among them all. Hundreds of the men the Senator pronounces hostile to the Union have periled their lives and shed their blood in defense of the country.

Allusions have been made to the recent elections. The Senator from Illinois has been pleased to say here that, in his opinion, Know-Nothingism has swept the northern States, and not opposition to the Nebraska bill. It is not my purpose to underrate the power and influence of the organization to which he refers. I will say to that Senator, however, that the first State to vote after the introduction of the Nebraska bill was the President's own State. It was my fortune to travel more than one thousand miles in that, my native State, a few days preceding the election. I know something of the sentiments and wishes of the people, and I say that the supporters of the Administration did not dare in New Hampshire to defend the Nebraska bill. They denied it to be an issue in the canvass, and by so doing they saved themselves from utter defeat, but they were not able to secure the Legislature of the State, so as to elect their

Senators. The State of Connecticut voted early in April. I do not believe there was then a single man, in either of these States, whom you might designate as a Know-Nothing. So far as my own State is concerned, although the Know-Nothing party as he calls it—the American party—have taken no position on the subject of slavery at all, yet the sentiment of that State approaches unanimity, and I do not know of a Nebraska man in the Legislature, and I am sure there is not a Nebraska man in the delegation of the House, and on the floor of the Senate we are a unit upon that measure. [A VOICE. "No doubt about that."] As to the organization of the American party, in some sections it has had influence in favor of freedom, in other sections it has been hostile to freedom.

Mr. DOUGLAS. The Senator says that in some sections they have been in favor of freedom, and in other sections hostile. Will he show me where they have supported a Nebraska man in any one district of America?

Mr. WILSON. I understand they elected a Nebraska man in your district, sir, (Mr. GEYER in the chair,) and defeated Colonel BENTON, who was opposed to the Nebraska bill.

Mr. DOUGLAS. I am speaking of the free States. Have they been for Nebraska men for the Legislature, or for Congress, in any district in the free States?

Mr. WILSON. I cannot speak for districts out of my own State. I should regret to hear that any adherent of the American party supported the Nebraska bill.

Mr. DOUGLAS. Did they in your own State?

Mr. WILSON. No, sir. I beg leave to tell the Senator from Illinois we cannot run any other than an anti-Nebraska man and get any votes. [Laughter.]

The Senator from Indiana [Mr. PETTIT] has made a long argument to-night to prove the inferiority of the African race. Well, sir, I have no contest with the Senator upon that question. I do not claim for that race intellectual equality; but I say to the Senator from Indiana that I know men of that race who are quite equal in mental power to either the Senator from Indiana or myself—men who are scarcely inferior, in that respect, to any Senators upon this floor. But, sir, suppose the Senator from Indiana succeeds in establishing the inferiority of that despised race, is mental inferiority a valid reason for the perpetual oppression of a race? Is the mental, moral, or physical inferiority of man a just cause of oppression in republican and Christian America? Sir, is this Democracy? Is it Christianity? Democracy cares for the poor, the lowly, the humble. Democracy demands that the panoply of just and equal laws shall shield and protect the weakest of the sons of men. Sir, these are strange doctrines to hear uttered in the Senate of republican America, whose political institutions are based upon the fundamental idea that "all men are created equal." If the African race is inferior, this proud race of ours should educate and elevate it, and not deny to those who belong to it the rights of our common humanity.

The Senator from Indiana boasts that his State imposes a fine upon the white man that gives employment to the free black man. I am not surprised at the degredation of the colored people of Indiana, who are compelled to live under such inhuman laws, and oppressed by the public sentiment that enacts and sustains them. I thank God, sir, Massachusetts is not dishonored by such laws! In Massachusetts we have about seven thousand colored people. They have the same rights that we have; they go to our free schools, they enter into all the business and professional relations of life, they vote in our elections, and in intelligence and character are scarcely inferior to the citizens of this proud and peerless race whose superiority we have heard so vauntingly proclaimed to-night by the Senators from Tennessee [Mr. JONES] and Indiana, [Mr. PETTIT.]

Now, sir, I assure Senators from the South, that we of the free States mean to change our policy. I tell you, frankly, just how we feel and just what we propose to do. We mean to withdraw from these Halls that class of public men who have betrayed us and deceived you; men who have misrepresented us, and not dealt frankly with you. And we intend to send men into these Halls who will truly represent us and deal justly with you. We mean, sir, to place in the councils of the nation men who, in the words of Jefferson, "have sworn on the altar of God eternal hostility to every kind of oppression of the mind and body of man." Yes, sir, we mean to place in the national councils men who cannot be seduced by the blandishments, or deterred by the threats of power; men who will fearlessly maintain our principles. I assure Senators from the South that the people of the North entertain for them and their people no feelings of hostility; but they will no longer consent to be misrepresented by their own representatives, nor proscribed for their fidelity to freedom. This determination of the people of the North has manifested itself during the past few months in acts not to be misread by the country. The stern rebuke administered to faithless northern representatives, and the annihilation of old and powerful political organizations, should teach Senators that the days of waning power are upon them. This action of the people teaches the lesson, which I hope will be heeded, that political combinations can no longer be successfully made to suppress the sentiments of the people.

Mr. BENJAMIN. I should be exceedingly unwilling to disturb the course of the Senator's argument, or interrupt his speech; but, as he is giving us what certainly is very interesting to the country, an exposition of those views which he entertains, and of which he is the exponent on this floor, would the Senator be kind enough to state—that we may understand fully his views and those of his party—whether, in conformity with the principles of that party, if a Territorial organization were now superseded by a State constitution in any of the Territories of this Union, and, by that constitution, the people of the State should adopt slavery as one of their domestic institutions, it would be consistent with his principles to admit that State into the Union with that constitution?

Mr. WILSON. I will answer the Senator frankly. I stand here ready to answer any questions put by the Senator from Louisiana, or any other Senator. The party with which I act is a new organization. It has, so far as I know, in Massachusetts, and in all the other States, never expressed any opinions or assumed any position on the question of slavery. I cannot, therefore, speak for it. The members of that party in my own State, in their individual capacity, would be decidedly opposed to the admission of slave States into the Union.

Mr. BENJAMIN. I shall trouble the Senator with one more question, if he will permit me. I will ask that Senator if, frankly and conscientiously, he believes that, in the event of the repeal of the fugitive slave law, the State and people of Massachusetts would adopt effective measures by which fugitive slaves from the South would be captured and returned to their owners?

Mr. WILSON. I believe that if the fugitive slave act should be repealed the Commonwealth of Massachusetts will fulfill her constitutional obligations, but she will do it in her own way, so as to protect fully the rights of every man within her jurisdiction.

Mr. BENJAMIN. I fear the Senator may think that these interrogatories are unfair encroachments upon his time, and I shall not push them, if they are unpleasant to him.

Mr. WILSON. Not at all, sir; I am ready to answer.

Mr. BENJAMIN. I should like to understand if, under his own convictions, under the principles entertained by those whom he represents, or by the population of the State of Massachusetts, he really believes that, in the event of the repeal of the fugitive slave law, a fugitive slave would be captured and restored to his southern owner, under any circumstances?

Mr. WILSON. I certainly cannot say what Massachusetts would do, under any circumstances that may happen. But I will say that, in my judgment, she would fulfill the obligations which the Constitution imposes upon her.

Mr. BENJAMIN. That is a satisfactory answer.

Mr. WELLER. Yes, if they would only do it; I do not believe they would. [Laughter.]

Mr. WILSON. I have confidence in the fidelity of the people of Massachusetts to the obligations imposed upon them by the Constitution of the United States.

Mr. RUSK. Will the honorable Senator allow me to interrupt him a moment? As he is explaining the opinions of a new party, which will be important for good or evil, I desire to ask him a few questions. First, does that party regard the States and their citizens as equal in rights under the Constitution?

Mr. WILSON. So far as I know the sentiments of the members of that party, they regard the sovereign States of this Union as equals under the Constitution. This is the true American doctrine; and I certainly think they will go for the equality of the citizens of all the States.

Mr. RUSK. I desire to ask him another question, although I assure him I am reluctant to interrupt him. Does that party recognize the right in Congress to exclude, either directly or indirectly, the citizens of any State from equal rights of person and property in any of the Territories of the United States?

Mr. WILSON. So far as the party with which I act in Massachusetts is concerned, it has never taken any position upon this subject; but I will say that I do not know a man in the ranks of that party who does not believe that the Congress of the United States alone has the power to legislate for those Territories, and that nobody has a right to carry a slave there and keep him in bondage without the permission of Congress. In my opinion, Congress has no right to establish slavery in the Territories, or to allow the people to establish it.

Mr. RUSK. My question is answered.

Mr. WILSON. I have spoken, Mr. President, in no spirit of unkindness towards our fellow-citizens of the South, of the sentiments, feelings, and purposes of the people of the North. I do not refer to the action of political parties. I refer to the people without distinction of party. Party combinations are not strong enough to repress the utterance, or to control the action of the people aroused at last to the vindication of their rights. If politicians here, or elsewhere, believe they can make any political combinations that shall ignore the issues forced upon the people of the free States, I tell them frankly that they will ignominiously fail. The people of the North are beginning to realize the responsibilities and duties imposed upon them by the condition of the country. They feel that the hand of proscription has been laid upon them, and they will no longer consent to be proscribed for holding opinions sanctioned by patriotism, humanity, and religion.

These sentiments and opinions are the matured convictions of my judgment, and while I have a seat in this Chamber I shall adhere to them with fidelity, and support them with firmness. I hope at all times to meet honorable Senators from the South in a spirit of kindness and conciliation; but no fear of denunciation, reproach, or ridicule, here or elsewhere, no hope of personal influence or political power, will ever deter me from the vindication of opinions which my heart and conscience approve.

Mr. WELLER. I have listened to every word that has been said by the honorable Senator from Massachusetts, [Mr. WILSON,] and I desire now to propound to him an inquiry, which may, by some, be considered impertinent, but which I hope he will not so consider. I am not aware that, in the course of the remarks which he has made to the Senate, he has in any way indicated the manner in which he proposes to vote. The question before the Senate is whether he is in favor of a bill which shall procure a faithful and just enforcement of the fugitive slave law, among the other laws of the United States. That is the question, and I should like to have the opinion of the Senator from Massachusetts on that; because it may guide my action in the vote which I am to give here. Will the Senator be good enough to inform us whether he proposes to vote for the bill or not?

Mr. WILSON. Mr. President, I did not say how I intended to vote; and I am sure of one thing, gentlemen will certainly discover when the yeas and nays are called; but I answer the Senator now, frankly and candidly, I intend to vote

against the bill. I believe the bill is intended to enforce an unconstitutional and arbitrary law, and for no other purpose whatever, and to prevent, if possible, the influences now at work in the free States for the protection of the liberties of their own citizens.

Mr. WELLER. The Senator, I believe, did say, in the course of his remarks, that he regarded the fugitive slave law as an unconstitutional and oppressive act. Entertaining that opinion, of course he will not vote for this bill, which seeks the enforcement of it. That Senator undertook to say, that if Congress repealed the fugitive slave law, he had no doubt the Legislature of Massachusetts would pass a law which would enable the slaveholder to recapture his property. Now, I ask whether there is a Senator within the sound of my voice who believes that if you were to repeal the fugitive slave law to-morrow, the Legislature of a single one of the New England States would pass any enactment which would enable him to recapture his property; who does not know that if this subject were pretermitted to the State Legislatures, it would operate as a total denial of the right of slaveholders to go within some States and recapture their property? Does he suppose this Union can be maintained when you proscribe a certain section of the Union, and deprive these people of the right to recapture their property? I do not intend to go into this discussion, certainly not at this early hour of the evening; but if the debate shall be prolonged until daylight, I may take occasion to express my opinions generally. It is enough for me to say that the Senator from Massachusetts has been most grossly misrepresented in the newspapers, and in my judgment, he does not express the views of his colleague, [Mr. SUMNER,] as expounded heretofore. There is certainly a difference of opinion between them. It may be that the Senator from Massachusetts who has just addressed the Senate is a Free-Soiler, as contradistinguished from an Abolitionist. He has said that there are only about one thousand Abolitionists in Massachusetts. Why, Mr. President, I had considered that that was the most popular party in the State, and that the Senator from Massachusetts who has not spoken [Mr. SUMNER] was the exponent of the people of that State. But, sir, it seems I was mistaken. The Senator from Massachusetts [Mr. WILSON] is going to stand by the Union; if so he will find me alongside of him. I have no disposition to trespass on the rights of his State, and if he will only stand by me to prevent his people trespassing on the constitutional rights of other sections of the Confederacy, we shall preserve the Union intact; but when he speaks of the sentiments generally entertained in the free States, I suppose, like others, he does not undertake to speak for the State which I represent. We have no abolitionists there; but if we have any at all they are colored men. [Laughter.]

Mr. WILSON. The Senator from California has asked me a question, and I have answered him frankly. Now, I should like to ask him one.

Mr. WELLER. Certainly; that is fair.

Mr. WILSON. The Senator says he will stand by me in support of the Constitution. I wish to ask that Senator if he believes it would be encroaching, trespassing on, or interfering with the rights of the slave States of this Union, if Congress were to abolish slavery in this District, or allow the people of the District of Columbia to abolish it?

Mr. WELLER. I should so consider it; but as I perceive that the Senator from New York [Mr. SEWARD] is very anxious to speak, I shall not explain the reasons why I give this answer.

Mr. MALLORY. Mr. President, I am in favor of the bill, and I shall not delay the Senate a moment, believing, as I do, that the policy of its friends should be to pass it without saying anything on their part; but, sir, I have a question to put to the Senator from Massachusetts. I think he desires to be distinctly understood. His manner has all the appearance of frankness, and I doubt it not; but I think he has been misunderstood. In reply to the interrogatory of the Senator from Texas, [Mr. RUSK,] in relation to the rendition of fugitive slaves, I understood the Senator from Massachusetts to say, that Massachusetts would conform to all the requirements of the Constitution, reserving to herself the interpretation of the obligations of the Constitution. I have not understood him, as the Senator from California seems to have done, to mean that, if the subject were pretermitted to the States, Massachusetts would pass any law enabling the owners of slaves to recover their property which had escaped. Perhaps I have not understood him; and I should like to hear his real views on that point.

Mr. WILSON. The Senator from Florida must certainly be aware that I cannot say what Massachusetts would do, or what laws she would pass. I believe—I believe it sincerely—the people of that State feel that the Constitution, and all the Constitution, is binding upon them. I should be willing to trust the people of that State to perform their constitutional duties. I believe they will do so; I believe that whatever action they may take, will be such as to protect, to the fullest extent, the liberties and rights of their own citizens.

Mr. SEWARD. Mr. President, the scene before me, and all its circumstances and incidents, admonish me that the time has come when the Senate of the United States is about to grant another of those concessions which have become habitual here to the power of slavery in this Republic. For the second time, in a period of nearly three months, the brilliant chandelier above our heads is lighted up; the passages and galleries are densely crowded; all the customary forms of legislation are laid aside; the multifarious subjects, which have their rise in all parts of this extended country, are suddenly forgotten, in a concentration of feeling upon a single question of intense interest. The day is spent without adjournment. Senators, foregoing their natural relaxation and refreshment, remain in their seats until midnight approaches. Excitement breaks out in every part of the Chamber. Criminations and recriminations, and denunciations of Senators individually, and of Senators by classes, equally of those who have participated in the debate, and of those who have remained silent, grate harshly upon the ear. Such as these were the incidents that heralded the passage of the fugitive slave act of 1850. Such as these attended the abrogation of the Missouri compromise in 1854. I know full well that the fall of constitutional liberty is as certain to follow these incidents occurring now, as it followed the like incidents on the sad occasions to which I have referred. And, for aught I know, the teeming gun which proclaimed those former triumphs of slavery, is already planted again under the eaves of the Capitol, to celebrate another victory. My course, on this occasion, has been the same as on all former occasions of a like character. I have forborne from engaging in the debate, until near the end of the controversy, that the country may know who it is and who it is not, that disturbs the public harmony, and breaks the public peace, by the agitation of slavery in these Halls; and I shall speak now, less in the form of an argument against the bill before us, than of a protest, upon which I shall take my stand, to abide the ultimate judgment which shall be rendered by the American people.

For myself, there is a painful association connected with the rise of this debate. I arose in my place at eleven o'clock this morning, simultaneously with the honorable Senator from Connecticut, [Mr. TOUCEY,] and each of us demanded an audience, which was assigned by the Chair to him. He announced this bill, which, however obscure in its language, was, as we all instantly knew, designed for the protection of officers of the United States, who are engaged in executing the fugitive slave law. On the other side, I held in my hand a proposition to be submitted to the Senate, for the erection of a bronze monument, fifty feet high, in the city of Washington, which should illustrate the life and the death of Thomas Jefferson, and commemorate the immortal names of the signers of the Declaration of American Independence. It was a new acknowledgment which I was about to ask from the Senate of the United States to the great fact on which the liberties of this country, and all its constitutions rest—that all men are created equal. Sir, the success which the honorable Senator from Connecticut [Mr. TOUCEY] obtained over me, when the floor was assigned to him, was ominous. The Senate of the United States will erect no monument to the memory of Jefferson, who declared, that, in the unequal contest between slavery and freedom, the Almighty had no attribute which could take part with the oppressor. But the Senate will, on the other hand, promptly comply with the demand to raise another bulwark around the institution of slavery.

Mr. President, as there is nothing new in the circumstances of this transaction, so it has happened now, as on all similar occasions heretofore, that everything foreign from the question at issue has been brought into the debate. The introduction of these foreign matters has, as heretofore, been attended with a profusion of reproaches, and calumnies, and epithets, as inapposite to the occasion as they are inconsistent with the decorum and dignity of an august Legislature. Those of us upon whom such denunciations, calumnies, and epithets have been showered, have endured them long, and I think no one will deny that we have endured them patiently. To such Senators as have given utterance to their opinions in that form of argument, I make, for myself, only this reply—that that field of debate is relinquished exclusively to themselves. Now, as on similar occasions heretofore, the relations of political parties, and their respective merits and demerits, have entered largely into the discussion. Sir, I shall forbear from entering into that part of the debate, for the reason that I am addressing, not politicians, but statesmen. So far as the justice or expediency of the measure under consideration is concerned, it can make no difference whether those who advocate it or those who oppose it are Whigs or are Democrats, or belong to that new class of men who are popularly called Know-Nothings. Arguments based on such grounds may have their weight somewhere else—outside of this Chamber or possibly up there—[pointing to the galleries]—but certainly not down here. Inquisition has been made concerning the circumstances and influences which attended the recent elections of members, not only of this House, but of the House of Representatives, for the purpose, as it seems, of awakening prejudices against those who oppose the passage of this bill. I give notice to honorable Senators who have adopted this line of argument, that it is neither required by the people whom I represent here, nor is it consistent with their dignity and honor, that I should assume to interpret the motives which determined their choice of legislators. The results are before the world. They explain themselves. Equally derogatory from my duty, and disrespectful to the statesmen around me, and to the States which they represent, would it be, were I to inquire into the manner or circumstances of the elections made by those States. I recognize every Senator here as the exponent of the opinions and principles of the State from which he comes. And I hear no voice from any State but that to which its representatives give utterance. Nevertheless, Mr. President, I shall not shrink from such an exposition of my own opinions and sentiments on collateral issues, as shall tend to disembarrass a good cause, by relieving it from unjust prejudices, directed against myself as its advocate.

First, in regard to what is called the Nebraska question. I freely confess that I regard the abrogation of the Missouri compromise by the Nebraska bill of the last session as an unjust, unnecessary, dangerous, and revolutionary act. I voted against it as such. Let that vote stand against me, in the minds and in the hearts, if it must be so, of those Senators who regard it as a cause for reproach. Certainly, this is not the time to justify that vote. A time to do so was when the vote was given, and its vindication was then duly made. There is probably another time coming for the renewal of that vindication, a time in the near future, when the question of a restoration of freedom throughout the Territories of the United States will arise in the Senate. Then, if God shall bless me with continued life, and health, and strength, I hope again to do my duty. To that future time I adjourn the argument on the bill for the abrogation of the Missouri compromise.

There is more of propriety in the discussions of the fugitive slave law, which have been reopened during this debate. I have no need, however, to speak on that subject. I have fully debated it

heretofore, on more occasions than one, in this place. Every word of what I then said is recorded in the legislative history of the United States. There is not a thought that I would wish to add; there is not a word that I am willing to take away. Time is full surely and quite rapidly enough resolving the question whether those were right who pronounced the fugitive slave law a just, and necessary, and constitutional act, full of healing to a wounded country, or whether the humble individual who now stands before you was right when he admonished you that that law was unnecessary, unwise, inhuman, and derogatory from the Constitution, and that it would never be executed without new and continued usurpations. The transaction of this night takes place in order that the words of that prophecy may be fulfilled.

I am not allowed, sir, to reach the merits of this question without alluding to a body of men who sport in the public gaze under a name which I hardly know how to repeat in the presence of so grave and reverend an assemblage as this—the Know-Nothings. They are said to have contrived their disguise with so much ingenuity, that one who is not a novitiate cannot deny a knowledge of their ceremonies and principles without implying his communion and membership with them. Nevertheless, I must reply to the Senator from Illinois, [Mr. DOUGLAS,] who charges me, among others, with such an affiliation, that I have no knowledge of that body of men, other than what is afforded me by the publications of the day. Thus informed, I understand the Know-Nothings to be a secret society or order, consisting of two or three grades, colleagued and mutually sworn to elect individuals of their own order, or at least persons maintaining the principles which that order entertains, to all offices of trust and profit in the United States. Those principles I understand to be, in general, the same which, before the organization of the Know-Nothings, passed under the name of Native Americanism. I, sir, have no connection with that order. I am under no responsibility for its doings, and I have not the least sympathy with its principles or sentiments. I belong to one voluntary association of men, which has to do with spiritual affairs. It is the Christian church—that branch of it, all imperfect though I think it is, which, according to my notions, most nearly retains, in their purity, the instructions of the Gospel. That association is an open one, which performs all its rites and gives all its instructions with publicity, and invites every man, in the language of its Divine founder, to come in and partake of the privileges with which he invested it, and of the blessings which he promises. I belong to one temporal society of men, and that is the political party which, according to my notions, embodies most fully and most truly, although, I confess, as in the other case, very inadequately, the principles of the Declaration of Independence and of the Constitution of the United States. This association also, of which I have last spoken, is an open one. All its transactions are conducted in the broad daylight; and it invites all citizens, and all men who become subjects of the power of this Government, of whatever clime or race or color they may be, to enter into its ranks, to participate in its labors, and to coöperate in maintaining good government, and in advancing the cause of human nature. These two associations, the one spiritual and the other temporal, are the only voluntary associations to which I now belong, or ever have belonged since I became a man; and, unless I am bereft of reason, they are the only associations of men to which I shall ever suffer myself to belong. Secret societies, sir! Before I would place my right hand between the hands of other men, in a secret lodge, order, class, or council, and bending my knee before them, enter into combination with them for any object, personal or political, good or bad, I would pray to God that that hand and that knee might be paralyzed, and that I might become an object of the pity and even of the mockery of my fellow men. Swear, sir! I, a man, an American citizen, a Christian, swear to submit myself to the guidance and direction of other men, surrendering my own judgment to their judgments, and my own conscience to their keeping! No, no, sir. I know quite well the fallibility of my own judgment, and my liability to fall into error and temptation. But my life has been spent in breaking the bonds of the slavery of other men. I therefore know too well the danger of confiding power to irresponsible hands, to make myself a willing slave. Proscribe a man, sir, because he was not born in the same town, or county, or State, or country, in which I was born! Why, sir, I do most earnestly and most affectionately advise all persons hereafter to be born, that they be born in the United States, and, if they can without inconvenience, to be born in the State of New York, and thus avoid a great deal of trouble for themselves and for others. [Laughter.] Moreover, I do most affectionately enjoin upon all such persons as are hereafter to be born, that they be born of fathers and of mothers, of grandfathers and of grandmothers, of pure American blood. Still more, sir, I do affectionately enjoin upon all who shall thus have the wisdom to come into existence on this side of the Atlantic, and of such pure and untainted ancestry, to be either born in the Protestant faith, or to be converted as speedily as possible to that good and true Protestant Church, within whose pale I myself am accustomed to worship.

More than that, sir. Speaking from a full knowledge and conviction of the serious inconveniences which absolute and eternal slavery entails upon man and upon races of men, I do earnestly, strenuously, and affectionately conjure all people everywhere, who are hereafter to be born, to be born white. [Laughter.] Thus, being born in this free and happy country, and being born white, they will be born free. But, Mr. President, this is the length and this is the breadth of my connection with the new and mysterious order of patriots. And, if there shall hereafter come among us persons who, because from ignorance they may not be able to profit by my advice and counsel, shall be born in foreign lands; or, even if there shall be any who, in despite of my counsel, shall persist in being Roman Catholics, or Jews, or Turks, or Chinese; or if there shall be others who, disregarding my persuasion, shall insist upon coming into the world with blackened faces and twisted hair, all I can say, in regard to them, is, that I have done my duty, and I shall not add a feather's weight to the disabilities which they will incur by their presumption and perverseness. [Laughter.]

Sir, my honorable friend from Connecticut [Mr. GILLETTE] has thought this was a good occasion to invite us to consider the question of abolishing slavery in the District of Columbia, and has thereby incurred some censure. He certainly had a warrant in the latitude which the debate had already assumed, although the subject was not very germane to the question before us. I have no hesitation to disclose my fanaticism in that direction. Five years ago I proposed, in the Congress of the United States, the emancipation of all the slaves in the District of Columbia, with the consent of its citizens, to be expressed through the customary forms of a popular election, and with full compensation, to be paid out of the public Treasury, to the individuals who should suffer damage in their fortunes by so great an act of national humanity and justice. I am ready to go with my honorable friend that length now. I shall be ready to go the same length to-morrow, next year, always. This is enough, I trust, on that subject.

I and others here, sir, are denounced as Abolitionists, in a broader sense, and, therefore, as traitors. I have no hesitation in confessing the whole truth on that point. I believe that I do not know a human being who maintains or supposes that the Government of the United States has lawful authority or right to abolish slavery in the States of this Union. Certainly, in my own opinion, that Government has no such power or right. But, sir, I am a man, none the less because I am a citizen and a Senator of the United States. And, although I have no power to exercise in a slaveholding State, I very freely say, that, if I were a member of such a community, I should recommend to and urge upon my fellow-citizens there, with patience which could endure until the necessary reform could safely be obtained, some measure of emancipation, immediate or prospective, with compensation for damages, through the action of the State Legislature, upon the ascertained consent of the people. I add, further, to meet the requirements of those who suppose that a proposition of gradual emancipation to the slaveholding States is either timely now or soon will be so, that while I retain a place in the National Councils, any slaveholding State willing to adopt the humane policy which has been already adopted by own State and by other States, shall have my vote for any aid, either in lands or money, from the Federal Government, which the condition of the public Treasury and of the national domain will allow, in furtherance of an object in which not only the slaveholding States are interested, but which concerns the whole Union, and even human nature itself.

Mr. President, I have made my way at last, through the intricate mazes of this discussion, to the actual discussion before the Senate. The bill before us is in these words:

"If a suit be commenced or pending in any State court, against any officer of the United States or other person, for or on account of any act done under any law of the United States, or under color thereof, or for or on account of any right, authority, claim, or title, set up by such officer or other person, under any law of the United States, and the defendant shall, at the first term of such State court after the passage of this act, or at the first term of such State court after such suit shall be commenced, file a petition for the removal of the cause for trial into the next circuit court to be held in the district where the suit is pending, or, if there be no circuit court in such district, then to the district court invested with the powers of a circuit court next to be held in said district, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the State court to accept the surety, and proceed no further in the cause; and any bail that may have been taken shall be discharged, and the said copies being entered as aforesaid in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process; and any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer such final judgment, had it been rendered by the court in which the suit commenced; and the party removing the cause shall not be allowed to plead or give evidence of any other defense than that arising under a law of the United States, as aforesaid."

What is proposed here is an innovation—a new thing—a thing unknown in the laws of the country, since the States came into a Federal Union. The new thing is, that a person, civilly prosecuted in a State court, and justifying under authority or color of a law of the United States, may oust the State of its jurisdiction, and remove the cause into a court of the United States. The first question which arises is, how does the thing stand now? How has it hitherto stood? What are the powers of the State courts, and what are their duties? What are the rights of parties in the State courts? The Constitution of the United States binds together in Federal Union thirty-one States, which, while they remain equal and qualified sovereignties, at the same time constitute, in the aggregate, another qualified sovereignty. In so much as the chief business of Government is to protect the rights of its citizens or subjects, and as the performance of that duty is, under free Governments, assigned to courts of justice, and in so much as the citizen is simultaneously the subject of a State Government and of the Federal Government, the State courts and the United States courts exercise concurrently or coördinately the power of trying civil actions which are brought against persons acting as officers of the Federal Government. The public officers of the United States are, as we all know, numerous, and of many classes—civil, military, and naval. They are engaged in executing laws relating to the Army, the Navy, the customs, the public lands, the post office, the judiciary, and foreign relations. These agents may be called upon to answer by any person who is aggrieved, either in the proper Federal court, or in a court of the State where the grievance happened.

A case which will illustrate the subject now occurs to me. Two or three years ago, I successfully maintained in the Supreme Court of the United States an action on the case, which had been brought in a justice's court of the State of New York, by a woman, against a postmaster, who had refused to deliver to her a newspaper, on which the postage which could be rightfully demanded was one cent. The postmaster pleaded before the justice, and before the supreme court of

the State, and before the court of appeals of the State, that none but a Federal court could assume jurisdiction in the case. When his plea was finally overruled in the court of last resort in the State, he appealed from that decision to the Supreme Court of the United States. That Court affirmed the decision of the State court, and thus defined the law to be, that United States officers are amenable to civil actions in the State tribunals. The law now remains as it was then expounded, and so it has always stood since the establishment of the Constitution itself. It is wise and beneficent, because it surrounds the citizen with a double safeguard against extortion, oppression, and every form of injustice committed by the authority or in the name of the great central executive power.

The second question is, what is the nature and extent of the change which you propose to make by the bill which is under consideration? That question is answered in a word. Whenever the rights of a citizen are invaded in any State within the Union, by a person holding a commission, whether civil or military, from the President of the United States, he shall henceforth have only a single safeguard, instead of that double panoply which has hitherto shielded him, and he must either forego redress or seek it in a tribunal of the United States, in which justice is administered by judges appointed by the President and the Senate, and irremovable, except on impeachment by the House of Representatives, and, therefore, responsible in the least possible degree to that wholesome public opinion which is the guardian of public liberty. Every postmaster and his deputy, every marshal and his deputy, every mail-contractor, every stage-driver, every tide-waiter, every lieutenant, every ensign, and even every midshipman, will be independent of State authority, and, when prosecuted before a magistrate or court, in the immediate vicinage where his offense is committed, will defy the party aggrieved, and remove the action commenced against him into a Federal tribunal, whose terms are rarely held, and then in remote and practically inaccessible places. One half of the power residing in the States is thus to be wrested from them at a single blow, and they will henceforth stand shattered monuments of earlier greatness.

No such change as this was anticipated by the framers of our Federal and State constitutions. They established the Federal Constitution chiefly for the protection of the whole country against foreign dangers. They gave to it a stronger Executive than they gave to the States, respectively. They established the State constitutions chiefly for the protection and defense of personal rights They knew that this central Government would grow stronger and stronger, and would ultimately become an imperial power. It has realized that expectation, and has become even a continental power. Hitherto, the citizen has enjoyed his double safeguard. Why shall one half of his panoply be now torn away from him? What lawful and proper object of the Federal Government has failed to be obtained by reason of the exercise of jurisdiction by State authorities over officers of the United States? None. Why, then, shall the ancient law and custom be changed? Is there danger that the citizen will be too secure under the double protection of the State courts and of the Federal courts? That was not the doctrine of the earlier days, and that is not sound doctrine now.

I demand, in the third place, a reason for this innovation. In reply, you urge, first, a precedent. Precedents, in every country, are the stair-way of tyrants. What is this precedent? It is a law which protects the public Treasury, by withdrawing from the State courts certain actions against collectors of the revenue. Who knows now without more examination than you allow time for us to make, on what ground, or under what circumstances, or upon what exigency, that single departure from the ancient system was made? I do not know that I should have been in favor of that departure. Nor can you show that the innovation thus made, and which you now plead as a precedent, was necessary. We are always wiser in our judgments in retrospect than in anticipation. I can now see, when the precedent is pleaded to justify a further departure from the ancient system, abundant reasons to regret that the precedent was ever established.

You tell me, in the next place, that there is danger of insubordination—danger that the State Governments will nullify the laws of the Federal Government. This is always the ready plea for Federal usurpations. It is the same ground which the British Government assumed towards British subjects in the American Colonies, when it transported them beyond seas, to be tried for pretended offenses. I proclaim in your ears here, and I proclaim before my countrymen, that there is no necessity and no shadow of necessity for this great and fearful change. From every tribunal in any State of this Union which renders a final judgment that can affect the rights of any public officer of the United States, there is an appeal to the Supreme Court of the United States reserved to him by the Constitution and laws of the United States; and that high tribunal can, merely by its mandate, annul that judgment, and discharge the party from all its consequences. This, and this alone, was the security which your forefathers established to prevent the evils and dangers of insubordination by the State authorities. I proclaim, further, that when the Constitution of the United States was submitted to the people in the several States, to be adopted by them, the chief objection which was urged against it, the objection which was urged with the most zeal, the most energy, and the most effect, was, that the liberties of the citizen would be brought into jeopardy by the extended power of the Federal judiciary. So strenuously was this objection urged, that the Constitution was not adopted until it was demonstrated by Hamilton, Jay, and Madison, in the Federalist, that the State jurisdiction, which you are now about to strike down, was left to the States, and could never be wrested from them without an act of Congress, which there was no reason to presume would ever be passed.

Sir, this is an important transaction. I warn you that it is a transaction too important to be suddenly projected, and carried out with unusual and unseemly rapidity. It is a transaction that will be reviewed freely, boldly, and through long years to come. You would have done well to have given us a week, or a day, or at least one hour, to prepare ourselves with arguments to dissuade you from your purpose and to stay your hands. Suffer me to say, with all deference, that you would have done well if you had allowed yourselves time to consider more deliberately the necessity for a measure so bold, and the consequences which must follow it.

I repeat, sir, that there is no necessity for this act. In every case which is intended to be reached by it, the mandate of the Supreme Court of the United States annuls the judgment of the State court which has mistaken its own powers or encroached upon the Federal authority; and the State itself, with all its dignity and pride, falls humbled and abased at the foot of central and imperial power. I habitually contemplate everything connected with the development of the resources and with the extension and aggrandizement and glory of this my country, with an enthusiasm which I am sure I do not always find burning in the hearts of all with whom it is my duty to act in her Councils. But, sir, I shudder when I think that this development, this extension, this aggrandizement, and this accumulation of glory, are going on firmly, steadily, and crushingly, at the expense of these noble, independent States; that the majestic dome, while it spreads itself more widely and erects itself higher and higher, is pressing into crumbling fragments the pillars which constitute its true and just support.

Sir, we have had, on this occasion, as we always have on painful occasions of this kind, pathetic allusions to the safety of this Federal Union. And these allusions have been addressed to me, although I have hitherto been content to be a silent listener to this debate. What do you think must be the feelings of a man, himself a representative of three millions—one eighth of your whole people; a representative of one sixth of all the freemen in the Republic; a representative of even a larger proportion of the whole wealth of the country; a representative of your whole concentrated commerce—when he finds himself surrounded by men who think that a community so numerous and so intelligent, and enjoying such wealth, and cherishing such interests, are so far habitually blinded by passion as to be disloyal to the Union on which all their safety depends? Sir, I almost forget my customary toleration, when I see around me men who know how the interests and affections of their homes cluster and entwine themselves with every fiber of their own hearts, and who yet seem to forget that those interests and affections are the offspring of humanity itself, and therefore common to all men, and suppose that it is treason against the country to protest against the oppression of any one of its many and various masses and races.

I warn you, Senators, that you are saving this Union at a fearful cost. This is a republican Government—the first and only one that has ever been widely and permanently successful. Every man in this country, every man in Christendom, who knows anything of the philosophy of Government, knows that this Republic has been thus successful only by reason of the stability, strength, and greatness of the individual States. You are saving the Union of those States by sapping and undermining the columns on which it rests. You reply to all this, that there is a newly developed necessity for this act of Federal aggrandizement. There is no such new necessity whatever. The courts of the several States have exercised their concurrent jurisdiction over officers and agents of the United States for a period of sixty years, in cases which involved life, liberty, property, commerce, peace, and war, subject to supervision by the supreme tribunal of the Union; and while individual rights have been maintained, the public peace has been everywhere preserved, and the public safety has never received a wound. During all that time, there has never been an agent or apologist of the Federal power so apprehensive for the public safety as to propose the measure which is now before us. There has never been a time when such a proposition would have been received with favor. There have, indeed, been discontents, but they have been local and transient. Such discontents are incident to free society everywhere, and they are inevitable here. It is through the working of such discontents, that free communities, acting by constitutional means, and within constitutional restraints, work out the reformation of errors, the correction of abuses, and the advancement of society. All that has happened is a change of the scene of these discontents, resulting from a change in the geographical direction which the action of the Federal Government takes. Heretofore, the murmurs of discontent came from the South. Now, the breeze which bears them sets in from the North. When the wind blew from a southern quarter, the rights of the citizen were not safe without the interposition of the State tribunals. Now, when it comes from an opposite point of the compass, a Senator from Connecticut [Mr. TOUCEY] requires Congress to prohibit that interposition, and to arm the Federal Government with new and portentous power.

Mr. President, all this trouble arises out of the fugitive slave law. The transaction in which we are engaged is by no means the first act of a new drama. You began here in 1793 to extend into the free States, by the exercise of the Federal power, the war of races—the war of the master against the slave. The fugitive slave law which was then passed became obsolete. Though no great inconvenience was sustained, the pride of the slaveholding power was wounded. In 1850, you passed a new fugitive slave law, and connected with it measures designed to extend the territorial jurisdiction of the United States over new regions without inhibiting slavery. You were told at that time, as distinctly as you are told to-night, that your new law could not be executed, and would become obsolete for the same reasons that the old law had become obsolete; that the failure of the old law had resulted, not from its want of stringency, but from its too great stringency. You were told then, as distinctly as you are now told, that your new law, with all its terrors, would fail, because, like the old law, and more than the old law, it lacked the elements to command the consent and approval of the consciences, the sympathies, and the judgments of a free people.

The new law, however, was adopted, in defiance of our protest that it was an act of Federal usurpation, that it virtually suspended the writ

of *habeas corpus*, that it unconstitutionally denied a trial by jury, and that it virtually commanded a judgment of perpetual slavery to be summarily rendered, upon *ex parte* evidence, which the party accused was not allowed to refute in the due and ordinary course of the common law. You adopted new and oppressive penalties, in answer to all these remonstrances; and, under threats and alarms for the safety of the Union, the fugitive slave bill received the sanction of the Congress of the United States, and became a law. That was the second act. When murmurs and loud complaints arose, and remonstrances came in from every side, you resorted to an old and much-abused expedient. You brought all the great political parties in the United States into a coalition and league to maintain this law, and every word and letter of it, unimpaired, and to perpetuate it forever. All your other laws, although they might be beneficent, and protective of human rights and of human liberty, could be changed, but this one unconstitutional law, so derogatory from the rights of human nature, was singled out from among all the rest, and was to be, like the laws of the Medes and Persians, a decree forever.

This was the third act. And where are you now? It is only five years since the fugitive slave law was passed. You have poured out treasure like water to secure its execution. The public police, the revenue service, the Army and the Navy, have been at your command, and have all been vigorously employed to aid in enforcing it. And still the fugitive slave law is not executed, and is becoming obsolete. You demand a further and a more stringent law. The Federal Government must be armed with new powers, subversive of public liberty, to enforce the obnoxious statute. The bill before us supplies those new powers. This is the fourth act. It is easy to be seen that it cannot be the final one.

Sir, I look with sorrow, but with no anxiety, upon these things. They will have their end before long in complete discomfiture. I abide the time, and wait for the event. I perform my duty, the only duty which remains for me now, in protesting against the enactment of this law, and in expressing to you my conviction that you are traveling altogether in the wrong direction. If you wish to secure respect to the Federal authorities, to cultivate harmony between the States, to secure universal peace, and to create new bonds of perpetual union, there is only one way before you. Instead of adding new penalties, employing new agencies, and inspiring new terrors, you must go back to the point where your mistaken policy began, and conform your Federal laws to MAGNA CHARTA, to the CONSTITUTION, and to the RIGHTS OF MAN.

Mr. BAYARD. Notwithstanding the lateness of the hour, and the natural impatience of the Senate, at this time, to have the question disposed of, I cannot permit the views submitted by the honorable Senator from New York [Mr. SEWARD] to pass unnoticed, though I am disinclined to prolong this debate. It is not my intention to make any comment on that part of the remarks of the honorable Senator which seemed to me to indicate that the celebrated Frenchman was not altogether void of truth when he said that language was given to us for the purpose of concealing our thoughts. If I were to take the professions of the Senator from New York as to his regard for the preservation of the Federal Union, and contrast them with the tendencies of the measures, and of the system, which he, and those with whom he acts, have supported, I could scarcely believe that he had that regard, no matter what might be the interests of his constituents, for the maintenance of the Union, that his language would seem to indicate. Sure am I that if such be his regard for the Union, he is woefully mistaken as to the effect of his actions and his doctrines in reaching the result at which he appears to hope to arrive.

Mr. President, I do not intend to go into any question foreign to the subject immediately before us, but I desire to confine the few remarks I propose to make, strictly to the questions connected with this bill.

I hold it to be certain that any Government, in order to be entitled to be called a Government, should be able to carry its own laws into execution by its own power; otherwise it is no Government at all. From the earliest history of our system, such has been the intention of the Federal Constitution. It is perfectly true that we have divided the powers of Government between the States and the National Government, and it is perfectly true, that, as regards all municipal matters, and all matters of internal regulation, they are generally left to the State governments and the people of the States. It is undeniably true that the Federal Government is one of limited authority, and of limited jurisdiction; but to the extent of the powers granted, the enforcement of the laws made in pursuance of those powers, is just as necessary for the existence of this Government, as the ability to enforce their own laws is to the existence of the State governments.

The honorable Senator from New York has been pleased to denounce this bill as an innovation on our system. How does he attempt to establish that? Why, sir, he tells us there has always existed a right of appeal from the decisions of the State court of last resort, where a law of the United States is in controversy, and the decision is against it; and, therefore, he says, it is an innovation upon that system if we adopt now the same principle—which is, that the decision (no matter whether ultimate or not) on questions involving the constitutionality, regularity, and effect of an act of Congress, whether within their jurisdiction or not, must be finally disposed of by the Federal tribunals. In what respect is it different? What innovation on the system is it whether the first decision be in the State or the Federal court, if the ultimate decision be by the United States courts?

The honorable Senator was met by the difficulty that the same principle which this bill carries further and applies to all cases of State legislation, was previously adopted in this country in reference to our revenue laws. Under the revenue laws, the right to transfer the jurisdiction has existed for many years without complaint as to its constitutionality. It has stood upon the statute-book unimpeached as to its constitutionality, unobjected to by any quarter of the Union. The bill which we now propose to pass, embodies no other principle, is founded on no other constitutional power, than that which enabled the Federal Government to transfer the jurisdiction in revenue cases from the State to the Federal courts. The principle of the two is precisely the same; but the answer of the honorable Senator to this argument was this: he asked, how do we know, how can we tell, on what ground that departure, as he calls it, from our system was made in regard to the revenue laws? It matters not, Mr. President, what were the particular evils to be corrected which induced the Congress of the United States to pass that law in reference to the revenue system; that does not touch the argument in this case. It is enough to know that Congress have the constitutional power, and that they have exercised it unobjected to by any man in this broad Union. If the question of constitutional authority is settled, how can objections be made to the provisions of the present bill if we give reasons showing that it is expedient and proper now to extend that principle of the revenue laws to other cases of all denominations?

What is this bill? It arises from a system of legislation which has grown up under the influence of a spirit of fanaticism, a spirit which is striking at the foundations of this Union. Within the last eight or ten years what has been the progress of things? The act of Congress called the fugitive slave law was modified, was made practically enforcible, no more. None of its essential principles were altered from the time of its first enactment to the passage of the amended law of 1850. When that law was passed, the first steps of the honorable Senator's coadjutors, and those who think with them, were open resistance to the law. They went even so far as to murder an officer of the United States in the performance of his duty. But, sir, prudence taught them that this species of resistance to the laws of the United States, under any plea of philanthropy, or whatever they cloaked it under, would never be sanctioned by the sentiment of the people of the country. Finding that to be so, they have since resorted to another mode of nullifying and rendering nugatory the constitutional laws of the United States, and that is by State enactment. You find accordingly that three States of this Union, within the last year, have passed statutes intended to render nugatory a law of the United States which has been decided to be constitutional by some of the ablest State courts of the Union, and also by almost every Judge of the Supreme Court of the United States, sitting separately in the circuit courts throughout the Union. Some States, I have said, have passed laws with a view to render that law nugatory—laws such as were read by my honorable friend from Louisiana to-day—which, on the face of their provisions, are shocking to all principles of justice; laws which, among other provisions, contain this one: that if a man makes a claim to property recognized by the Constitution and laws of his country as property, capable of existence, and if, by any accident, (for no exception is made of the death of his witness, or the perjury of the opposing party's witness, or of any other cause whatever,) he fails to support his claim, he is to be imprisoned in the State prison as a convicted felon because of the unsuccessful attempt to assert his rights!

When such laws as that are passed, with all the influence of some State Legislatures, to prevent, and intended to prevent, carrying into execution the laws of the United States, made under the Constitution, is it not a sufficient reason why the Congress of the United States, having the constitutional power, should interpose, not for the purpose of aggression on the rights of any State, but simply in order to say that the officer, who is to carry out their law, and those who aid that officer, if sued in a civil action for anything done under any law of the United States, shall have the election of giving security and transferring jurisdiction to the Federal court, or allowing the suit to proceed to trial in the State court? That is all we propose. It is nothing more than you have done in regard to the revenue system. It is doing what the legislation of some States has rendered necessary, because no man can doubt that, in a State whose Legislature passes laws so atrocious as those of which we had a sample to-day, there would not be the slightest chance of justice to an officer of the United States executing a mandate of the courts of the United States in carrying out the laws of the United States, unless he could transfer his trial to the Federal tribunals of that State. At all events, he is entitled to the option.

What is the reason and the whole theory of our Government on this subject? Sir, the basis on which the Federal judiciary is constituted was, and the very ground of its jurisdiction is, that local excitements in the States, or local jealousies in the States, may prejudice the rights of citizens of other States, or persons acting under the authority of the Union, and on that very ground you give the option of tribunal. Why may it not just as well be said that you are prostrating the State judiciaries by the provision of the Constitution and laws of the United States, that, if a citizen of the State of Massachusetts chooses to sue for his rights of property in Georgia or South Carolina, he shall have the option of going into the Federal tribunals; and that, if he is sued in either of those States, he shall have the means of transferring the jurisdiction from the State to the Federal courts? What is the basis of that? Experience under the old Confederation had indicated that there might be such a state of excitement, arising from local or temporary causes, as to prevent the probabilities of justice, which might bias the State tribunals, and that, under those circumstances, the Federal tribunal would be the most proper one to determine the question. For this reason, the framers of the Constitution provided not that it should be mandatory, but that the option should be given in such a case with a view to secure the rights of the citizens of the different States under the Federal Constitution; the option was given of being tried either before the Federal or State tribunals. Was this ever considered an indignity or reflection upon the State tribunals? And yet that is based upon the same principle precisely as the bill which we now seek to pass. That principle is, that circumstances might occur, that there might be excitement, there might be a perverted state of sentiment in reference to the rights of citizens of another State, which would prevent justice being administered in the State tribunals; and,

therefore, throughout the whole country, from the earliest origin of the Government, there have been Federal tribunals provided, to which citizens of the States might remove their causes from the State tribunals. The same reason applies here; it is unanswerable. We have shown a state of facts justifying this. There is a party who first attempted an organized opposition to this Government. I will not speak of their motives; but certainly, if their objects be effected, this Union must certainly be at an end. An organized party has grown up, formidable I admit—and I admit it with sorrow and regret—which first attempted to put at defiance a law by mobs and by murder. They found that there was yet remaining too much attachment to the Union, and they had so much reflective power remaining themselves as to see that four or five instances of that kind would necessarily make their fellows stop and inquire into the motives of the action of men who used such a mode of proceeding to sustain their opinions. Then they have had resort to State legislative action for the purpose of attaining the same object which they first sought to attain by open resistance to the laws.

It is to meet that contingency that the present bill has become imperative, and is within the terms of the Constitution, fully and to its broadest extent, as much as the same provision in our revenue laws. If the same legislation which was conferred under the revenue laws was constitutional, as applied to them, the shadow of a distinction cannot be made between the constitutional powers as exercised there, and as intended to be exercised here. It is no answer whatever to allege that you do not know the motives under which that law was passed; they may have been totally different; but if the power existed to pass it, then it is no innovation upon the Federal Constitution when the same principle, under a different state of circumstances, calls for the enactment of the present bill.

Mr. SUMNER. Mr. President, on a former occasion, as slavery was about to clutch one of its triumphs, I rose to make my final opposition to it at midnight. It is now the same hour. Slavery is again pressing for its accustomed victory, which I again undertake for the moment to arrest. It is hardly an accidental conjunction which thus constantly brings slavery and midnight together.

Since eleven o'clock this forenoon we have been in our seats, detained by the dominant majority, which, in subservience to slavery, has refused to postpone this question or to adjourn. All other things are neglected. The various public interests which, at this late stage of the session, all press for attention, are put aside. According to the usages of the Senate, Friday is dedicated to the consideration of private claims. I have been accustomed to call it our day of *justice*, and I have been glad that, since these matters are referred to us, at least one day in the week has been thus set apart. But slavery grasps this whole day, and changes it to a day of *injustice*. By the Calendar, which I now hold in my hand, it appears that, at this moment, upwards of seventy-five private bills, with which are associated the hopes and fears of widows and orphans, and of all who come to Congress for relief, are on your table neglected, aye, sir, sacrificed to the bill which is now urged with so much pertinacity. Like Juggernaut, the bill is driven over prostrate victims. And here is another sacrifice to slavery.

But I do not adequately expose the character of this bill when I say it is a sacrifice to slavery. It is a sacrifice to slavery in its most odious form. Bad as slavery may be, it is not so bad as hunting slaves. There is a seeming apology for slavery at home, in the States where it prevails, founded on the difficulties in the position of the master and the relations of personal attachment which it sometimes excites; but every apology fails when you seek again to enslave the fugitive whom the master could not detain by duress or by kindness; and who, by courage and intelligence, under the guidance of the north star, has achieved a happy freedom. Sir, there is a wide difference between a slaveholder and a slave-hunter.

But the bill before you is to aid in the chase of slaves. This is its object. This is its "being's end, and aim." And this bill, with this object, is pressed upon the Senate by the honorable Senator from Connecticut, [Mr. TOUCEY.] Not from slave soil, but from free soil, comes this effort. A Senator from the North—a Senator from New England—lends himself to the work, and with unnatural zeal helps to bind still stronger the fetters of the slave.

Mr. RUSK. Will the honorable Senator allow me to interrupt him?

Mr. SUMNER. Certainly.

Mr. RUSK. I ask him to point out the words in this bill where slavery is mentioned.

Mr. SUMNER. I am glad the Senator from Texas has asked the question, for it brings attention at once to the true character of this bill. I know its language well, and also its plausible title. On its face it purports to be "a bill to protect officers and other persons acting under the authority of the United States;" and it proceeds to provide for the transfer of certain proceedings from the State courts to the circuit courts of the United States. And yet, sir, by the admission of this whole debate, stretching from noon to midnight, it is a bill to bolster up the fugitive slave act.

Mr. RUSK. I have not listened to the debate, but I ask the Senator to point out in the bill the place where slavery is mentioned. If the Constitution and laws appoint officers and require them to discharge duties, will he abandon them to the mob?

Mr. SUMNER. The Senator asks me to point out any place in this bill where "slavery" is mentioned. Why, sir, this is quite unnecessary. I might ask the Senator to point out any place in the Constitution of the United States where "slavery" is mentioned, or where the word "slave" can be found, and he could not do it.

Mr. RUSK. That is evading the question. I asked the Senator to point out in the bill the clause where slavery is mentioned. The bill proposes to protect officers of the United States, whom you appoint, in discharging their duties. If they are to be left unprotected, repeal your law.

Mr. SUMNER. I respond to the Senator, with all my heart, "repeal your law." Yes, sir, repeal the Fugitive Act which now requires the support of supplementary legislation. Remove this ground of offense. And before I sit down, I hope to make that very motion. Meanwhile, I evade no question propounded by the honorable Senator; but I do not consider it necessary to show that "slavery" is mentioned in the bill. It may not be found there in name; but slavery is the very soul of the bill.

Mr. RUSK rose.

Mr. SUMNER. The Senator has interrupted me several times; he may do it more; but, perhaps, he had better let me go on.

Mr. RUSK. I understand the Senator; but I make no boast of that sort.

Mr. SUMNER. Very well. At last I may be allowed to proceed. Of the bill in question, I have little to say. Its technical character has been exposed by various Senators, and especially by my valued friend, the Senator from Ohio, [Mr. CHASE,] who opened this debate. Suffice it to say, that it is an intrusive and offensive encroachment on State rights, calculated to subvert the power of the States in the protection of the liberties of their citizens. This consideration alone would be ample to secure its rejection, if the attachment to State rights, so often avowed by Senators, were not utterly lost in a stronger attachment to Slavery. But on these things, although well worthy of attention, I do not dwell. Objectionable as the bill may be on this ground, it becomes much more so when I regard it as an effort to bolster up the Fugitive Slave Act.

Of this act it is difficult to speak with moderation. Conceived in defiance of the Constitution, and of every sentiment of justice and humanity, it should be regarded as an outlaw. It may have the form of legislation, but it lacks every essential element of law. I have so often exposed its character on this floor, that I shall be brief now.

There is an argument against it which has especial importance at this moment, when the Fugitive Act is made the occasion of a new assault on State rights. This very act is an assumption by Congress of power not delegated to it under the Constitution, and an infraction of rights secured to the States. Show me, sir, if you can, the clause, sentence or word in the Constitution which gives to Congress any power to legislate on this subject. I challenge honorable Senators to produce it. I fearlessly assert that it cannot be done. The obligations imposed by the "fugitive" clause, whatever they may be, rest upon the States, and not upon Congress. The associate clause touching the "privileges of citizens" has never been made a source of power. It will be in the recollection of the Senate that, during the last session, the Senator from Louisiana, [Mr. BENJAMIN,] in answer to a question from me, openly admitted that there were laws of the southern States, bearing hard upon colored citizens of the North, which were unconstitutional; but when I pressed the honorable Senator with the question whether he would introduce or sustain a bill to carry out the clause of the Constitution securing to these citizens their rights, he declined to answer.

Mr. BENJAMIN. I think, Mr. President, I have a right to set the record straight upon that point. I rose in the Senate on the occasion referred to, as will be perfectly well recollected by every Senator present, and put a respectful question to the Senator from Massachusetts. Instead of a reply to my question, he put a question to me, which I answered, and then I put my question. Instead of replying to that, he again put a question to me. Considering that as an absolute evasion of the question which I put to him, I declined having anything further to say in the discussion. I was not here submitting to an interrogatory from the gentleman. I put to him a respectful question. He preferred to put one to me instead of answering mine. I yielded and answered; and when I again repeated mine, he continued interrogating me. It was obvious to every Senator present that he evaded an answer to my question, and I therefore let the matter drop.

Mr. SUMNER. The Senator from Louisiana will pardon me if I suggest that there is an incontrovertible fact which shows that the evasion was on his part. The record testifies not only that he did not reply, but that I was cut off from replying by the efforts and votes of himself and friends. Let him consult the Congressional Globe and he will find it all there. I can conceive that it might have been embarrassing to him to reply, for had he declined to sustain a bill to carry out the clause in question, it would have been awkward, at least, to vindicate the Fugitive Slave Act. And yet there are Senators on this floor who, careless of the flagrant inconsistency, vindicate the exercise of power by Congress under the "fugitive" clause, while their own States at home deny to Congress any power under the associate clause, assume to themselves a complete right to determine the extent of its obligations, and ruthlessly sell into slavery colored citizens of the North.

Mr. BUTLER. Does the Senator allude to my State?

Mr. RUSK. No; to mine.

Mr. BUTLER. If he means South Carolina I will reply to him. This is about the fourth time, I think, that the Senator, and his predecessor [Mr. Winthrop] before him, have alluded to the laws of South Carolina. If that be his allusion, I intend to give some facts in relation to the subject of which I have put myself in possession since Mr. Winthrop formerly brought it here for discussion. If the Senator intends to allude to South Carolina let him say so.

Mr. SUMNER. I do allude to South Carolina, and also to other southern States; but especially to South Carolina.

Mr. RUSK. Does the Senator allude to Texas?

Mr. SUMNER. The Senator had better allow me to go on. When I have finished, he can make any explanation he thinks necessary.

Mr. RUSK. I will not take the trouble; I do not think the game is worth the candle.

Mr. SUMNER. Very well. The Senator can do as he pleases. But let me say, that if I allude to these States, it is not to bring up and array the hardships of individual instances, but simply to show the position occupied by them on a constitutional question identical with that involved in the Fugitive Act. And now, at the risk of repetition, if I can have your attention for a brief moment, without interruption, I will endeavor to state anew this argument.

The rules of interpretation, applicable to the clause of the Constitution, securing to "the citizens of each State all privileges and immunities of

citizens in the several States," are equally applicable to its associate clause, forming a part of the same section, in the same article, and providing that "persons held to service or labor in one State, under the laws thereof, escaping into another, shall be delivered up on claim of the party to whom such service or labor may be due." Of this there can be no doubt.

If one of these clauses is regarded as a compact between the States, to be carried out by them respectively, according to their interpretation of its obligations, without any intervention of Congress, then the other must be so regarded; nor can any legislative power be asserted by Congress under one clause which is denied under the other.

Congress, in abstaining from all exercise of power under the first clause, when required thereto in order to protect the liberty of colored citizens, while it has assumed power under the second clause, in order to obtain the surrender of fugitive slaves, has shown an inconsistency, which becomes more monstrous when it is considered that, in the one case, the general and commanding interests of liberty have been neglected, while in the other, the peculiar and subordinate interests of slavery have been carefully secured; and such an exercise of power is an alarming evidence of that influence of slavery in the national Government which has increased, is increasing, and ought to be overthrown.

According to the express words of the Constitution, in the tenth amendment, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and since no powers are delegated to the United States in the clause relating to "the privileges and immunities of citizens," or in the associate clause of the same section, relating to the surrender of "persons held to service or labor," therefore all legislation by Congress under either clause must be an assumption of undelegated powers, and an infraction of rights secured to the States respectively, or to the people; and such, I have already said, is the Fugitive Slave Act.

I might go further, and, by the example of South Carolina, vindicate to Massachusetts, and every other State, the right to put such interpretation upon the "fugitive" clause as it shall think proper. The Legislature of South Carolina, in a series of resolutions, adopted in 1844, asserts the following proposition:

"*Resolved*, That free negroes and persons of color are not citizens of the United States *within the meaning of the Constitution*, which confers upon the citizens of one State the privileges and immunities of the citizens of the several States."

Here is a distinct assumption of a right to determine the *persons* to whom certain words of the Constitution are applicable. Now, nothing can be clearer than this: If South Carolina may determine for itself whether the clause relating to "the privileges and immunities of citizens" be applicable to the *colored citizens* of the several States, and may solemnly deny its applicability, then may Massachusetts, and every other State, determine for itself whether the other clause relating to the surrender of "persons held to service or labor," be really applicable to *fugitive slaves*, and may solemnly deny its applicability.

Mr. President, I have said enough to show the usurpation by Congress under the "fugitive" clause of the Constitution, and to warn you against renewing this usurpation. But I have left untouched those other outrages, plentiful as words, which enter into the existing fugitive slave act, among which are the denial of trial by jury; the denial of the writ of *habeas corpus;* the authorization of judgment on *ex parte* evidence, without the sanction of cross-examination; and the surrender of the great question of human freedom to be determined by a mere commissioner, who, according to the requirements of the Constitution, is grossly incompetent to any such service. I have also left untouched the hateful character of this enactment as a barefaced subversion of every principle of humanity and justice. And now, sir, we are asked to lend ourselves anew to this enormity, worthy only of indignant condemnation; we are asked to impart new life to this pretended law, this false act of Congress, this counterfeit enactment, this monster of legislation, which draws no life from the Constitution, as it clearly draws no life from that supreme law which is the essential fountain of life to every human law.

Sir, the bill before you may have the sanction of Congress; and in yet other ways you may seek to sustain the Fugitive Slave Act. But it will be in vain. You undertake what no legislation can accomplish. Courts, too, may come forward and lend it their sanction. All this, too, will be in vain. I respect the learning of judges; I reverence the virtue, more than learning, by which their lives are often adorned. But nor learning nor virtue, when, with mistaken force, bent to this purpose, can avail. I assert confidently, sir, and ask the Senate to note my assertion, that there is no court, howsoever endowed with judicial qualities, or surrounded by public confidence, which is strong enough to lift this act into any permanent consideration or respect. It may seem, for a moment, to accomplish the feat. Its decision may be enforced amidst tears and agonies. A fellow man may be reduced anew to slavery. But all will be in vain. The act cannot be upheld. Anything so entirely vile, so absolutely atrocious, would drag an angel down. Sir, it must drag down every court which in an evil hour, ventures to sustain it.

And yet, sir, in zeal to support this enormity, Senators have not hesitated to avow a purpose to break down the recent legislation of States calculated to shield the liberty of their citizens. "It is difficult," says Burke, "to frame an indictment against a whole people." But here in the Senate, where are convened the jealous representatives of the States, we have heard whole States arraigned, as if already guilty of crime. The Senator from Louisiana, [Mr. BENJAMIN,] in plaintive tones, has set forth the ground of proceeding, and more than one sovereign State has been summoned to judgment. It would be easy to show, by a critical inquiry, that this whole charge is without just foundation, and that all the legislation so much condemned, is as clearly defensible under the Constitution as it is meritorious in purpose. Sir, the only crime of these States is, that liberty has been placed before slavery. Follow the charge, point by point, and this will be apparent. In securing to every person claimed as a slave, the protection of trial by jury and the *habeas corpus*, they simply provide safeguards, strictly within the province of every State, and rendered necessary by the usurpation of the Fugitive Act. In securing the aid of counsel to every person claimed as a slave, they but perform a kindly duty, which no phrase or word in the Constitution can be tortured to condemn. In visiting with severe penalties every malicious effort to reduce a fellow-man to slavery, they respond to the best feelings of the human heart. In prohibiting the use of the county jails and buildings, as barracoons and slave-pens; in prohibiting all public officers, holding the commission of the State, in any capacity,—whether as chief justice or justice of the peace, whether as governor or constable,—from any service as a Slave Hunter; in prohibiting the *volunteer militia* of the State, in its organized form, from any such service, the States simply exercise a power under the Constitution, recognized by the Supreme Court of the United States, even while upholding slavery, in the fatal *Prigg* case, by POSITIVE PROHIBITION, to withdraw its own officers from this offensive business.

For myself, let me say that I look with no pleasure on any possibility of conflict between the State and national jurisdictions; but I trust that, if the interests of freedom so require, the States will not hesitate. From the beginning of this controversy, I have sought, as I still seek, to awaken another influence, which, without the possibility of conflict, will be mightier than any act of Congress and the sword of the National Government. I mean an enlightened, generous, humane, Christian Public Opinion, which shall blast with contempt, indignation, and abhorrence, all who, in whatever form, or under whatever name, undertake to be agents in enslaving a fellow man! Sir, such an Opinion you cannot bind or subdue. Against its subtle, pervasive influence, your legislation and the decrees of courts will be powerless. Already in Massachusetts, I am proud to believe, it begins to prevail; and the Fugitive Act will soon be there a dead letter.

Mr. President, since things are so, it were well to remove this act from our statute-book, that it may no longer exist as an occasion of ill-will and a point of conflict. Let the North be relieved from this usurpation, and the first step will be taken towards permanent harmony. The Senator from Louisiana [Mr. BENJAMIN] has proclaimed anew to-night what he has before declared on this floor—"that slavery is a subject with which the Federal Government has nothing to do." I thank him for teaching the Senate that word. True, most true, sir, ours is a Government of freedom which has nothing to do with slavery. This is the doctrine which I have ever maintained, and which I am happy to find recognized in form, if not in reality, by the Senator from Louisiana. The Senator then proceeded to declare that "all that the South asks is to be let alone." This request is moderate. And I say for the North, that all that we ask is to be let alone. Yes, sir, let us alone. Do not involve us in the support of slavery. Hug the viper to your bosoms, if you perversely will, within your own States, until it stings you to a generous remorse, but do not compel us to hug it too; for this I assure you we will not do.

But the Senator from Louisiana, with these professions on his lips, proceeds to ask, doubtless, with complete sincerity, but in strange forgetfulness of the history of our country: "Did we ever bring this subject into Congress?" Yes, sir, that was his inquiry, as if there had been any moment from the earliest days of the Republic, when the supporters of slavery had ceased to bring this subject into Congress. Almost from the beginning it has been there, through the exercise of *usurped power*, no where given under the Constitution, for I am glad to believe that the Constitution of my country contains no words out of which slavery, or the power to support slavery, can be derived; and this conclusion, I doubt not, will yet be affirmed by the courts. And yet, the honorable Senator asks: "Did we ever bring this subject into Congress?" The answer shall be plain and explicit. Sir, you brought slavery into Congress, when shortly after the adoption of the Constitution, you sanctioned it in the District of Columbia, within the national jurisdiction, and adopted that barbarous slave code, still extant on your statute-book, which the Senator from Connecticut [Mr. GILLETTE] has so eloquently exposed to-night. You brought slavery into Congress, when at the same period you accepted the cession of territories from North Carolina and Georgia, now constituting States of the Union, with conditions in favor of slavery, and thus began to sanction slavery in Territories within the exclusive jurisdiction of Congress. You brought slavery into Congress, when, at different times, you usurped a power not given by the Constitution, over fugitive slaves, and by most offensive legislation thrust your arms into distant northern homes. You brought slavery into Cogress, when, by express legislation, you regulated the coastwise slave trade, and thus threw the national shield over a traffic on the coast of the United States, which on the coast of Congo you justly brand as "piracy." You brought slavery into Congress when, from time to time, you sought to introduce new States with slaveholding constitutions into the national Union. And, permit me to say, sir, you brought slavery into Congress when you called upon it, as you have done even at this very session—to pay for slaves, and thus, in defiance of a cardinal principle of the Constitution, made the National Government recognize property in men. And yet the Senator from Louisiana, with strange simplicity, says that the South only asks to be let alone. Sir, the honorable Senator only borrows the language of the North, which, at each of these usurpations, exclaims, "Let us alone." And let me say, frankly, that peace can never prevail until you do let us alone—until this subject of slavery is banished from Congress by the triumph of freedom—until slavery is driven from its usurped foothold, and freedom is made national instead of sectional—and until the National Government is brought back to the precise position it occupied on the day that Washington took his first oath as President of the United States, when there was no Fugitive Act, and the national flag, as it floated over the national territory within the jurisdiction of Congress, nowhere covered a single slave.

And now, sir, as an effort in the true direction of the Constitution; in the hope of beginning the divorce of the National Government from slavery, and to remove all occasion for the proposed measure under consideration, I shall close what I have to say with a motion to repeal the Fugitive Act. Twice already, since I have had the honor of a seat on this floor, I have pressed that question to a vote, and I mean to press it again to-night. After the protracted discussion, involving the character of this enactment, such a motion seems logically to belong to this occasion, and may fitly close its proceedings.

At a former session, on introducing this proposition, I discussed it at length, in an argument, which I fearlessly assert has never been answered, and now, in this debate, I have already touched upon various objections. There are yet other things which might be urged. I might exhibit the abuses which have occurred under the Fugitive Act; the number of free persons it has doomed to slavery; the riots it has provoked; the brutal conduct of its officers; the distress it has scattered; the derangement of business it has caused; interfering even with the administration of justice, changing court-houses into barracks and barracoons, and filling streets with armed men, amidst which law is silent. All these things I might expose. But in these hurried moments, I forbear. Suffice it to say, that the proposition to repeal the existing Fugitive Act stands on adamantine grounds, which no debate in opposition can shake.

There are considerations belonging to the present period which give new strength to this proposition. Public opinion, which, under a popular Government, makes and unmakes laws, and which, for a time, was passive and acquiescent, now lifts itself everywhere in the States where the act is sought to be enforced, and demands a change. Already three States, Rhode Island, Connecticut, and Michigan, by formal resolutions presented to the Senate, have concurred in this demand. The tribunals of law are joining at last with the people. The superior court of Cincinnati has denied the power of Congress over this subject. And now, almost while I speak, comes the solemn judgment of the Supreme court of Wisconsin—a sovereign State of this Union—made after elaborate argument, on successive occasions, before a single judge, and then before the whole bench, declaring this act to be a violation of the Constitution. In response to Public opinion, broad and general, if not universal at the North, swelling alike from village and city, from the seaboard and lakes—judicially attested, legislatively declared, and represented also, by numerous petitions from good men without distinction of party—in response to this Public Opinion, as well as in obedience to my own fixed convictions, I deem it my duty not to lose this opportunity of pressing the repeal of the fugitive slave act once more upon the Senate. I move, sir, to strike out all after the enacting clause in the pending bill, and insert instead thereof these words:

That the act of Congress, approved September 18, 1850, usually known as the "fugitive slave act," be, and the same hereby is, repealed.

And on this motion I ask the yeas and nays.

Mr. BUTLER. Mr. President, I have no idea of irritating sectional differences. If gentlemen have the opinions which it seems the gentleman from Massachusetts entertains, be it so. I assure him I do not intend to bandy words with him. He talks as if he was disposed to maintain the Constitution of the United States; but if I were to put to him a question now, I would ask him one which he, perhaps, would not answer me honestly.

Mr. SUMNER. I will answer any question.

Mr. BUTLER. Then I ask you honestly now, whether, all laws of Congress being put out of the question, you would recommend to Massachusetts to pass a law to deliver up fugitives from slavery?

Mr. SUMNER. The Senator asks me that question, and I answer, frankly, that no temptation, no inducement, would draw me in any way to sanction the return of any man to slavery. But, then, I leave to others to speak for themselves. In this respect, I speak for myself.

Mr. BUTLER. I do not rise now at all to question the right of the gentleman from Massachusetts to hold his seat, under the obligation of the Constitution of the United States, with the opinions which he has expressed; but, if I understand him, he means that whether this law, or that law, or any other law prevails, he disregards the obligations of the Constitution of the United States.

Mr. SUMNER. Not at all. That I never said. I recognize the obligations of the Constitution.

Mr. BUTLER. He says he recognizes the obligations of the Constitution of the United States. I see, I know he is not a tactician, and I shall not take advantage of the infirmity of a man who does not know half his time exactly what he is about. [Laughter.] But, sir, I will ask that gentleman one question: if it devolved upon him as a representative of Massachusetts, all Federal laws being put out of the way, would he recommend any law for the delivery of a fugitive slave under the Constitution of the United States?

Mr. SUMNER. Never.

Mr. BUTLER. I knew that. Now, sir, I have got exactly what is the truth, and what I intend shall go forth to the southern States. He has chosen to speak of South Carolina's morality and statutes; and his predecessor, [Mr. Winthrop,] upon one occasion, brought up the same subject. Since Mr. Winthrop first brought it up, I have investigated it thoroughly. The former Senator from Massachusetts brought it before us on a letter from a Mr. Ramlett. Now, I intend to make a commentary upon Massachusetts morality in contrast with what I think honesty would require of anybody. As I learn the facts of the case, this man Ramlett, finding that himself and his crew, three of them colored men, were going into Charleston, took an opportunity of making something by salvage. They used the opportunity. When the ship came into Charleston, those colored men, his crew, were put into prison, under the laws of South Carolina. I acknowledge that was done under the police laws of that State. But, sir, what do you think this New England, this Massachusetts exponent of philanthropy did? He left them in prison, went to Boston, and wrote a most philanthropic letter, in which he said that the laws of South Carolina had proscribed and put into captivity citizens of Massachusetts! He had in his pocket the money which those poor creatures had enabled him to win, and yet he left them in prison, when, with two dollars, he could have reclaimed them. Yes, sir, this man, who could have released his crew by the payment of two dollars, left Charleston, went to Boston, and wrote a philanthropic letter as to the rights of his crew; and those poor creatures, who were entitled to their freedom, were restored to it by slave owners, gentlemen in Charleston paying the gaol fees.

Here is an instance where a man who sailed in a Massachusetts vessel, in order to earn salvage, carried those poor creatures into the city of Charleston, and allowed them to remain there, while he went home in his vessel and wrote letters on philanthropy, when the money which he had in his pocket, derived from their exertions could have saved them from the situation in which they were placed. Sir, Charleston gentlemen paid the jail fees, and released those sailors; and, if I had been the commander of that vessel, and a dog had been my companion, and that dog had been taken from me, I would have perished rather than have deserted him. I would not only have paid two dollars for him, but I would have stood by him to the last at any hazard. But when those companions were human beings, comrades who had drank out of the same cup, and encountered the same common storm, I would have been the last man to abandon them, especially when two dollars could have saved them. This man, however, went to Boston, and wrote philanthropic letters, instead of paying two dollars which belonged to his poor men.

When the gentleman talks in the way he does, I choose to rebuke him. Any man who comes up here with a philanthropy inconsistent with what is practical justice and liberty, I do not say that I scorn him—I use no such word—but by heavens sooner than quit those two negroes, who had shared my fate in difficulty and in danger, I would have gone to any hazard that might be encountered in Charleston. I would have readily paid two dollars; but Boston philanthropy was relieved by going home and writing a letter to a Senator.

The Senator from Massachusetts has alluded to the act under which these men were imprisoned. That act is still in force, but we are willing to relax it; and, indeed, under my advice, the Governor of South Carolina has recommended that it shall be entirely changed. I have pitied those poor creatures. I have felt for them as humble sailors condemned by their condition to a situation to which they ought not to be subjected; but, sir, I have never understood anything in southern philanthropy that would reconcile an honorable gentleman to desert his sailors when he could reclaim them by the payment of two dollars.

The PRESIDENT. The Chair understands the Senator from Massachusetts to ask for the yeas and nays?

Mr. SUMNER. Yes, sir.

The yeas and nays were ordered.

Mr. FESSENDEN. Before the vote is taken I merely wish to say that the Senator from Vermont, [Mr. Foot,] and the Senator from Delaware, [Mr. Clayton,] both being unwell, have paired off on this bill.

The question being taken by yeas and nays on the amendment offered by Mr. Sumner, resulted—yeas 9, nays 30; as follows:

YEAS—Messrs. Brainerd, Chase, Cooper, Fessenden, Gillette, Seward, Sumner, Wade, and Wilson—9.

NAYS—Messrs. Adams, Badger, Bayard, Bell, Benjamin, Bright, Brown, Butler, Clay, Dawson, Douglas, Fitzpatrick, Geyer, Gwin, Hunter, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Pearce, Petit, Rusk, Sebastian, Shields, Slidell, Thomson of New Jersey, Toucey, Weller, and Wright—30.

So the amendment was rejected.

Mr. WELLER. I move to amend the bill by inserting in line twenty-five, after the word "processes," the words "and all depositions which may have been legally taken in the State courts, and all records duly authenticated which may have been filed as evidence in the case, shall be received and read as if taken in the courts to which the suit is transferred."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and the question was stated to be "Shall the bill pass?"

Mr. SEWARD, Mr. SUMNER, and others, called for the yeas and nays, and they were ordered.

Mr. DAWSON. I desire to state that the Senator from Maryland, [Mr. Pratt,] in consequence of the illness of one of his children, was called away to-night, and therefore paired off with the gentleman from Wisconsin, [Mr. Walker.]

The question being taken by yeas and nays, resulted—yeas 29, nays 9; as follows:

YEAS—Messrs. Adams, Badger, Bayard, Bell, Benjamin, Bright, Brown, Clay, Dawson, Douglas, Fitzpatrick, Geyer, Gwin, Hunter, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Pearce, Petit, Rusk, Sebastian, Shields, Slidell, Thomson of New Jersey, Toucey, Weller, and Wright—29.

NAYS—Messrs. Brainerd, Chase, Cooper, Fessenden, Gillette, Seward, Sumner, Wade, and Wilson—9.

So the bill was passed; and, on motion, the Senate adjourned at twelve o'clock.

THE KNOW-NOTHINGS.

SPEECH OF HON. J. S. MILLSON,

OF VIRGINIA,

In the House of Representatives,

February 23, 1854.

Mr. MILLSON: I have received many letters inviting an expression of my views upon the new and secret society called Know-Nothings. At this busy period of the session, I have been unable, in separate replies, to communicate my opinions upon the subject. I have, therefore, determined to avail myself of this method of doing so. My constituents, I admit, are entitled to know what I think upon a subject which is beginning to assume a national importance, and though it is not yet directly and immediately connected with the legislation of Congress, it has been several times drawn into discussion here.

It may be that, from the mystery thrown

around this new society, I am not sufficiently acquainted with their principles and purposes to form an intelligent opinion about them. There seems, however, to be little doubt as to some of their objects, or of the means by which they seek to accomplish them, and it is to these I shall confine the views I propose to throw out.

The Know-Nothings, then, are understood to be a political party whose constitution, forms of proceedings, obligations, and resolves, are all kept secret. Their disciples are secretly admitted, and, it is said, are bound by oath to conform themselves, under certain circumstances, to the will and dictation of others. It is said they are severally enjoined to conceal their membership, and that they even suppose themselves at liberty to deny it. Of their ultimate objects I am, of course, not informed; but it is believed they aim at the exclusion from civil and political offices of every citizen of foreign birth, and of all persons professing the Roman Catholic religion. From the results of many recent elections it seems they would even exclude those also that are neither Catholics nor foreigners who will not aid them in their designs. If, sir, in attributing to them these designs and practices, any injustice is done them, the blame must rest upon themselves. The secrecy they have adopted may excuse any misconception, which publicity would prevent or remove.

Sir, I cannot conceal my regret and alarm at the effort to accomplish such purposes by such means. That honest and intelligent men should connect themselves with a political party seeking to elect its candidates without subjecting them to a public canvass of their qualifications and pretensions, would excite my surprise, whatever might be their objects, and though they were openly avowed. But that such men should bind themselves to a blind submission to the will of others, though it might be in opposition to their own sense of right—that they should either actively aid, or, by inaction, suffer the elevation of unworthy or incompetent men to positions of high public trust—that they should bury the truth, by concealing, or violate it by denying their membership of such an association—and all this for the purpose of effecting results so irreconcilable with the teachings of an enlarged philanthropy, and so foreign to the spirit of Christian charity, fills me, not merely with surprise, but with sadness. Under whatever delusion they may now be acting, it is impossible it can be of long continuance. Sir, it is an instinct of our nature to utter the truth. It requires an effort, and a painful effort, to repress it, much more to violate it. It cannot be that any sophistry can permanently ingraft upon our moral code the wretched fallacy that, in our communications with one another, it is allowable to deceive, either by the express utterance of falsehoods, or by a studied concealment of facts. The road to truth never did lie through error; and he who thinks he may borrow the livery of the devil to serve God in—that he may promote the cause of religion by a sacrifice of truth, forgets that it was against this very species of falsehood, the punishment of Ananias and his wife was intended to warn us.

When I see upright, worthy, pious men—I do not mean your mere men of honor; I speak of far nobler characters, men of honesty and conscience—yielding to these horrid delusions, plotting, cabalting, prevaricating, deceiving, my whole moral nature receives a shock, and I almost become a skeptic in the existence of human virtue. I am, therefore, most reluctant to believe that such obligations are assumed, or that such practices prevail. For the sake of our common humanity, I hope they do not. I speak only upon the supposition that the general charge against them is correct. If it be not, my animadversion does not apply to them; but who shall say they are not justly subject to it, if it be true?

But, sir, it is not less a duty to confess, to avow, to *publish* the truth, than to abstain from its violation. No man has a right to conceal his principles. It is by an interchange of views that truth is elicited; and the obligation is almost as great to save others from error as to adopt right principles for ourselves. Opinions often borrow just weight from the personal character of those who profess them; and they who, from whatever considerations of policy are persuaded to dissemble them, do a wrong to society, and are subject to a deserved censure. The wretched excuse urged by the advocates of the Know-Nothings that secrecy is indispensable to their success, is unworthy of serious refutation. It would estimate the lawfulness of any means not by a consideration of their intrinsic propriety, but only by their capacity to effect the end desired. It would make success the touchstone of morality. There is no crime that might not be justified on such principles when its commission would promote the success of our objects.

But what are these designs of the Know-Nothings that are supposed to excuse the employment of means so improper in themselves, and so much opposed to the habits of our people? I confess myself unable to form any definite conclusion as to what they are. I have read newspapers and listened to speeches avowedly made for the purpose of explaining them, but there has been such a remarkable contrariety of statement upon the subject as to leave me very much in doubt. Opposition to foreigners and Roman Catholics would be the burden of one; while another, disclaiming all hostility to either, would avow his willingness to vote for both Catholics and foreigners possessing suitable qualifications. Some would maintain that the chief object of this new association is to preserve the union of the States, while others pleased themselves with the fancy that their mission was to suppress the slavery agitation and to restore good fellowship between the North and the South. Sir, I cannot help suspecting that the real object of the greater number is to prostrate both the parties, of Democrats and Whigs, that they may possess themselves of power and place; and that to secure this end the various prejudices of the people are adroitly flattered. The workingman is excited to jealousy of foreign competition. The fears of the religious Protestant are stimulated by exaggerated accounts of the spread of popery throughout the land. In every locality each interest and sentiment is soothed and caressed, until, from all quarters of the Union, men spring up, agreeing in nothing but a willingness to surrender the great principles of constitutional construction which had made them either Democrats or Whigs, and to unite in a common organization, which, from the very nature of the case, must be impotent to accomplish any one of the objects professedly sought. The greater part of what they desire cannot be the subject of legislation at all, while the little that is allowed to be brought within the sphere of legal enactment, will fall far short of their wishes and expectations.

But, sir, were it even otherwise, why organize a party for this specific purpose? May not all that can be effected by legislative means be safely left to the wisdom of those whom the people, as Whigs or Democrats, invest with authority? Can this new society command more talent, more experience, more patriotism than may be found in the existing party? Why, it is from these very parties they have withdrawn themselves, and there can surely be no ground for their apprehension that the public interests will be neglected because confided to men entertaining opinions in accordance with their own upon other subjects of great national concernment.

It is a grave error to suppose that the purposes for which the Democratic and Whig parties were organized have been accomplished, and that they may now be safely disbanded. It is true that some of the most important questions of party antagonism have been settled; but it was not for these, or for any other especial objects that the two parties have been called into being. The difference between them is organic, and must, from its very nature, be perpetual. Scarcely a day now passes in which questions do not arise invoking the application of the distinctive principles of the two great parties. Can it be possible that the Whigs of the country hold their ancient doctrines in so little reverence as to be willing to surrender them to this new organization? Will they abandon principles which, however erroneous we may deem them, have, from the foundation of the Government, divided the American mind, and been dignified by the advocacy of such illustrious names as those of Hamilton, Marshall, and Webster? Will they consent to the dissolution of such a party, or allow it to be absorbed in an association, springing from a temporary occasion, devoted to temporary objects, and founded on no principles of constitutional construction?

Let them reflect, too, upon the mischiefs likely to spring from a canvass of religious creeds in our political elections. I speak not now of the glaring injustice of any persecution or proscription on account of religious faith. I speak not of its tendency, from the known laws and sympathies of our nature, to help the very cause attempted to be exterminated. I present it as a mere question of prudence, of policy, of wisdom. If the creed of the Roman Catholic be attacked, is it to be supposed he will content himself with simple vindication? Will not the doctrines of the Protestant churches be assailed in turn? And by whom, sir, are they to be defended? Now, I entertain no fear of the results of enlightened discussion upon this subject. If Martin Luther, standing alone against all the powers of Church and State, established the Reformation by the mere force of argument and reason; if that Reformation has spread throughout the world until it numbers its supporters by hundreds of millions, I can feel no sort of doubt as to the results of a fair, open, intelligent discussion of its claims to universal acceptance. But, sir, as a Protestant, and a member of a Protestant church, I protest against confiding this charge to the mere politician, who knows as little as he cares about even the rudiments of the faith he is set up to defend. I protest against confiding the defense of my religion to the worldling, who, perhaps, looks upon all forms of religious faith with equal indifference or contempt, and has no further knowledge of God than as a phrase to give point to his profanity. I protest against confiding the defense of Protestantism to the demagogue who knows nothing more of the errors of the Church of Rome than that it is his part, as a Know-Nothing, to profess opposition to them, and who can discuss the doctrines of the Reformation not more intelligently than Dickens's raven, which chattered about "*Protestant kettles*" with quite as much appreciation of congruities. If our religious tenets are to be drawn into argument on the hustings—if political elections are to turn upon the conclusions of voters concerning them—I fear we shall find among the laymen of the country few Wilberforces and Soame Jenynses competent to maintain them against the keen assaults of our opponents. And though a minister of the gospel may here and there be found, willing to come down into the political arena to defend Protestant Christianity, and his own title to popular favor, I confess I think it safer to depend on the Barrows and the Stillingfleets, the Jonathan Edwardses and Adam Clarks.

But, sir, what can be more opposed to the structure of our Government than any attempt to connect questions of conscience with the affairs of State? In most countries nearly all the transactions of life are subject to the general regulation. Property, liberty, religion, industry, are matters of governmental control. The rights of the subject are concessions to him from his rulers, not reservations from his grants to them. But we have made a wide departure from these old systems. We have determined on self-government—not the government of a majority—not the government *of* others, or government *by* others, but, emphatically, *self government*. Each man retains the very largest sum of his personal rights consistent with the good order of the State, and self-control is relinquished only in a few well defined cases, in which the public welfare demands that the will of the majority shall prevail. Among the rights thus reserved from the interference of all others—and not merely reserved, but guarded and fortified—is that of liberty of conscience. Freedom of religious faith and religious profession has been expressly stipulated. We thought this an improvement upon the systems of the Old World. Other nations, too, seem to have thought so, as our example has not been without its effect in mitigating the rigors of their religious establishment. But a large portion of our people appear to be of a different opinion. They would diminish the sum of personal rights and increase the mass of social powers. They would reëstablish the

dependence of religion upon government. They would sit in judgment upon the creeds of others, and apply all the penalties the laws leave them free to inflict. They would supply the absence of constitutional tests by a popular exclusion hardly less rigorous.

Will it be said that the aim of the Know-Nothings is not so much to assail the religious creed of the Catholic, as to guard against the dangers resulting from his supposed allegiance to a foreign Potentate? Sir, were such allegiance admitted, our existing laws are entirely adequate to punish the *treason* it might prompt. For mere opinion they apply no penalty, but opinion, when it induces crime, is never allowed to bar the punishment which the crime itself provokes. A Congress of Know-Nothings could not frame more rigorous laws than our statute-book already contains, for every case of disobedience to the rightful authority of our own Government.

Another object, sir, attributed to the Know-Nothings is a repeal or modification of the laws admitting foreigners to naturalization, and the exclusion of foreign-born citizens from civil and political offices. As to the first point, I cannot but express my regret that any attempt should be made to control its decision by invoking prejudices, on the one side or the other. It is a simple question of ordinary statesmanship and governmental policy, dependent upon the number, habits, character, and condition of foreign emigrants; and no man should, in advance, announce any fixed determination on a subject which, from its very nature, must be governed by shifting circumstances. Nor would it be more wise to apply an unbending rule to the election or appointment of persons of foreign birth to the various offices of the country. Shall it be said, that in a contest between an honest, worthy, and well-qualified foreigner, and a native citizen of opposite character, the latter must always be preferred? Is there any occasion for jealousy or alarm, when the people, or the Government, in a case of superior merit or qualification, select as their agent a foreign-born citizen competent to render the service, exacted for their own good rather than for his? I should dislike to see it made a common practice to bestow the offices of the country upon foreigners, and no sensible foreigner would desire it should be done. There are some offices, indeed, such as that of representative of our country at a foreign court, in which I do not wish to see them at any time. But I think these things may be safely left to the ordinary control and management of the people. They do not demand or justify the formation of a new party, when there is no reason to doubt that the people of all parties entertain just views upon the subject.

I must not, however, forbear to mention that many editors and politicians, who are now zealous defenders of the Know-Nothing organization, warmly supported the Nebraska bill, which allows *unnaturalized* foreigners to exercise the privilege both of voting and holding office. To me, this provision of the bill was a serious objection, and I desired, as did many others, to confine these rights to citizens of the United States alone. But some of those who loudly complain of a foreign influence in the country, and are, at this time, in high favor with the Know-Nothings, first voted to cut off all opportunity of amendment or change, and then gave their votes for the bill in the form in which it passed.

The preservation of the Union is said, sir, to be one of the objects of the Know-Nothings. This, indeed, is sometimes claimed as the chief merit, if not the prominent design, of the society. To be sure, this is a very praiseworthy purpose, in which, I trust, they will not be alone; but their active agency is as unnecessary, as it is likely to prove mischievous. I know no greater danger that threatens the Union than the organization of this Know-Nothing party itself. I have no fear of a dissolution of the Union from a voluntary secession of any of its members. There never was a time when I myself would have consented to secession, as there has never been an occasion that, in my opinion, justly provoked it.

And yet, sir, there *are* dangers to the Union—recurring at periodical intervals, exciting no apprehensions—but which, if dissolution should ever come, indicate, as I think, the manner in which it will happen. It will not be from design or choice, but unsought and unexpected. Once in every period of four years this danger must recur. *It comes at every election for President.* Any disastrous failure, by the electors first, and by the House of Representatives afterwards, to choose a President of the United States, would dissolve the Government, and produce a catastrophe for which the Constitution makes no provision. In such an event, so much to be deplored—and which few would not submit to almost any sacrifice to avert—it would be difficult, if not impossible, for the States to agree upon new conditions of Union. Should the present Constitution ever be lost, I fear it would not be practicable to agree upon another. Of one thing, sir, I feel assured, that it would never be by enlarging, but rather by greatly diminishing, the powers now delegated to the General Government.

It will be seen at a glance, that as new parties are formed in the country, and as new States are added to the Union, the danger of a failure to choose a President is greatly augmented. When the people and their representatives are divided into only two parties the danger is scarcely appreciable; but the risk is fearfully enhanced by the addition of a third. The number of candidates will increase with the increase of parties. Each will be supported by his retainers and advocates, and the people, broken into factions, will so divide their suffrages as not to secure a majority of votes to any. Ambition, hatred, pride, revenge, stimulated by a struggle in which the fiercest passions might be called into exercise, would disinclife all to yield; and the failure to make a choice—hardly possible in a contest between only two competitors—would thus precipitate the very calamities which it is the boasted object of this new party to prevent.

In every aspect, then, in which I view this new society—its origin, progress, objects, doctrines, practices, and results—there is much to awaken the most melancholy reflections. It is one of the many prodigies that have appeared in these remarkable times. Sir, is it not strange that this age of unequaled enlightenment should, at the same time, be one of unexampled credulity? The wonderful discoveries of science, in seeming to remove every barrier to human progress, may, perhaps, have led us to reject all notions of impossibility, and we believe, too easily, that what *may be*, *is*. Superstition and philosophy go hand in hand, because we will not distinguish between the actual and the possible. But we should not have supposed this had we not so many evidences of its truth. One would think that these sublime discoveries in physical science would liberalize and elevate the mind. One would think that the contemplation of the glories revealed to us by astronomy would rebuke every narrow prejudice, unite us in one common brotherhood, and incline us to a common worship of the Creator. Let us think of them a moment. Standing on this little globe—so small that we are hardly more remote than eight thousand miles from any part of its surface—we see the planets of our system revolving round the sun, at distances of hundreds of millions of miles; and beyond them—suns of other worlds, centers of other systems—the innumerable hosts of stars, distant from us countless millions of millions of miles. We burn with intense desire to know something of these bright orbs. We wonder whether—as some philosophers, reasoning from the strong analogies of nature, maintain—they are the abode of beings like ourselves; or whether, as the sterner logic of some others would almost force us to conclude, they are a dreary chaos; and we are impatient of the restraints that bind us to our narrow home.

From such contemplations as these, we turn our eyes to the petty globe we inhabit—a mere speck, an atom, not filling, in the comparison, the space of the point of the finest needle—and see man, repulsing his fellow as an alien and a foreigner, and grudging him even the poor privilege of learning something more of his own little earth.

Sir, it is when beholding these solecisms in human conduct, we feel most perplexed as to the ultimate designs of the Creator; and with a just appreciation of our own nescience, each one of us is ready to exclaim with Socrates, "I know nothing—all that I know is, that I KNOW NOTHING."

THE STATE OF PARTIES, THE CONDITION OF THE UNION, AND A PUBLIC POLICY.

SPEECH OF HON. RICHARD YATES,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February, 28, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. YATES said:

Mr. CHAIRMAN: Some time ago, when the gentleman from Georgia [Mr. STEPHENS] addressed the committee on the Nebraska question, and the result of the last fall elections on that question, I was anxious to have obtained the floor for the purpose of a reply, and took notes for that purpose. I, however, did not succeed in getting the floor. I had not wholly abandoned my purpose of replying, when, on last night, the debate sprang up afresh, and the positions assumed by the gentleman from Georgia were in substance assumed by other gentlemen, and I determined, if I could get the floor, to give my views upon the subject. By your good favor, Mr. Chairman, I now have the floor, and shall proceed, not very methodically, I fear, to express my views.

I was surprised to hear the gentleman from Georgia say, that the result of the elections returning to the next Congress an overwhelming majority opposed to the repeal of the Missouri compromise, was no test of the popular sentiment of the free States on that subject; when, in fact, in the whole history of legislation, from the first dawnings of our national existence down to the present time, no public measure ever met with such withering and blasting popular condemnation as did the Nebraska bill, and its authors and abettors. This condemnation has swept over that measure and its authors like a sirocco, wasting and destroying, to stand forever, I trust, an effectual and perpetual admonition to politicians, that sacred compromises are not to be trampled on with impunity; that the great inalienable and eternal principles of freedom and humanity are not to be sacrificed to the moloch of ambition, and crushed beneath the iron heel of tyrannical legislative majorities. Yes, sir, by the results of those elections, American freedom has proudly and nobly vindicated herself, and shown herself capable of rising superior to the domination of political parties and aspiring political leaders.

I repeat, sir, I was astounded at the attempt of the honorable gentleman from Georgia to evade the force of this popular condemnation by the plea, that the elections were no test of the popular sentiment of the country. The speech was absolutely novel in this fruitless adventure to gloss over a defeat so palpable and glaring. It took the House by surprise, and was interesting for its very boldness and novelty. Ohio elected her anti-Nebraska Governor with a popular majority of eighty thousand, and sent her unbroken delegation of twenty-four members opposed to the Nebraska bill. Pennsylvania did almost the same; Indiana, Iowa, New York, and other States almost the same; and yet, sir, the gentleman from Georgia asserted the Nebraska question "had nothing to do with it." Now, sir, it so happens, it is a part of the history of the times—and history of such recent occurrence, that to deny it is strange indeed, —that almost the only question discussed in all these elections was the Nebraska bill. Every political paper teemed with its columns full, *pro* and *con.*, on this question. The old questions of tariff and internal improvement were lost sight of, and the contest was fought, hand to hand and hilt to hilt, upon the bill of Judge DOUGLAS and the Administration to repeal the law of 1820, which had forever consecrated the Territories of Kansas and Nebraska to freedom. That other matters were brought collaterally into the contest, as they are in every election, I do not deny; but that the Nebraska question was the great, the controlling, the dominant question, no man can truthfully deny. The issue had been made up in the Senate and the House at the last session. It was made by the Senator from Illinois, who all the time proclaimed that he was ready to go before the people upon the merits of his bill.

The issue was made by the gentleman from Georgia, when he said, at the last session of Congress, in the language of bold defiance, that "the South had triumphed on every question, when the issue had been made, and she would triumph again on this question." And, sir, when the minority in this House, after a long and protracted struggle, unprecedented in the annals of congressional legislation, were overborne by a subversion of the rules of the House, they then notified the majority that they would make their appeal to the people. And, sir, they made that appeal. Discarding all old issues, the friends and opponents of the Kansas-Nebraska bill met each other on the stump, through the press, and at the ballot-box; and the popular decision has been emphatic and unmistakable. The result was the overthrow of an Administration which, but two years before, had ridden into power upon a tempest of popularity. The result was a serious and lasting back-set to that northern Senator, who had volunteered the surrender of the principles dear to the people of his own State, and who had trampled upon the sentiment which animates, warms, and sways the northern heart in favor of liberty and humanity. It is said that the Know-Nothings had a great deal to do with the result. Does this make the anti-Nebraska triumph less complete? Are not the Know-Nothings American citizens? and if they cast their vote for the anti-Nebraska candidates, was it not because they preferred them to candidates entertaining opposite sentiments? It cannot be contended that their vote was a mere blind force, so far as this issue is concerned; for how, then, will you explain the fact that nearly all the members recently elected to the next Congress are anti-Nebraska; for, if the Know-Nothings aided in their election, and the vote was a blind one, was there not an equal chance of its falling on the Nebraska side of the question? The truth was, sir, that not only Know-Nothings, but a large portion of our German and English population, hostile to slavery in all its forms, cast their votes, in many parts of the country, for the anti-Nebraska candidates. I am most happy here to declare that, in our State, among the strongest opponents to the extension of slavery is a large part of our foreign-born population.

But it is to the State of Illinois, to which I wish particularly to refer. The gentleman from Georgia said, in his speech, "if there is a State in the North which may be appealed to, where there was anything like a contest, it was Illinois." "The Nebraska bill gained strength in Illinois." He says that "the distinguished Senator, who had charge of the bill in the Senate, stood in front of the battle, never giving ground, never yielding an inch; and the gallant gentleman upon this floor, [Mr. RICHARDSON,] who had charge of it here, met the people of Illinois everywhere on its merits." Now, sir, a few facts will show, that so far from an indorsement of the Nebraska bill by the people of the State of Illinois, its condemnation there was more signal and decisive than in any other State in the Union. If this is the only fountain, from which the gentleman is to drink the waters of consolation, he will find them bitter to the taste. Now, sir, let it be recollected that, in 1852, Illinois was the banner State of Democracy, and that, while all other States had at some time failed in the hour of trial, the State of Illinois had never faltered in its fealty to the Democratic party. At the presidential election in 1852, General Pierce carried the State by the large majority of sixteen thousand votes.

Now, sir, if we take the election for State treasurer as a test, as the gentleman from Georgia did, we find that Governor Moore, the popular candidate of the Democratic party, carried the election over his competitor, who was brought out just before the election, without any organization for that purpose, by the meager majority of something over two thousand votes. I deny, however, that this was a test. The truest test was in the election of members to Congress; and here we find that the popular majority given for the anti-Nebraska members for Congress was sixteen thousand two hundred and forty-seven. Three Representatives were elected to Congress favorable to the Kansas-Nebraska bill, four opposed to it, and the remaining one is to be decided upon a contested election. In one district only was the majority for the Nebraska candidate increased over the preceding election, and that was in the Quincy district, represented by my friend and colleague, [Mr. RICHARDSON.] And, sir, though he, perhaps, would be unwilling to admit the fact, yet, sir, I am well convinced that he was more indebted to his great personal popularity, than to his position on the Nebraska question. That gentleman had served his country with distinguished credit to himself in our war with Mexico, and with great ability in the Legislature, and in this House, for many years, and also possessing sterling qualities of head and heart, a noble and magnanimous nature, he had a grasp upon the affections of his constituents which his position on the Nebraska question could not affect. But, sir, there were other elections more signal—the elections of members to the Legislature. I think I may safely say, that during the last twelve years there has been no period, until now, when the Legislature of Illinois was not two thirds Democratic. And yet, sir, notwithstanding only about one half of the Senators were newly-elected at the late canvass, yet we find a large majority of the Legislature passing resolutions condemnatory of the course of their Senators in voting for the Nebraska bill, condemnatory of the bill itself, in favor of the restoration of the Missouri compromise, and electing triumphantly to the Senate of the United States a gentleman who had distinguished himself by his able and eloquent opposition to the Nebraska bill, and had been elected on that issue, in a largely Democratic district, over the regular nominee of the Democratic party, by a majority of two thousand three hundred and twenty-two votes.

Here, then, is the triumph of the gentleman from Georgia in the State where he says the issue was fairly presented, and where "the distinguished Senator had met the people, never giving ground, or yielding an inch." Yes, Mr. Chairman, a mighty effort was made to carry Illinois; the young giant was there, but he was there with his locks cut; shorn of his strength, he was there to meet an indignant constituency. He returned to that people, not as he did of yore. They had heaped their highest honors upon him. More dexterous and politic than his equals and superiors in his own party, he had got upon the current of popular favor in that party, which was powerful and dominant in the State, and favored by good fortune and favorable breezes, he had been borne, almost without opposition, to the highest honors of the State and the nation. Enjoying the full confidence of a generous and impulsive party, such as I admit the Democratic party of my State to be, he had been greeted, on his return, at the end of each session, to his constituents, from his duties in the National Councils, with the cordial salutations of welcome. But when he returned at the end of the last session, he returned to meet a people whose kindness he had slighted, and whose repeated favors he had returned by a ruthless and successful attempt to destroy a sacred compact for freedom, which, according to his own declarations to them just four years before, had "stood for a quarter of a century, and been approved by men of all parties in every section of the Union, and canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever be reckless enough to disturb." The result is before the world. The Senator has his reward. The Allies may take Sebastopol, but he will never take Illinois again; he has had his trial in that State, and the verdict of an honest and high-minded people has been pronounced, and from that verdict he will not recover as long as "grass grows or water flows."

There are thousands of slaveholders at the South who regard slavery as an evil, but who see no remedy for it, but to treat it wisely and humanely, and who look forward, with hopeful anxiety, to its ultimate extinction. There is another class who believe slavery is right, and, therefore, they advocate it. For both these classes I entertain respect; for, sir, let a man be true to his convictions, though he believe a lie! but how shall we feel other than the most unmitigated contempt for the political schemers who, taught in all the inspiring lessons of freedom, in northern climes, where the very mountains, rivers, and skies, as well as the charters and constitutions of society, bear the mighty impress of freedom, yet "crook the pregnant hinges of the knee" to slavery for the sake of promotion and official station. The slave himself, groaning beneath his fetters, is far more deserving of our admiration than the cringing, fawning sycophant, the northern man with southern principles. The one eats the bread of well-earned, though involuntary, servitude; the other the iniquitous wages of voluntary subserviency and debasement. We have found at the North men who, at different points of time in the history of the slavery question, were ready to smother the spirit of free discussion, to trample in the dust the sacred right of petition, to close the United States mails to papers opposed to slavery, and last, not least, to gag the mouths of the ministers of the living God against denouncing what they deemed to be wrong. I speak not of southern men, but of northern men, with professed southern principles—men who, having deserted the North, would play Dalgetty to the South, as soon as "thrift" in that direction "should not follow fawning."

Another important thing, sir, in relation to the Illinois election, I state what I have no doubt is true, that the condemnation of the Nebraska bill would have been almost unanimous, but for the argument so pertinaciously urged by its friends in that State, that there was not the least probability that slavery could ever exist in Kansas under the Kansas laws; that the slaveholder had no right to take his slave there; that the slave would be free the moment he got there, that the laws of God, of climate, of physical geography, forever prohibited slavery there. They were told that it was not the object of the repeal of the Missouri compromise to establish slavery, but the great principles of self-government—and the delusive authority of Senator BADGER and other distinguished Southerners was quoted to show that Kansas would not become a slave State. There was but one opinion in that State upon the subject of the extension of slave Territory. The popular sentiment of the State on that question is not to be mistaken. No more slave Territories or slave States to be made out of our common territories, is a sentiment as indelibly written upon the popular mind and heart of Illinois, as is beauty and fertility upon the bosom of her prairies. To have admitted that there was the least chance for the admission of Kansas as a slave State under the operation of the Kansas and Nebraska bill, was to have stamped that bill with the seal of universal reprobation. Hence, sir, the pretense, the evasion, the delusive argument that Kansas must and would be free. Why, it was asked, agitate the country for a restoration of the Missouri compromise, when it could not alter the *status* of the Territory as to slavery, and when Kansas must inevitably be free whether the compromise was restored or not? These were the arguments which enabled the friends of the Nebraska bill to carry with them the minority which they did in the State of Illinois. Otherwise, sir, that minority would not have been a corporal's guard. It was in vain that we pointed that minority to the locality of Kansas, with Missouri a slaveholding State on the east, and Arkansas and Texas on the south—and that the slaveholder of the South, with eyes ever open to behold and hands ever outstretched to grasp each new field for slave labor, would be the first on account of near neighborhood, to preoccupy the Territory of Kansas, and to write upon the *tabula rasa* (as they called it) in colors, dark and durable, the blackening lines of human bondage. It was in vain that we showed that slavery had eaten and occupied up to the very fence erected against it by the Missouri compromise, and that if that fence was removed, it would go over and occupy the consecrated heritage of freedom; it was in vain that we showed that there was nothing in the locality, latitude, soil, or climate, rendering it unfit for slave occupation; that slavery was as profitable in the western part of Missouri, and would also be in Kansas, fine hemp growing and tobacco producing regions, as it was on the sugar and cotton plantations of the South; it was in vain we showed that Indiana would have been a slave State but for the prohibitory ordinance of 1787, and that her Territorial Legislature had petitioned Congress five times for the suspension of that ordinance. It was in vain we referred to the persevering effort of slavery to get a foothold in the

State of Illinois in spite of the ordinance of 1787, and of its so far insinuating itself into the interests of that young people as to array in its favor a respectable minority at the formation of our State constitution. It was in vain we urged the fact that it required but a few slaves, in the first instance, to establish the character of the Territory for slavery; that a few slaves in New Orleans had made Louisiana a slave State; a few slaves in St. Louis had made Missouri a slave State; that twenty slaves landed from a Dutch man of war on the coast of Virginia, had darkened with the curse of slavery that old mother of States from that time to this. It was in vain that we referred to the aggressive spirit of slavery, that she wanted more territory, more States, more Senators and Representatives, more political power, to nationalize slavery, to make it the dominant and ascendant policy of the Government. By such and numerous other arguments we endeavored to point out the strong probabilities of Kansas becoming a slave State under the operation of that clause in the Nebraska bill which left the people of the Territory "perfectly free to regulate their institutions in their own way."

But, sir, we were met by our opponents, and the idea that slavery would go there was laughed at as an absurdity; "it could not get there; and if it did, the people would exclude it." And not only this, they went still further, and contended, that the repeal of the Missouri compromise would be the means of establishing freedom, not only in Kansas, but also south of the line of 36° 30′; for these gentleman had not the candor to tell the people that the Missouri compromise did not, in the slightest degree, effect the territory south of 36° 30′, either for freedom or slavery. And, sir, for pointing out these dangers of the extension of slavery, we were denounced as agitators, as the allies of Abolitionists and fanatics, as the enemies of freedom and self-government, while our opponents claimed that they were the peculiar friends of the freedom of Kansas and all south of 36° 30′, and the true friends of the country and the Union. I now repeat, sir, had the people of the State of Illinois been impressed with the serious conviction that the effect of the Kansas bill would have been to ingraft slavery on the young limbs of that infant Territory, I believe, sir, she would not have returned a single member to Congress known to favor that bill.

And now, sir, what has been the result? Scarce two months had elapsed, and the designs of the South were made clearly manifest. Kansas now has her Delegate on this floor, whose views, I believe, are well known to be favorable to making that Territory a slave State. The second highest functionary in the Government, the acting Vice President of the United States, was, as we are informed, but a few months since upon the confines of that Territory, making harangues to the people in favor of carrying out his darling project of southern institutions in Kansas, and erecting there, where free labor was to have had her home, and freedom to have erected her temples, another altar to the God of human bondage. There, sir, has been illustrated and displayed to the gaze of Christendom the beautiful workings of that system of self-government, which elicited the eulogies of the Senator from Illinois and the gentleman from Georgia. There, sir, if reports be true, the great question of human freedom has been decided in the Territory of Kansas, not by the people of the Territory who were to govern themselves, but by the people of another State.

Ah! sir, did the gentleman from Georgia, at the last session of Congress, when silence reigned along these aisles, and the people's Representatives gathered around him, and listening ears bent over these parapets, and beauty's bright eye flashed from the galleries upon that eloquent Georgian, did he dream that before the moon had waxed and waned three times, we should have such a practical delineation of the great principles of popular sovereignty for which he contended? The materials of our own country were not sufficient. The musty records of the past were scarce ample enough to afford scope for his illustrations of the grandeur and greatness of the great principles of popular sovereignty. He stood in Parliament where the younger Pitt stood when he thundered against Lord North and the tyranny of the British Crown towards the infant Colonies. He ranged himself by the side of Webster, when, driven from Faneuil Hall, he planted himself upon the compromises, the Constitution, and the Union. Ah! sir, here was the mistake of the gentleman; he fought, not as Pitt did, for universal freedom, for the God-given, natural and inalienable rights of all men, for the right of every people to govern themselves, but he fought for the right of a people to govern others; not for freedom, but for an extension of that sort of despotism which sullies our national escutcheon, and concerning which Jefferson said he "trembled for his country when he knew that God was just."

I say the result is known. Kansas is on the road to slavery. Some gentlemen may say Kansas will still be free. Deceive not yourself. Without the interposition of Congress, Kansas is doomed, and doomed forever, to slavery.

When, on the 23d day of January, 1854, the bill for the territorial government of Nebraska was amended in two important particulars, one for the repeal of the Missouri compromise, and the other for the creation of two Territories instead of one, it was not difficult to divine what had been the deliberations of caucuses and committee rooms; it was not difficult to know that freedom had yielded to slavery, and that two Territories were to be created upon the principle of compromise—that Kansas was to be slave, and that Nebraska might stand her chance for freedom. The South will never consent that a free State shall come into the Union without a slave State is also admitted as a countervailing force. For every star of light and freedom which is to shine in our political constellation, she must have her corresponding orb of darkness and slavery.

Mr. Chairman, the gentleman from Georgia, in a sort of rhapsody, declared the Nebraska bill "a great national movement"—as "a grand step in the progress which characterized the age." One would infer, from such extravagant eulogy, that some new principle in political economy had been discovered, which was to constitute an epoch in our national progress, and to ameliorate the condition of the world. What does he mean? The right of a people to establish slavery if they desire it? This is his great national movement; it can be nothing else; for the right of a people to govern themselves, in the true sense of *self government*, can certainly be no new principle to Americans. This right was consecrated by the blood of Bunker Hill, is proclaimed in the Declaration of American Independence, is secured in the Constitution of the United States, and is now enjoyed by every State of the Union. Does he mean to say, that a prohibition of slavery in a Territory is the denial of a right of self-government? As well might he say that a prohibition of orders of nobility was a deprival of the right of self-government. Will the people of Indiana, or Illinois, admit that they were deprived of the blessings of self-government, simply because they were interdicted by the ordinance of 1787 from establishing slavery? The argument of the gentleman is, that every system of self-government is, and has been, incomplete which deprived the people of the Territories of the right to hold their fellow beings in bondage. No, sir, it is a misnomer. The gentleman misnames, as self government, what is no less than a denial of the first principles of justice, right, and humanity. His self-government means not, that one class of people may govern themselves, but that they shall have the control of others, that the labors and burdens of society shall be borne by one class and its advantages and blessings enjoyed by another. Tell it not in Washington, not to the Representatives of a free people, not beneath the stars and stripes which float from the dome of our Capitol, that our systems of self-government in the great Northwest have all been incomplete, because they have been prohibited from establishing slavery there. This great national movement of the gentleman, then, is *self government for the Territories;* which, according to that gentleman, means to govern others, not ourselves. Under the sacred name of liberty we establish slavery; under the sacred plea of self-government we darken the bright domains of Kansas and Nebraska—upon which the stars of Heaven have, for six thousand years shined as free territory—with the pall of slavery. We ask for the right to send men into those fair regions—not *free* men—not human beings in the full proportions and God-like image of free men; but with the limping, halting gate of slaves and bondmen. This, sir, is the great national movement of the age. It was the boast of the Irish orator, that the moment a slave put his foot upon British soil, his chains and shackles fall, and he breathed the air of emancipation; but it is to be our boast, it is to be the ensign of our progress, that we have set aside the law which made our soil forever free, and given full license on that soil to establish slavery. The gentleman's progress is a fearful step backwards. Washington, and Jefferson, and many of the signers of the Declaration of Independence, and many of the framers of the Constitution were slaveholders, but they were the purest minded men of any age or clime—the *picked* men of the world, and seeing the wrong and evils of slavery, they denounced it as the supreme curse of the country, and they left on record an imperishable monument of their detestation of slavery. They imposed a duty on the importation of slaves, and provided for its prohibition altogether in a limited period after the adoption of the Constitution; and from the first territory acquired by the United States, and from all the territory then owned, they prohibited slavery by the ordinance of 1787.

But, sir, Washington, and Jefferson, and Franklin, were, I suppose, all *Old Fogies*; and, not understanding the great principles of self-government or squatter sovereignty, in their blindness, deprived the people of Ohio, Indiana, Illinois, Michigan, and Wisconsin, of the great blessings of that peculiar self-government for which Young America, in this age of Christian and enlightened progress, now contends. The error of the gentleman from Georgia consists in the confounding of right and wrong, and in denying to one class all rights, natural and civil. I maintain that, as slavery is a violation of natural right, of every law, human and divine, and involves the great wrong of giving to one man the labor of another, sunders the dearest of human ties, separates the husband from the wife, and the father from the child; therefore, I say that to insist upon the right to establish slavery as an act of self-government is the veriest absurdity, and that the exercise of such a right, so far from being the act of self-government, is the act of absolute despotism.

Mr. Chairman, I am in favor of giving the people the broadest latitude in deciding every question for themselves, consistent with the Declaration of Independence, the Constitution of the United States, and the well-defined principles of free government. And, sir, if Kansas were a separate empire, in no way connected with us, or bound to us, then, according to our policy of non-intervention in the affairs of other nations, while we might deeply deplore, we could not interpose against, the establishment of slavery, the existence of polygamy, or the legalization of any institution however variant from our form of government, at war with human rights or the genius of our civilization. But these Territories are united to us by the closest relations. They belong to us—the people of all the States—and they propose to come in as partners in our great American partnership, and as States in our great brotherhood of confederated Commonwealths. And is it nothing to us what institutions they may have? Is it nothing to us that they propose to establish an institution which places the weak in the power of the strong, an institution which, from the beginning of our national existence to the present hour, has been, and still continues to be, almost the only element of antagonism and of disturbance in our midst, and which statesmen look forward to as the only rock upon which our noble ship of State may be stranded.

Gentlemen seem to forget that the Territories are not sovereign, that the Constitution imposes upon the General Government the paternal duty of providing for their wants, and supervising their legislation, until the sovereignty of Congress ceases, and that that sovereignty ceases only with the admission of the Territories into the Union as States. Thus, and thus only, the power of the General Government ceases, and State sovereignty rests—and then the State, in the full exercise of that sovereignty, may establish its own institutions, and is responsible in her sovereign capacity to

the world and to God, for any infraction of the great and inalienable rights of man.

We have an interest, because we want the Territory of Kansas as a home for our white laboring classes. The Territories north of Texas, and west of Missouri, and the valleys between the Sierra Madre and Sierra Nevada mountains are the heart of the North American continent. There, bright streams and broad and noble rivers flow; fertile savannas, adapted to the cultivation of grains, fruits, and grapes; temperate and salubrious climate; forests cleared by the hand of nature, and rich prairies ready for the plow; coal, minerals, mountains, and lakes of salt, capable of sustaining the densest agricultural population, and to be the great continental thoroughfare through which is to pass the commerce between the two oceans, and the occidental and oriental worlds. Now, if these things be so, if these fair Territories are yet to be the center and heart of the continent, shall we tamely surrender them to polygamy, or to slavery, or to other institutions subversive of the great principles of justice, liberty, and right, or shall those delightful regions be the future home of a race of freemen, successfully and gloriously carrying out our great experiment of humanity and self-government? If slavery is permitted there, it is, in effect, saying to our fifteen millions of laboring men of the free States they shall not go there, for they will not go to a State where their labor is to be cheapened and degraded by a competition with slave labor. The last census clearly shows that slavery drives the poor white man out of the States where it exists to the free States, and that the emigration from the slave to the free States is three times greater than from the free to the slave States. By the repeal of the Missouri compromise, the high wall erected by patriot sires and patriot hands was leveled to the dust, and the fair domain upon which freedom had fixed her hopes, and where freedom had hoped to find a home, is to be the abode of slaves and bondmen. As a friend of free American labor, I am utterly opposed to all such schemes to make slave territory of that which our fathers, by a solemn compact, dedicated to freedom.

The gentleman from Georgia is bold enough to array statistics to prove that one slave State, out of the whole number, has arisen superior to the difficulties by which she is surrounded, and to compare her progress with those of the free States. Let me say to that gentleman that his State is an exception to the South; she manifests some spirit and enterprise akin to those of her sister free States. It is highly creditable to her that the indomitable energy and unfaltering public spirit of her citizens has borne her onward on the tide of prosperity in spite of her slavery. But let me say to him, had she pursued that policy which the wise and good men who founded her colony and administered her early affairs advocated; had she eschewed slavery, and relied upon the hardy arms of free white labor, where now she grows her one bushel of wheat, she would grow her two bushels; and where now she has her one thousand miles of railroad, she would have her two thousand. It is not in one of the free States, but in all the free States, where the life-inspiring and energizing power of free labor has carried commerce to its full development, and successfully prosecuted all the arts of industry and peace.

In 1831, I removed from the State of Kentucky to the State of Illinois. At that time Kentucky had a population of six hundred and ninety thousand souls; Illinois was then almost a wilderness. A few counties in the State were thickly settled, but the prairie, for the most part, bloomed in its native wildness. The settlements were confined to the forests which skirt her water courses, or were hugging closely around the groves which intersperse her prairies. And now, sir, in the brief space of twenty-three years, Illinois, under the giant power of free labor, has marched up to the side of old Kentucky, and while Kentucky has but her ten Representatives on this floor, Illinois already has her nine, and in the next decade will, in all probability, have twice the number of her sister State of Kentucky. Is not the comparison fair? Where is the State of richer soil, of braver hearts or stouter hands than those of old Kentucky?

We are interested, also, upon the score of equal representation in the Government. While we acknowledge the constitutional obligation to suffer the representation of slaves in our Federal Legislature, so far as the original States are concerned, yet, sir, we never agreed to adopt this principle as to subsequently acquired territory and newly admitted States. The State of Maine has twice the white population of the State of South Carolina, and a fraction 7,350, and yet, sir, Maine and South Carolina each have an equal number of Representatives on this floor. Will the free States willingly submit to the establishment of a system in our Territories, which will make one man in a slave State the equal of two in a free State, which destroys our political equality, and dwarfs down the citizens of our northern free States into the mere fractions of men.

I wish now to make a remark as to the purpose which it was avowed was to be carried out by the principles of the Nebraska bill. The plea for that bill was that the Missouri compromise had to be repealed to carry out the policy and principles established by the compromises of 1850, especially in the Utah and New Mexico bills. Have they done this? Now, sir, under the Kansas bill, the people of the Territory may, at any time, as soon as a Territorial Legislature is elected, establish or prohibit slavery; and yet, sir, the Territories of Utah and New Mexico were precluded from the exercise of any such power, until they come to form their State constitutions, preparatory to their application for admission into the Union. This was the principle established in 1850.

But, sir, the Kansas bill and its advocates went further, and empowered the people of the Territory at any time to establish slavery. And it is understood now, is it not, that the Legislature of Kansas may establish slavery at any time?

Mr. KEITT. Yes.

Mr. YATES. Then, sir, here is a greater power conferred on the Territories than upon the people of any one of the sovereign States of the Union. The different State conventions were afraid to trust so important a power to their Legislatures, and slavery cannot be established now in Illinois, or any other State, without calling a convention and changing her constitution—her organic law.

Mr. KEITT. Did not the people of Illinois themselves make that organic law to which he alludes, and did they not by that organic law restrict the Legislature? Congress had nothing to do with it.

Mr. YATES. Yes, sir, the people of Illinois made that organic law, but they were required to do so by Congress—by the ordinance of 1787. But the point I make is this, that there can be no doubt of the power of Congress over the subject of slavery in the Territories during the Territorial existence, or until those Territories come to make their organic law, and to exercise the powers necessary to constitute them sovereign States.

Again, the legislation of 1850 expressly provided that every act of the Territorial Legislatures of Utah and New Mexico should be first submitted to Congress for its approval or rejection. But, sir, this provision is omitted in the Kansas bill. The Legislature of that Territory may establish, by law, polygamy, slavery, or any other wrong institution, but Congress has no supervisory power or control over any such law.

But, again; the principle established by the acts of 1850 was, that in Territory from which slavery was excluded by positive law, Congress would not repeal that law, so as to give slavery the right to enter previous to the time of the establishment of a State constitution. The strongest ground urged by Mr. Webster against the application of the Wilmot proviso to the Territories of Utah and New Mexico was, that there was no necessity for such application, because those Territories were already free by the acts and edicts of the Mexican Government. And I am prepared to show, upon the authority of Senator DOUGLAS, as late as January 4, 1854, that to repeal the Missouri compromise would be a departure from the principles contained in the acts of 1850. When Senator DOUGLAS, as chairman of the Committee on Territories, first introduced into the Senate his bill, it was silent on the subject of slavery, and said not a word on the subject of the repeal of the Missouri compromise. He accompanied that bill with a report, and in that report he gives his reasons why the bill did not repeal the Missouri compromise. In that report he says:

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850." * * * * * * * *

"Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories; so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

Now, Mr. Chairman, here Senator DOUGLAS informs us that, as in 1850, Congress refrained from repealing the Mexican law by which slavery was prohibited in the Territories of Utah and New Mexico, so now (on the 4th January, 1854) it would be a departure from the principles of the acts of 1850, to repeal the Missouri compromise, which prohibited slavery in the Territories of Kansas and Nebraska. And yet, sir, in nineteen days from that time, on the 23d day of January, 1854, we find the Senator introducing into his bill an amendment repealing this same Missouri compromise; and thus violating the principles of the acts of 1850, which he professes to be so anxious to carry out. Thus I have shown that the principles of the Kansas bill are in every material aspect, variant from the principles of the acts of 1850. The plea that the object of the repeal of the Missouri compromise was to carry out the principles of the acts of 1850, is, then, a mere hollow and hypocritical pretext; a pretext which I have exposed; and I leave it, sir—the whole fraud—exposed to the sunlight, and palpable to the simplest comprehension.

Mr. Chairman, where is this doctrine of popular sovereignty to lead to? If Congress can have no control over the institutions of the Territories, and if she is bound to admit into the Union every Territory which presents a constitution republican in its form, what, sir, is to be done with the Territory of Utah, when she knocks at the door of Congress for admission into the Union?

A new paper has just been started in the city of New York entitled "The Mormon," and the first number of which has been sent to each member on this floor, from which I read the following extract:

"We are not ashamed to proclaim to this great nation, to rulers and people, to the President, Senators, legislators and judges, to high and to low, rich and poor, priests and people, that we are firm and conscientious believers in polygamy, and that it is *part and parcel of our religious creed.*"

Now, sir, if each Territory is to have the unrestricted right of deciding for itself what its domestic institutions shall be, then we are bound to receive into this Union Utah with a constitution, or laws, or usages, tolerating polygamy. Here, sir, is an institution which is at war with the genius of our laws, our civilization, and Christianity; which virtually annuls the Bible-taught and Heaven-ordained institution of marriage itself; a crime more destructive to the morals and well-being of society than the crime of larceny, than horse-stealing, or highway robbery. It was highly gratifying to see Congress at this session, by its vote on the bill to make donations of the public lands to Utah, stamp with the seal of its reprobation this embryo outrage. And Congress will prove derelict to itself, to the country, and to the civilization of the age, if it does not promptly rebuke and suppress this crime of polygamy. Let the people of Utah understand, now and forever, that if they propose, under the sanction of law or usage, to practice an immorality which is shocking to the sense and moral feelings of the civilized world, that they must seek another Territory in which to do it. I am not in favor of making any Territory of the United States which proposes to come into this Union, a brothel. Let Utah understand, that if she expects a dollar from the Federal Treasury, or an acre of the public lands, that she must deport herself with the decency and propriety which become a civilized and Christian people. And I now wish to say, that should I happen to be a member of this body when Utah presents

her constitution preparatory to her admission into the Union, I shall vote against her admission if that constitution, or her laws, or her usages, tolerate the beastly and prostituting crime of polygamy. Unless she clears her skirts of this crime, I would keep her out of the Union forever. As the guardian of the Territories, it is the duty of Congress to provide against the existence of that institution in that Territory, and thus save that Territory from the pauperism, and misery, and the depreciation of public and private virtue, which, if not provided against, is to leave a lasting impress upon that people to the latest posterity.

The gentleman from Georgia says that this principle of squatter sovereignty is right, and ought "to prevail universally wherever the American flag floats;" that every community ought to have the uncontrolled right to make just such laws and institutions as may suit them. Now, sir, I believe slavery ought to be abolished in the District of Columbia. The Metropolis of a great nation like ours should be free; the footsteps of no bondman should tread the soil which is dedicated as the capital of a nation, whose struggles for existence were conducted under the sacred name of liberty, and whose high mission is to establish the great principles of human equality, to vindicate the rights of man, and to prove the great problem of humanity—the capacity of man to govern himself. No human being in slavery should ever be permitted to gaze upon our flag, and shake his chains and shackles in mockery of our system of boasted equality. Now, sir, entertaining these sentiments, suppose I were to introduce a bill providing that, at the next election for municipal officers in Georgetown and Washington, polls should be opened in every ward, and the people of the District should be left perfectly free to decide, in their own way, at the ballot-box, whether slavery should longer exist in the District? Would the gentleman from Georgia vote for it? Sir, should I bring in a bill referring the question of the existence of slavery in this District to a vote of the people, I should be denounced the land over as an agitator, a fanatic; and, instead of being considered thereby the friend of popular sovereignty, I would be decried as a deadly foe to the peace, concord, and welfare of the country; while, on the other hand, the gentleman who proposes to abrogate a solemn compact, which makes a Territory free, and to open that Territory to the incursions of slavery, is to be hailed as a national man, a Union man, and the great champion of popular sovereignty!

Mr. KEITT. I would ask the member from Illinois whether he would or not vote for a bill remitting to the inhabitants of the District of Columbia the power to determine the existence of the institution among them? And whether, if they voted for its abolition, he would vote for the bill on the ground of the right of the inhabitants of the District?

Mr. YATES. Mr. Chairman, I never yet said that I was in favor of *unrestricted* popular sovereignty in the Territories; but I do believe that slavery ought not to exist in this District. I believe that Congress has the same power over this District which the Legislature of the State of Illinois has over that State—complete and plenary sovereignty in the management of all its civil policy. Hence, I believe it has power to abolish slavery in the District of Columbia, and should a bill be introduced into Congress submitting to the people to decide whether they would have slavery, I should vote for it. But I wish to state further, that should that vote result in the emancipation of the slaves, then I would also be in favor of Congress paying, to the full value, for every slave in the District. I am not in favor of injustice. The question I ask is, whether these gentlemen would be in favor of carrying out this principle of popular sovereignty? They tell us that self-government, that popular sovereignty should prevail wherever the American flag floats. That was the language of the gentleman from Georgia. Are these gentlemen in favor of the people of this District deciding the question for themselves? for surely your flag floats here, or ought to float here, as proudly as anywhere else. Ah, Mr. Chairman, here is the rub. Whenever it is proposed to make slave territory out of free territory, then popular sovereignty is a sweet and delightful thing.

Mr. KEITT. I would ask the member from Illinois whether, whenever free territory is to be made out of slave territory by vote of the people, he is not for popular sovereignty?

Mr. YATES. That takes me out of the line of remark that I intended to make, but I will answer the gentleman. And I affirm, sir, that in my estimation, there is a clear distinction to be drawn as to the objects and powers of our Government, and that, according to my view of the case, our Government may properly and constitutionally go to almost any limit in promoting the great principles of freedom, but cannot go one step towards the establishment of slavery. Hence, sir, I contend that the Nebraska bill, repealing the law by which slavery was already prohibited in the Kansas-Nebraska Territory, and opening that Territory to the incursion of slavery, was directly at war with the genius, objects, and mission of our Government.

I cannot better illustrate my meaning of the doctrine of popular sovereignty than by referring to a democratic principle which was evolved by the Revolution. The great principle was then decided that taxation and representation should go hand in hand; and yet now, that principle is totally subverted by the Kansas-Nebraska bill. For, sir, all the States—the people of all the States—are taxed in the purchase of our Territories, in erecting public buildings for the Territories, in paying the salaries of their Legislature and all their public officers, and in defraying all the expenses of their territorial governments; and yet, sir, the people of all the States, though thus taxed, are to have no voice in the affairs of the Territory, and must tamely submit to the establishment of any institution, whether it be slavery, polygamy, cannibalism, or other wrong thing, which a few first settlers may deem it proper to impose.

Mr. KEITT. I do not wish to be unkind to the gentleman from Illinois, but was he not an anti-Nebraska candidate at the last election, and defeated?

Mr. YATES. I thank the gentleman for the question, and I reply, I was a candidate, and was defeated. But, sir, my district is largely against me in politics. It gave General Pierce nearly twelve hundred majority, while I only was defeated by the meager majority of two hundred votes; and those conversant with the facts, I believe, would inform you, that but for local divisions in two of the counties in my district, I should have been returned here by a handsome majority.

Mr. Chairman, we are now at a turning point, a crisis in the history of the American people; and the action of the next Congress will decide the question whether slavery or freedom will be the dominant policy of the Government. If the next Congress shall fail to restore the Missouri compromise on the statute-book, then, sir, we may from that time date our Government as the avowed apologist for slavery, and need interpose no further barriers to the aggressions of the slave power; they will be vain. The triumph of the slave interest now, is its triumph forever. It is not enough that since the formation of the Constitution of the United States, nine slave States should have been brought into the Union, while only eight free States have been admitted; it is not enough that free States quietly submit to non-intervention as to slavery in the slave States; it is not enough that they yield their assent, though a reluctant one, to slavery in this District; it is not enough that the free States should be made to do the servile work of arresting and returning the poor fugitive, who is in the pursuit of freedom, to slavery; that the sacred rights of Magna Charta, trial by jury, and of habeas corpus, should be denied him; it is not enough that our officers should be paid a higher fee for deciding against a slave than for him; and that northern courts should be made the unwilling instruments of sending back the slave to chains and hopeless bondage—but the Territories, which are the property of the whole people, are now to be declared open to the incursion of this blighting evil.

After the free States had yielded to the masterly and persuasive eloquence of Mr. Clay and Mr. Webster, and consented to the adoption of the compromises of 1850, under the conviction that the fearful controversies of the slavery question would be forever put to rest, and the acts of finality and conciliation were ratified by both the great national parties, and by the people in almost every section, still southern slavery and northern servility were insatiate, and under the false and fraudulent pretense of carrying out those compromises, unsettled and broke them up by a death blow at the very finality they had established. Even yet slavery must have more power, more extension, more patronage. Freedom had been written by the Missouri compromise on the soil of Kansas, on her hills and valleys, on her prairies and noble streams, on the sky above and the earth beneath, and Kansas, like our Northwest Territory, was, in all time to come, to be the enduring and happy home of freemen, free labor, and free institutions. But, sir, even that sacred compact was no obstacle to the demands of the slave power, and ruthless and reckless hands have been laid upon it, and slavery now goes undisturbed to occupy those fair and delightful regions.

And, sir, now slavery has its longing eye on California, on Utah, and New Mexico. She is calculating on four slave States in Texas. Cuba looms up in her vision, and is to be considered cheap at any number of millions of dollars capable of enumeration. Mexico and Central America are also in the prospect, and overstepping the barriers of the continent, her insatiate eye is regaling itself on the States of the southern continent. But, sir, that we may further discern the signs of the times, look at the things which are passing before our eyes. During the last session of Congress, some of the distinguished men of the South, in both political parties, have gone so far as to maintain that slavery was a positive good; that it was Bible-taught, and Heaven-ordained; that it is a political, social, and moral blessing; and to be consistent, they not only advocate its extension into the common Territories of the United States, but many have gone so far as to advocate the repeal of all laws for the suppression of the African slave trade. This startling proposition has been broached even in the Senate of the United States. Leading papers of the South, the Richmond Examiner, and Charleston Mercury, have taken open ground in favor of the African slave trade; yes, sir, in favor of the revival of that trade which is now, by the laws of the United States, declared to be piracy, and is deservedly punished with death, and is regarded with horror throughout the civilized and Christian world.

Yes, Mr. Chairman, the question now rises up before us—a present question, not to be avoided, but to be met—whether slavery is to be nationalized; whether the spread of slavery is to be the chief concern and leading policy of this Government; whether it is to have the political ascendency in the Government; whether it is to be the figure-head of the ship of State, and whether a trade of unequaled barbarity, shocking to the senses of mankind, is to be revived under the full sanction of our General Government?

Mr. Chairman, when such were the phases of the slavery question presented to the people of the free States during the last elections, is it a wonder, sir, that they gave such unequivocal expressions of their condemnation of the repeal of the Missouri compromise? Why, sir, the people of the free States voted against the repeal of that great law of freedom as naturally as water flows to its level or the sparks fly upward. No power, however great, can subvert the eternal laws of nature. And, sir, no names, however distinguished, or party, however powerful, can suppress the God-given impulses of the human heart in favor of liberty and humanity. The sentiment of opposition to slavery in the free States is a God-given and God-implanted sentiment. A man like the Senator from Illinois, the leader of a powerful party, may do much; an Administration, with one hundred thousand offices at its disposal may do much; but woe to them, if they ask American freemen to lay their consciences in the dust; and to vote for slavery. The false and delusive cry of popular sovereignty may deceive some, but the thinking, unprejudiced, and uncowering masses saw no other reason in the repeal of the Missouri compromise but the extension of slavery, and the ballot-box has written a fearful sentence upon the ill-advised attempt to trample in the dust a sacred compact, and to extend the area of human bondage.

The earliest impressions of my boyhood were that the institution of slavery was a grievous

wrong, and with riper years that sentiment has become a conviction deep and abiding, and I should not be true to myself did I not oppose this institution whenever I can do so consistently with the Constitution of my country. And here upon these declarations, now in these the last days of my congressional career, I plant myself, and shall abide the issue. And, sir, I have no fears for the future—in the clouds of the present I see "the brightness of the future." This sentiment of opposition to slavery is a growing, a rising sentiment; it is the sentiment of the Declaration of American Independence, and it will stand bold, dominant, defiant, and rising and flaming higher and higher, as long as that proud charter of American liberty shall endure, or freedom find a home in the human heart.

Mr. Chairman, I am no statesman. I arrogate no such claim; but were I called upon to point out a public policy for my country, I should adopt, as great cardinal principles—

1. No interference by Congress with slavery in the States.

2. No further extension of the area of slavery.

3. No more slave States.

4. The abolition of slavery in the District of Columbia, and wherever else it can be constitutionally done.

5. The rights of trial by jury and *habeas corpus* in all cases, and in the State where the arrest is made, as well as in the State from which the escape is made.

6. A home on the public domain for every landless American citizen, American or foreign-born, upon condition of actual settlement and cultivation for a limited period.

7. The improvement of the harbors of our lakes and the navigation of our rivers by appropriations from the Federal Treasury.

8. A tariff for revenue, with incidental protection, and *specific* duties, discriminating in favor of articles the growth and manufacture of our own country.

9. Liberal donations of the public lands for the construction of railroads, securing to the Government the full price for the same by reserving alternate sections and doubling the price therefor.

10. A more just and humane policy towards the Indian tribes, surrounding them with the influences of Christianity and civilization.

11. The encouragement by liberal appropriations from the Treasury, and donations of public lands for agriculture, the mechanic arts, and sciences.

These, sir, are the leading features of a public policy, which would speedily crown our nation with prosperity and glory, far transcending every people of ancient and modern times.

SPEECH OF HON. C. W. UPHAM,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. UPHAM said:

Mr. CHAIRMAN: It will be remembered by the committee that when the honorable member from North Carolina had concluded his remarks, several weeks since, in support of his resolution* in favor of a proffer of mediation by this Government, to arrest the progress of the Eastern war, the chairman of the Committee on Foreign Affairs stated that a suggestion, to that effect, had been discountenanced by persons supposed to know the views of one or more of the Powers engaged in that war. He therefore considered that the movement ought to be suspended, if not wholly dropped. The press, so far as it has met my eye, appears to have reached a similar conclusion. The subject interested me deeply from the first, but I had no strong purpose to take part in its discussion until the proposed mediation seemed thus to be abandoned. From that moment a feeling has grown up in my mind on the subject, which has, at last, assumed the character of a sense of duty, constraining me to leave my sentiments on record here, in this House, and before the country.

I have great respect for the opinions of the Committee on Foreign Affairs. On all occasions I have expressed my sense of the obligation the country is under to that committee, and its able chairman in particular, for the prudence, caution, and wisdom with which it has dealt with our foreign relations. But on this point I differ from that distinguished gentleman. Sir, there would be no occasion whatever for a mediation, if either of the combatants were willing to allow themselves to be regarded as desirous of it. In that case, diplomacy and negotiation would be adequate to the exigency. When there is a will there is a way. But if all the parties are in hot blood, and stand upon points of honor, that is precisely the case for the mediation of a friendly Power. While such is the temper of the nations they represent, of course, ministers resident here will not compromise their sovereigns by encouraging an interposition. The fact that it has been thus discouraged shows, to my mind, that the exigency demanding it really exists.

Let it be borne in mind that it is not proposed that Congress should at all interfere in the matter, in the way of dictation, or in any other way than to give the moral weight of that public sentiment which we represent to the act of the President, should he see fit to act. The language of the joint resolution is, that "we would view with satisfaction a tender to the belligerents of the mediation of the United States, provided it should be in accordance with the President's views of the public interests." If, at this crisis, a voice of friendly remonstrance is uttered, it will be much more likely to subdue the storm and arrest the strife, if it is the voice, not of one man, however high in office, or of one branch of the Government, but of the whole American people, uttered through all their constitutional organs.

The introduction of the proposition before us, by the honorable member from North Carolina, [Mr. CLINGMAN,] struck me, at the moment, as a peculiarly happy suggestion. If sustained by the action of Congress, it will give to our relations with the great Powers of the world, and to our connection with the interests of civilization and humanity, a character and a dignity most gratifying to every benevolent, enlightened, and patriotic heart. If this resolution passes, and the Executive should find occasion to carry it into effect, one of our highest national obligations will be discharged. If it fails, there will be a defect in our history that can never be supplied, a blemish that can never be removed. Have gentlemen appreciated the special propriety, the singular felicity, and, if I may use the expression, the poetic justice, and artistic finish to our public history, of such a procedure on our part, at this juncture, as the Committee on Foreign Relations recommends?

The three great Christian Powers, in whose bloody controversy our mediation is proposed, have each claims upon us, far higher than ordinarily exist between even the most friendly nations—claims, too, that cannot be met by any other equivalent service than precisely that which the resolution indicates.

France has been our ally, as no other nation ever can be. She came to our rescue in the darkest hour of the birth-struggle of our independence. It is well to keep forever bright, in the memory and heart of the American people, the grateful exultation with which the country was electrified when intelligence was received of the French alliance. The Army had just passed through its dreary winter encampment at Valley Forge—an experience of privation and suffering that would have broken the spirit of any other people. Let me read to the House General Washington's announcement to his troops of the great event, "in the orders of the day," at Valley Forge. It presents a scene well worthy the pencil of the artist, in which the Army of liberty, and its great leader, rise to view and pass before us as in real life:

General Washington's announcement to the Army of the Alliance with France, dated at Valley Forge, from the Orderly Book, May 6th, 1778.

"It having pleased the Almighty Ruler of the universe to defend the cause of the United American States, and, finally, to raise us up a powerful friend among the princes of the earth to establish our liberty and independency upon a lasting foundation, it becomes us to set apart a day for gratefully acknowledging the divine goodness, and celebrating the important event, which we owe to His divine interposition. The several brigades are to be assembled for this purpose at nine o'clock to-morrow morning, when their chaplains will communicate the intelligence contained in the postscript of the Pennsylvania Gazette of the 2d instant, and offer up thanksgiving, and deliver a discourse suitable to the occasion. At half after ten o'clock a cannon will be fired, which is to be a signal for the men to be under arms; the brigade inspectors will then inspect their dress and arms, and form the battalions according to the instructions given them, and announce to the commanding officers of the brigade that the battalions are formed.

"The commanders of the brigades will then appoint the field-officers to the battalions, after which each battalion will be ordered to load and ground their arms. At half past eleven a second cannon will be fired as a signal for the march, upon which the several brigades will begin their march by wheeling to the right by platoons, and proceed by the nearest way to the left of their ground by the new position; this will be pointed out by the brigade inspectors. A third signal will then be given, in which there will be a discharge of thirteen cannon, after which a running fire of the infantry will begin on the right of Woodford's, and continue throughout the front line; it will then be taken up on the left of the second line, and continue to the right. Upon a signal given, the whole Army will huzza LONG LIVE THE KING OF FRANCE; the artillery then begins again, and fires thirteen rounds; this will be succeeded by a second general discharge of the musketry in a running fire, and huzza LONG LIVE THE FRIENDLY EUROPEAN POWERS. The last discharge of thirteen pieces of artillery will be given, followed by a general running fire, and huzza THE AMERICAN STATES."

An officer who was present described the scene in a letter, as follows:

"The Army made a most brilliant appearance; after which His Excellency dined in public with all the officers of his Army, attended with a band of music. I never was present where there was such unfeigned and perfect joy, as was discovered by every countenance. The entertainment was concluded with a number of patriotic toasts, attended with huzzas. When the General took his leave there was a universal clap, and loud huzzas, which continued till he had proceeded a quarter of a mile, during which time there were a thousand hats tossed in the air. His Excellency turned round, with his retinue, and huzzaed several times."

Robert Morris, in a letter to Washington, expressed that sense of the momentous importance of the event which the whole country then entertained, and which will be cherished in every American heart to the end of time:

"When I congratulate your Excellency on the great good news lately received from France, you will not expect me to express my feelings. Were I in your company my countenance might show, but my pen cannot describe them. Most sincerely do I give you joy. *Our Independence is undoubtedly secured; our country must be free.*"

It is not necessary to enlarge upon the importance of the aid France rendered us in that critical period. All admit the truth of the sentiment of Robert Morris—from that moment our Independence was secured, and our country forever free.

It is true that a subsequent arrangement, by which our Government assumed obligations to its own citizens, which have been twice solemnly acknowledged by the concurrent action of both branches of our National Government, being the constitutional Legislature of the Union, and will at last be discharged, released us from all entangling obligations of the revolutionary alliance with France; still we, and our children after us, can never fail to cherish a sense of the deepest gratitude to that illustrious nation, and to rejoice in expressing it, on all occasions, and in every form consistent, as that now proposed is, with our settled and unalterable policy of neutrality in all European or foreign wars, and of equal and impartial intercourse with all nations.

It is well known that our diplomatic relations with Russia have invariably been of the most friendly nature. This fact was stated in an interesting manner, and by that member of our body whose experience enables him, more than any one else, to speak with authority, [Mr. BENTON,]

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* A Joint Resolution requesting the President to tender the mediation of the United States to the Powers engaged in the Eastern war.

Whereas, the people of the United States see, with regret, that several of the great Powers of Europe are engaged in a war which threatens to be of long duration, and disastrous in its consequences to the industrial and social interests of a large portion of the civilized world; and being, under the favor of Providence, in the full enjoyment of the blessings of peace, distant from the theater of conflict, disconnected with the causes of quarrel between the parties belligerent, and, as a nation, having no immediate interest in the contest, and no purpose to interfere, forcibly or in an unwelcome manner, nevertheless are of opinion that the controversy may be susceptible of pacific adjustment, through the interposition of a neutral and friendly Power: Therefore—

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we would view with satisfaction a tender to the belligerents of the mediation of the United States, provided it should be in accordance with the President's views of the public interests.

during our last session, on the occasion of the lamented death of the late Russian Embassador at this Court [Mr. Bodisco.] And we are indebted to the Government of the Czar for precisely such an office of friendship as we now propose to render in return. When it had become obvious that the war of 1812 had answered every really salutary purpose, by giving us a position to command ever after the respect of the most powerful nations, the Court of St. Petersburgh, actuated by a humane desire to stop the further effusion of blood, and to restore the blessings of peace, offered its mediation to us and our adversary.

On the 25th of May, 1813, President Madison in his message to Congress, at the commencement of a special session, made the following communication:

"At an early day after the close of the last session of Congress, an offer was formally communicated from his Imperial Majesty, the Emperor of Russia, of his mediation as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them; the high character of the Emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted."

Russia, our constant friend, and by whose interposition we were thus rescued from the horrors of war, and crowned with an honorable peace, is now, standing on her own confines, sacrificing her brave and devoted people, in defending her territory, single-handed, against the most formidable combination ever arrayed; against, indeed, what threatens to become all the rest of Europe and Asia. Confiding in the vastness of her consolidated empire, she does not ask for aid; she may not need it. But the occasion gives us an opportunity to repay the debt we owe her, and if no other good results from it, to give evidence of our remembrance of the past, and our good will for the future.

The other principal in the terrible strife is the country to which we are attached by ties which no national controversies, no political prejudices, and no party animosities can sever, or essentially weaken. A common ancestry, language, literature, religion, and spirit of liberty, constitute bonds of sympathy and union between us, which not even war itself can sunder. We are proud of our lineage, and by heroism on the sea and on the land, especially in two triumphant conflicts with her, and the grandeur of our progress, we have compelled our ancestral nation to be proud of us. England and America exhibit a phenomenon never paralleled before. For the first time in the history of the world two of the first-rate Powers of the earth speak the same mother tongue, have the same genius, and are one race, one family. While we know that we are exposed to be unduly influenced by England, particularly in reference to continental European affairs, in consequence of that community of language and literature, and therefore wisely guard against it; while we stand ready again, at any day, to meet her power, great as it is; at the same time we love, more than anything else, to cherish towards her the most friendly sentiments, and to emulate her in the arts and the achievements of peace. The pride of kindred is kindled in witnessing the intrepid and romantic gallantry with which the flower of her people and her nobles are meeting the terrors of that field of doom into which they have been led; but, at the same time, we are filled with horror, not unmixed with shame, at the fruitless and barbarous slaughter of tens of thousands of our fellowmen in this age of civilization and refinement, and we call upon our Government to join in the cry of all Christendom, that an end be put to the shocking spectacle.

Great Britain, too, has a claim for our interposition, in the precise form that is proposed. In a special message of President Jackson to Congress, on the 8th of February, 1836, he made the following communication:

"The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. In the course of the message he says, that 'we cannot too highly appreciate the elevated and disinterested motives of the offer of Great Britain,' and expresses a just reliance upon the great influence of that Power to restore the relations of ancient friendship between the United States and France."

In reference to this offer of mediation by Great Britain, General Jackson, in a special message of February 22, 1836, utters the following memorable sentiment, as beautiful in its expression as just and true in its import:

"Universal respect, and the consciousness of meriting it, are, with Governments, as with men, the just rewards of those who faithfully use their power to preserve peace, restore harmony, and perpetuate good will."

Sir, although a political opponent, I was never insensible to the strong traits of his character, or the great events of his life, and hesitate not to venture the prediction, that, in the contemplation of future and more enlightened ages, the words I have just quoted will shed a brighter luster upon the name of Andrew Jackson, than all his victories, at the mouth of the cannon, or at the ballot-box.

It is, indeed, a singular circumstance, that the three empires of European Christendom, which alone stand on the same level with us as first-rate Powers, and from which we have received the preëminent marks of good will I have specified, are all, at this moment, in a situation to give us an opportunity to reciprocate the same kind office. England and France, on the one side, as the allies of Turkey, and Russia on the other, are involved in a war which, in the vastness of its armaments, the desperate fury of its battle-fields, and the slaughter and devastation it is inflicting, has scarcely a parallel in all the blood-stained annals of the world. The contest, if not soon arrested, will involve the whole of Christendom in its disastrous consequences, and has already shocked the civilization of the age. Its adjustment, by ordinary means, is rendered all but impossible by the "deplorable complications," as Count Nesselrode describes them in a letter to the Russian embassador at Berlin, in which the controversy has been more and more entangled every hour since its origin. There seems to be no basis left on which either of the contestants can move towards a reconciliation—the case is beyond their reach—the Powers arrayed against each other are too great to be subdued on either side—the pride, courage, and temper of all parties are wrought up to a pitch that forbids retreat—the war has lost all redeeming features, and is reduced to a mere butchery. In the meanwhile, the general peace of the world is threatened, the interests of commerce are becoming everywhere deranged, and the cause of civilization and refinement thrown back. The diplomacy of Europe is exhausted; and the only hope is in the friendly and respectful interposition of a Power, removed far from the theater of the strife, entirely uncommitted and uncompromised, acknowledged by each of the combatants to be its equal, and fully authorized by precedents they have severally afforded, to invoke a suspension of their hostilities, and to command their considerate attention to a proffer of mediation.

Such a proffer is necessary, not only to discharge, in kind, the particular debt we owe to Russia and the Allies, but to discharge a debt we owe, in a more comprehensive sense, to the entire European continent. America is the child of Europe; our whole free population has been derived from it; every one of its nations has contributed to call us into being, and is still contributing to swell our greatness; all our fathers were emigrants from their shores; an admixture of the blood of all their races flows in our veins; and in the combination of the traits that severally distinguish them, in the confluence of the innumerable streams constantly flowing from them, we shall, at last, present a type of manhood and a stamp of civilization grander than the world has ever witnessed. It is a filial duty for us to confer back upon Europe every beneficial influence within our power, and if our mediation should prove successful in arresting the awful scourge of the present war, the name of America will be, more than ever dear, and glorious, and blessed, in the hearts of the people of all nations.

Let no man say that it would be an obtrusive step for us to take—that it would be regarded as an indication of an overweening sense of our importance. Our position is such, that an omission to take it would be a just occasion for reproach. Our past, present, and prospective obligations to mankind demand it. It is conceded that we have already reached the rank of a leading Power on the earth. Our Government has proved itself the most stable of all that ever rested, in any degree, upon public opinion. The Union of these States has been growing firmer and firmer for eighty years. The present Constitution has, without any essential amendment, for sixty-five years spread its protection, and poured its daily blessings upon us. In the mean time, thrones have been prostrated, and Governments more or less convulsed, in all other parts of Protestant and Catholic Christendom. Great Britain herself, in the parliamentary reform measure, has had to change the basis of the representative branch of her Government. But our system, by which State sovereignty is preserved in its integrity, while, at the same time, we are clothed with imperial greatness by a Federal Union, has worked as no contrivance of man's wisdom ever worked before. We span a continent, and the opposite oceans of the globe dash their billows at our feet. Our growth is natural, gradual, and spontaneous, by the peaceful annexation and aggregation of border communities. Within the bosom of our Confederacy the sound of war can be heard no more.

The great fact which is investing the American Union with a moral glory, that is winning the admiration of all enlightened minds in all nations, and exalting our patriotism to the highest reach of philanthropy, is that just so far as that Union expands, to that extent, within those boundaries, peace ever reigns. Aggressive war does violence to the whole frame-work of our institutions, and invariably visits us with a retribution that vindicates the outraged laws of our political system. Justice to ourselves compels us to a pacific policy that will insure the increasing respect of the civilized world. Although our plan of Government is not adapted to aggression and conquest, we are invincible against an invader, and may safely defy a world in arms. A power of self-defense, that nothing could overcome, would, by the facilities of communication now enjoyed, the patriotism and valor of the people, and State emulation, be condensed, in a moment, at any point. If the belligerents of Europe and Asia were to suspend their conflict to-morrow, and combine their mighty armaments against us, hundreds of thousands would meet them at the water's edge, and never suffer them to pass the line where the foam of the breaking waves dissolves along our shores. Not only our power, but our commerce, justifies us in offering to act as the pacificator of the nations. Our sails whiten every sea, and our flag floats in every breeze of Heaven. If we are just to ourselves, measures will be originated before this Congress terminates, by which the Atlantic and Pacific will be linked together, and the transit of the travel and traffic of the world be across our very center. In view of the present, and in prospect of the future, who will say that we over-estimate our importance in interposing our friendly authority in an effort to restore the peace of the world?

It may, possibly, be said by some that it is for our interest to let foreign Powers fight it out as long as they choose, thereby exhausting and consuming themselves. This, as a mere selfish consideration, is a short-sighted one, as the honorable mover of the proposition seemed to me to demonstrate. But whatever may be our mere material interest, let us show that duty and honor are more precious in our eyes. Let us cherish those noble, generous, and humane sentiments, which are the only basis of true glory, the only solid foundation on which a country can stand erect, and stand forever, the only sure and lasting protection against that decline and fall to which all other empires have been consigned.

Instead of endangering our neutrality, such a measure would enable us more resolutely and securely to maintain it. If the war is continued against our earnest and friendly remonstrances, we may, with a good grace, and clean hands, stand entirely back from the strife, and refuse, in any way, to have any part or lot in it; the world would, in that event, with one voice acknowledge and sustain our right, to keep aloof forever from the controversy, and to enjoy without reproach the advantages of that position.

Regarding the proposition before us in this light, and identifying it, as I do, with the highest duties of patriotism, and the purest aims of philanthropy, I am most anxious that it may receive the unanimous sanction of this House. If it prevails, and the high Powers concerned should con-

vert it into an opportunity to extricate themselves from their suicidal conflict, it will shed the brightest luster on the page of our history, the praises and the blessings of the friends of peace, and of the religion of peace, will rest upon our heads, and the vote we give be remembered to our dying day, with a just pride, as the happiest act of our public lives.

There is one other topic upon which I propose to address the committee. It must have arrested the notice of every member of this House that the State of MASSACHUSETTS has occupied a frequent place in the debates of the present session, in connection with the circumstances of its late annual election, which seems to have made a great impression on the minds of gentlemen, and to have introduced rather a perplexing element into all political speculations and calculations. Had an opportunity offered, I should have endeavored to explain that election, so far as in my power. But, in the first place, and at this time, I have a word to say in illustration of the good and great name of that Commonwealth, which I have the honor—the highest, in my estimation, to which an American citizen can aspire, because the highest, in the National Government, received directly from the hands of the people—in part to represent on this floor.

We do not complain, sir, that our State has been made thus conspicuous. She has always filled a wide space in the annals of America, and we glory in the fact that the incidents of her history always command the marked attention of the country. If any member of this body, a Representative of the people of another State, had distinctly assailed Massachusetts, my colleagues would have sprung to her defense. But, under the circumstances, I have felt inclined, from time to time, to wait a little longer before discharging a duty which must not be left undone. In our northern homes we have a proverb, not to shovel paths until it is done snowing, and I have been disposed to let all be said that gentlemen, in or out of the State, may seem inclined to say about Massachusetts, before taking the matter in hand. But being on the floor, and my sands not yet run out, I shall attempt the theme of the glorious old Bay State, as we proudly call her—the earliest and the last home of freedom.

Let not gentlemen say that it ill becomes me to stand up for Massachusetts, inasmuch as she has included me in a proscription that embraces several millions of our countrymen. No temporary phase of public sentiment; no popular excitement of the hour; no political prejudice, even if it express itself in a blow aimed at me personally, can estrange my heart from the State where I have found a happy home during a life not now short, and in whose soil rest the ashes of my ancestors, and of my children. I have ever found an enthusiastic satisfaction in illustrating her local annals. Her schools shed upon my grateful opening mind the lights of education, and my mature life has been devoted to her service to the extent of my ability. I have received, at the hands of her people, all the honors I ever dreamed of, and more, I most deeply feel, than I have deserved. The profoundest convictions of my soul require me to condemn and, when the issue shall be distinctly made in a proper spirit, to resist the policy that attempts to reduce one sixth of her population to political subordination and inferiority. But no man has a claim to office, and no one, with the spirit of a freeman, can complain of the results of elections, so far as they affect him individually. I do not complain. On the contrary, I feel particularly prompted to pay homage to Massachusetts at this time. It is more agreeable to my self-respect to vindicate her name now than it would have been when within the reach of her favors.

I look upon Massachusetts, Mr. Chairman, as one of the most remarkable instances of social and political development exhibited in the whole range of history, and as such well worthy of being held up to the contemplation of legislators and statesmen here and elsewhere. On a map of the American Union it occupies scarcely a discernible space. In territory it is one of the smallest of our States; there are but three smaller, Connecticut, Delaware, and Rhode Island. But, sir, there are only three States that exceed it in free population, and but five that exceed it in their aggregate population counting the whole number of slaves; and each of these five States is from five to nine times as large, and incomparably more fertile. The soil of Massachusetts is hard and cold, and yields only to patient and incessant labor. Her surface is, for the most part, rough, barren, and sandy. Her only natural exports, and they have but recently been converted into sources of wealth, are granite from her hills and promontories, marble from the Berkshire mountains, rising before our eyes in polished forms of architectural beauty in the wings of this Capitol, and the ice of her lakes, transported as a luxury to tropical regions all around the globe. But intelligent industry and agricultural science, taste and enterprise, are gradually spreading a garden over her surface. The traveler is amazed at the wealth, beauty, and animation of more than three hundred cities and towns crowded within her narrow boundaries. The stir of busy life pervades the scene like the sunshine; nature catches the spirit of happy industry, and the brooks that leap and sparkle down the hills and through the valleys, at every step, turn the wheels of factories, around which thriving villages gather. Scarcely a spot so secluded as not to be adorned by the spectacle of church spires, and vocal with the merry voices of children wending their way to district schools.

The aggregate valuation of Massachusetts is surpassed by that of but two States in the Union. Its average valuation far surpasses that of any other State. The aggregate valuation of—

New York is.....$1,080,309,216
Pennsylvania.....729,144,998
Massachusetts.....573,342,286

The valuation to each inhabitant is as follows:

Massachusetts.....$576 50
New York.....348 80
Pennsylvania.....315 08

The population of Massachusetts is far greater to the square mile than of any other State. In 1840, it was 94; in 1850, it was 127. The population of New York to the square mile in 1840, was 51; in 1850, it was 65.

The ratio of representation in this House was raised from 70,680 in 1840, to 93,420 in 1850. But Massachusetts gained a member!

The area of Massachusetts is enveloped in a net work of railroads, fifty-four in number, with an aggregate length of more than 1,450 miles, constructed at a cost of more than $65,000,000, and yielding an average dividend in 1854 of over five per cent.

From this hive swarms of emigration have continually poured forth in all directions, and scattered the seed of those virtues which ripen within it. But, perhaps, the greatest triumphs of the genius and prowess of Massachusetts have been upon the sea. The terrors of her stormy bay seem to have had charms for her brave and hardy people, and the ocean depths have yielded harvests denied by her rugged fields and sandy wastes. Her sons are at home everywhere on the mighty deep; and, as from the beginning, so to-day, are bearing back to our shores the wealth of all climes and regions, from all the ports and islands of the globe. In tonnage, New York alone surpasses her. In every branch of foreign commerce we have led the way. Whatever new field of adventure is opened beyond the seas, we are the first to enter. A Massachusetts merchant ship, clearing from the port of Salem, has already, in all probability, furled her sails in the harbors of Japan.

When the political economist and philosopher asks an explanation of this extraordinary result, reached in the face of such original, natural, and physical disadvantages, the first answer to be given, is the devoted and constant zeal with which, from the foundation of the colony, the elements and institutions of religion and knowledge have been cherished in churches, colleges, and schools. The next answer is to be found in that system of associated wealth which one of my honorable colleagues brought quite conspicuously to the notice of the House a few days ago. The first ship ever launched in America was the result of a combination of the resources of men of severally small means in the infant Colony of Massachusetts Bay. The introduction of the social element into operations of business has reached its present development in the some four thousand corporations of which my colleague spoke. I most cordially reciprocate the kind sentiments he uttered towards me. Our friendship has grown up in political opposition; and I am quite sure that no future differences of opinion, or of position, will be allowed to impair it on either side.

I regard the business corporations of Massachusetts in a totally different light from my colleague. I believe them to be eminently popular in their nature, and truly democratic in their tendency. They were introduced, in substance, into this country by Hugh Peters, as wise a statesman, as pure a patriot, and as true a republican as ever breathed. His life was devoted to the people, and terminated in a martyrdom to liberty. He first taught the colonists of Massachusetts how the common people, by uniting their humble means in joint stock operations, could enter the lists of enterprise, and run the race of wealth in successful competition with overgrown individual capitalists. The corporations, as they exist at this day under the sanction of modern legislation, are simply a contrivance by which persons of moderate means, acting in combination, can pursue their business with a unity of design and an energy of operation that put them on a level with the proudest millionaire, and, indeed, accomplish results far beyond the reach of any private fortunes. Without such a system, the distance between the rich and poor will widen as a country advances in accumulation. With such a system, every industrious man or woman is able to participate in that accumulation. It places the profits of every form of business in the hands, by placing them within the reach, of the whole people. It is, in truth, precisely because such corporate facilities are within the reach of all who may feel disposed to unite their means in the prosecution of any kind of business that there cannot be any serious, or considerable, or lasting oppression of labor by capital in Massachusetts.

I hazard nothing in saying that there is no part of the world where men rise, without patrimony or patronage, by the inherent force of merit and talent, to high positions in society, more surely or more generally than in Massachusetts. My colleague is himself a brilliant illustration of this truth. It is, indeed, rather an observable circumstance that the constituency that first sent him into public life, and has generously sustained him to this day, is itself the creation of the earliest great association for manufacturing purposes in Massachusetts. A scrutiny of the history of our public men generally, would demonstrate most remarkably the truth of my assertion. There is no part of the world, I am persuaded, where there is less antagonism between capital and labor. They are blended and merged throughout the whole structure of our society. An individual, if industrious, temperate, and prudent, cannot be long a laborer without becoming a capitalist. Who own the capital stock of our manufacturing, banking, railroad, or insurance companies? The overseer in the mill, the conductor in the car, the laborer in the machine shop, the journeyman mechanic, the farmer at his plough, the girl in the factory—every man, woman, or child, who can lay up, or in any way command, a hundred dollars.

Savings banks may be considered as covering the first stage of the progress by which labor passes into capital and participates in its profits. There are seventy-three of these institutions in Massachusetts, and an aggregate of deposits of $25,936,857 63. There are one hundred and thirty-six thousand six hundred and fifty-four depositors; to each depositor there is an average of $189 79; ordinary dividend of 4 4-100 per centum; average dividend, 7 23-100; annual expenses of all these institutions, $63,470 85.

The results of a prudent economy, guided by enlightened enterprise and stimulated by an honorable sympathy in the pervading spirit of the country, gradually lift labor and industry along the ascending scale of capital, until, at last, a fortune crowns a life of integrity and perseverance with its just reward. And who can complain or regret that such fortunes are accumulated? To whose benefit do they inure? Not of those alone who make them, but of the whole country, during the process of their creation and in their final distribution. It is the custom, the common law, I might almost say the instinct, of a large portion of Massachusetts capitalists, to devote a liberal

share of their income during life, and of the wealth they leave behind them, to beneficent charities and philanthropic public establishments. The chief glory of our State is in the noble endowments of benevolence with which its surface is studded, as the o'erhanging canopy is fretted with golden fires, shedding a divine radiance into the abodes of want and the hearts of sorrow. In the city of Boston hundreds of thousands of dollars have been annually contributed to charitable purposes for the last thirty years. I will not go into a detail of the institutions, reared by private generosity, that give sight to the blind, open deaf ears to the music of the animate and inanimate creation, provide the blessings of social intercourse for the dumb, restore the light of reason to benighted minds, and even kindle its heavenly flame where its radiance never beamed before. I will mention but one. The Massachusetts general hospital was incorporated in the year 1816. It was erected and endowed by voluntary subscriptions of more than $1,200,000. Many of its founders have gone to their eternal reward. The living have entered upon it already, in the blessings they are bestowing upon the unfortunate. In that hospital there are nearly one hundred free beds, maintained by annual subscriptions of the wealthy, open, without cost or charge, to persons of every race and color destitute of means, and who may stand in need of surgical or medical aid. One of my honorable colleagues, [Mr. APPLETON,] filling an enviable place in the confidence and good will of all his associates on this floor, has long been president of this corporation, and one of its most munificent patrons. So far as the members of this House are concerned, with such a Representative of the wealthier stockholders of our corporations before them, it will be difficult to create an impression against them. While referring to my colleague, I am tempted to relate a circumstance that has recently occurred, illustrating the wise and patriotic liberality and public spirit of the class of men to which he belongs, and which has contributed to make the name he bears dear and honored in the hearts of our people.

Samuel Appleton, a native of a New England village, went to Boston, more than half a century ago, as did his kinsman, my colleague, ten years afterwards, and, without patronage, commenced a business which conducted him to an ample fortune. His life was marked by enterprise and integrity, and adorned by hospitality and liberal charities. Wishing to perpetuate his beneficial influence beyond the grave, and to continue forever his benefactions to religious, philanthropic, and scientific objects, he left, by will, $200,000 in the hands of his brother, Hon. Nathan Appleton—well remembered here as an able and efficient member of this body in years gone by, and still living in honor and usefulness in the city he represented on this floor—of J. Ingersoll Bowditch, one of the most enlightened and estimable citizens of Boston, and of my colleague; to be distributed by them to such institutions as they might select. They have executed the grateful trust. Prompted by that spirit of national patriotism pervading the people of Massachusetts, they did not confine themselves to the limits of that State. Forty-five thousand dollars were distributed to various institutions in New Hampshire. Ten thousand dollars were appropriated to a literary institution in Wisconsin, and $10,000 for educational purposes in Liberia.

In this connection let me say that the wealth which has been accumulated under that system of incorporated business associations that prevail in Massachusetts, and to which her humblest citizens belong, is in no sense confined to that State, but is diffused over the whole land. No great enterprise, in any part of the Union, fails to receive its aid. It has helped to build every railroad that has been projected in the remotest section of the country, and the distinguished member from Missouri will bear witness, from his recent experience, that Massachusetts capital will not be wanting to aid in the discharge of the great duty our country owes to itself in the construction, forthwith, of an Atlantic and Pacific railroad.

At the public history of Massachusetts I need only glance—treat it as briefly as you may, crowd it into the narrowest condensation—it challenges comparison with that of the most celebrated and glorious States of ancient or modern times. In all coming ages, it will be as classical, and world renowned, as Sparta, or Athens. There are scenes and objects in Massachusetts more sacred to liberty than Thermopylæ, or Runnymede. The Rock of Plymouth, the fields of Lexington and Concord, Bunker Hill, and Faneuil Hall—there are no spots on all the globe holier to freedom and humanity. In the cabin of the Mayflower the sovereignty of the people was first announced in an authentic and constitutional shape. The colonial history of Massachusetts was, from the first to the last, and, for the most part, a triumphant struggle against the authority of the mother country. That struggle first assumed the form of a resort to arms on her soil; and, from the moment when Washington compelled the British to evacuate Boston, Massachusetts has been in the uninterrupted enjoyment of self-government, and as perfect a model of a true and genuine democracy as the world has ever seen.

The only other point in which Massachusetts needs to be vindicated against misapprehensions occasioned by her late State election, is in reference to the slavery question. Some gentlemen have gone so far as to interpret that election as a rebuke of our opposition to the Nebraska bill. In refutation of this idea, I will simply observe that an examination of the details of the Massachusetts election of November last, cannot fail to demonstrate that the sentiment of the people of that State is all but unanimous against the act of the last session repealing the Missouri compromise. Indeed, it is, and was then, the judgment of many having the best means of knowing the popular feeling, that it demanded, inexorably, an opportunity to express itself, distinctly and exclusively, on that issue; and that the utter overthrow of the two old parties was the consequence of their insisting to interpose their organizations as an obstacle to that issue. It is only necessary, in illustration of the sentiments of the people of Massachusetts on this subject, to point to the action and vote of the Democratic party.

In one of the most inveterate Democratic towns in that State—indeed, I might say in the whole country—where, with the exception of less than a dozen, the whole people are radical, dyed-in-the-wool, unmitigated Democrats, a meeting of the party was held to appoint delegates to the State convention. At that meeting a series of resolutions was passed, fully indorsing all the acts of the National Administration, particularly and especially the Nebraska bill and the Greytown exploit. A list of delegates was made up to attend the State convention. The proceedings were published with a great flourish of trumpets in all the Nebraska papers far and wide. The convention assembled in great force, in the most enthusiastic manner again indorsed the measures of the Administration, and the party took the field, with its banner flaunting high in air. The delegates pledged themselves, in the usual exultant tones, to support the ticket, and went back to their respective towns. In that particular town to which I am referring, there are several persons, then and now, holding office at the hands of President Pierce. The election came off on the 13th of November. I read the result in that town, as published on the 18th, in a paper printed near the spot. The Whig candidate for Governor had seven votes; the Republican, two votes; the Know-Nothing, one hundred and fifty-four votes. The Democratic candidate had no vote! Not a solitary individual, not one of the delegates to the State convention, not an officer of the meeting that appointed them, was found to shoulder Nebraska or Greytown.

The city of Newburyport, the birth-place and home of the present eminently distinguished Attorney General of the United States, strikingly illustrated the fact I am stating. There has always been a vigorous Democratic party in that city, often carrying the local elections. In spite of a then recent visit of the Attorney General, and in defiance of his well-known repugnance and abhorrence of the new party, Newburyport gave to that party one thousand and eighty votes, and less than one hundred to the Democratic nominees!

So it was throughout the State. The whole influence of Cabinet patronage and authority, aided by the Democratic organization, could muster but one in ten of the voters to its support!

Sir, there ought not to be any misunderstanding on this subject. The position of Massachusetts is as unequivocal, as fixed, and as unquestionable as that of any State in the Union—as that of South Carolina, for instance. Massachusetts stands to-day where she stood in the revolutionary age. She is as true to freedom—she is as hostile to slavery. In the old Congress, and in the Federal Convention of 1787, Massachusetts and South Carolina occupied on the slavery question the very opposite extremes; but they fought together, shoulder to shoulder, through the war of independence, and the statesmen of that day regarded each other with mutual and peculiar respect and affection. We love the Carolinas still. Massachusetts will be true to the Constitution and the Union. Her people deeply regret the introduction of the slavery question into our national politics, and would rejoice to have that root of bitterness utterly and forever extracted; but under the Constitution, and within the Union, she must be expected to resist all attempts to spread slavery over the continent, and to do her utmost to drive it back from the sphere of this Government, into the precincts of the States where it exclusively belongs. These are her settled, permanent, and all-pervading sentiments, and they must shape the course of every true Representative of her people on this floor. South Carolina is pro-slavery—Massachusetts is anti-slavery. The one cherishes, the other has abolished, the institution within her borders. On this point the fathers of the two States stood face to face, in undisguised, sincere, and honorable opposition to each other. So their sons stand, to-day, and so they probably will continue to stand, until a wisdom and a power, higher than ours, shall solve the problem, dispose of the great difficulty, and establish the universal reign of freedom, justice and humanity, over the whole surface of this Republic.

Let no man cite the late election in Massachusetts as indicative of a deliberate departure of the people of that State from the great principles of the Constitution, of recreancy to the cause of equal rights, or of a settled illiberality of policy or spirit. The two national parties which, under different names at different times, have existed since the foundation of the Government, and are, it can scarcely be doubted, the natural result of a healthy state of our system, have been broken down in Massachusetts, as will probably be found to be the case everywhere else, by the introduction of the slavery element into Congress during the last four years. They have lost the confidence of the people. New issues are demanded. In the meanwhile a series of most untoward and irritating circumstances, in addition to the abuses which have attended the administration of the naturalization laws, has been creating a morbid excitement in the public mind in reference to the interference of foreigners in our elections. The old Puritanic cry of "no Popery" has been raised in all parts of the country, and has met, perhaps, with a special response in the vestiges of sentiments transmitted from an early age in Massachusetts, when, under the old charter, they were organized in a political form, and made the basis of the Government. In the general disarray of parties, and the temporary reign of prejudice and passion to which the public mind was left exposed, all disappointed, impatient, and discontented spirits rushed into the field, the advocates of all exploded and all impracticable schemes conceived new hopes, every remnant of every faction, and every form of fanaticism was drawn into the political maelstrom. All barriers were thrown down, all former ties severed, and the result was a general stampede that bore away all before it.

But the interests that contributed to swell the movement are already beginning to find themselves doomed to disappointment. Visionary projects will, after all, meet but little favor when put to the test of formal legislation. The people cannot be long kept from discovering that they have been misled by ideas that can never be realized; that many of the prejudices to which they have so incontinently yielded, have no foundation in reason or justice, and that the evils they are attempting to remove by political action can only be effectively reduced by moral influence. Those persons who have sincerely grieved over the deprivation of the

rights of three millions of our fellow men of the African race, cannot always be blind to the inconsistency of attempting to deprive three millions more of their fellow citizens of the European race of their equal political rights. Adherents of the Catholic church will be found as strongly imbued with the spirit of our institutions, as devoted to the country, as exclusive in their allegiance, and as much divided among themselves, as rebellious against ecclesiastical authority when it is thought to transcend its bounds, as any other sect. It will be the conclusion, I think, of a fair investigation, that the spiritual relation they sustain to the hear of their communion in no way affects their fidelity to this or any other country in which they may happen to reside. The distinction made by the great Head of all the churches—"render unto Cæsar the things which are Cæsar's, and unto God the things that are God's"—will dispel all anxiety on this score. The humble laborer, who, following the life-long yearnings of his heart, has here found a refuge from oppression, will be acknowledged to be equal to the richest and proudest native born, in the eye of the Constitution, as truly as he is in that of the religion of universal brotherhood. The mischief and the danger of secret oath-bound political parties will be revealed in such baleful results as will prevent their ever being formed again in this land of freemen. Truth, honor, frankness, and fearless open dealing will once more pervade our politics. The prejudices of race will vanish from the legislation and the hearts of enlightened lovers of liberty and humanity, and the sanctity of every form of religious faith and worship will be restored, never again to be assailed, within the limits of Massachusetts.

MARITIME RIGHTS OF THE UNITED STATES.

SPEECH OF HON. H. WALBRIDGE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. WALBRIDGE said:

Mr. CHAIRMAN: There is a subject to which, at an early day in the first session of the present Congress, I had the honor to call the attention of this House, as one of grave moment to the commercial interests of the country, and of immediate concern to my constituents, and that is, the necessity of some distinct declaration by the legislative department of our Government of what, as a nation, we hold to be *our neutral rights;* and, at the same time, I deem it important to elicit a declaration from Congress in relation to the political attitude it is our duty to maintain respecting the Island of Cuba.

The opening of the year 1854 was marked by a series of great events which threatened Europe with convulsion. The most casual observer could not fail to perceive that the forty years of comparative peace in Europe, which had only been temporarily interrupted by the struggling spirit of revolution, was on the eve of being broken up and a war begun, which has since blazed forth with so much fury, and the consequences and end of which human sagacity could not predict.

The political drama had been opened by the Czar of Russia in his formal compiaint against the settlement which the Sultan had made upon the conflicting claims of the Greeks and Latins to the holy places at Jerusalem. The question in regard to the holy shrines had been amicably settled by the Sultan, through the interposition of the British embassador at Constantinople. But the Russian embassador (Menschikoff) at Constantinople had another and more serious object in view, and that was the maintenance of a claim on the part of the Russian Government to an absolute protectorate over the Greek subjects of the Sultan. The direct effect of this soon attracted the attention of the Western Powers. It was nothing more nor less than a proposed transfer, by diplomatic interference, of the authority of the Sultan to the Czar over millions of Turkish subjects.

The aggressive policy of Russia had been the theme of discussion not only by British journalists, but in the more elaborate discussions of the English Parliament the matter had been presented in a serious light to the European world. The policy of Russia, since the days of Peter the Great, had looked unceasingly to territorial aggrandizement.

The French paper La Presse published, in 1818, the political *will* of that monarch, which, authentic or not, is a just outline of what the past has shown to be the policy of that empire; and the present corroborates it, as you will perceive by the eighth and ninth articles, as follows:

"8th. Extend ourselves unceasingly towards the north, the whole length of the Baltic, and likewise to the south by the Black Sea.

"9th. To take every possible means of gaining Constantinople and the Indies—for he who rules there will be the true sovereign of the world; excite war continually in Turkey and Persia, establishing fortresses on the Black Sea; get control of the sea by degrees, and also of the Baltic, which is a double point necessary to the realization of our project; accelerate as much as possible the decay of Persia; penetrate to the Persian gulf; reëstablish, if it be possible, by the way of Syria, the ancient commerce of the Levant; advance to the Indies, which are the great depot of the world. Once there, we can do without the gold of England."

In the confidential conference which took place in 1853, and in the dispatches from the British embassador, Sir G. H. Seymour, in that year, to Lord John Russell, it is shown that the present Czar admitted that the policy of the Empress Catharine looked to the extension of the Russian power to Constantinople, and that the Emperor Alexander, in writing confidentially, in 1822, to Lord Castlereagh, declared that he was "the only Russian who resisted the views of his subjects upon Turkey, and the loss of popularity which he had sustained by his antagonism to their wishes."

The constant and repeated avowal of a pacific and moderate policy on the part of Nicholas, had calmed the apprehensions of the Western Powers; and even this was not interrupted by the visit of the Czar, in 1844, to the continent and to England, although that visit was made in order that he might more fully and with greater secrecy make known his purposes, and smooth down all opposition, so as to secure a division of the Ottoman Empire, in such a manner as would inure to the territorial commercial interests of Russia.

In 1844, then, we find Nicholas in England, in secret conference with the British Ministers, proposing a partition of Turkey; and, although he was there, proposing the dissolution of an Empire to one of the most powerful States of Europe, the world was in profound ignorance of the proceedings until they were brought to light by the diplomatic procedings in 1853, when the Czar urged that the hour for dissolution and partition was already at hand.

On the 20th December, 1852, a new Ministry was formed in England, by which Lord Aberdeen was created Premier; Gladstone, Chancellor of the Exchequer; Viscount Palmerston, Secretary of State for the Home Department; and Lord John Russell, Secretary of State for Foreign Affairs.

In the month following, we find the Czar in strict and confidential intercouse with the British embassador at St. Petersburgh, urging the importance of the closest amity between the two countries, and in the course of his conference, making the following explicit declaration to Sir G. H. Seymour:

"Frankly, sir, I tell you plainly, *that if England thinks of establishing herself one of these days at Constantinople, I will not allow it.* I do not attribute this intention to you, but it is better on these occasions to speak plainly. For my part, I am equally disposed to make the engagement not to establish myself there as proprietor; that is to say—*for as occupier I do not say—it might happen that* circumstances—if no previous provision was made, if everything should be left to chance—might place me in the position of occupying Constantinople."

And again, in declaring against the reconstruction of a Byzantine Empire, he added:

"*Still less will I permit the breaking up of Turkey into little Republics for the Kossuths and Mazzinis and other revolutionists of Europe;*" and that, "rather than submit to any of these arrangements," he "would go to war, and, as long as" he "had a man and a musket, would carry it on."

It is to be remembered, in tracing the progress of events, that, by the treaty of 1774, between the Empress Catharine of Russia and the Ottoman Empire, she succeeded in obtaining a stipulation to "protect constantly the Christian religion and its churches." This is a stipulation in the seventh article of the treaty of Kainardjo.

It was not asserted by the Russian Government, or even pretended, that there had been the slightest infringement of this treaty stipulation during the reign of the present Sultan, Abdul Medjid, who ascended the throne in 1839.

The whole affair of the holy shrines, and the anxiety of the Emperor of Russia for a treaty securing a protectorate over the Greek Christians, who are the subjects of the Sultan, had, undoubtedly, the single object in view of taking the first decisive step, on the part of Russia, for the absorption of Turkey.

The imperious demand of Menschikoff was refused by the Porte; and then came the demand of Nesselrode, threatening, in default of compliance, the occupation of the Danubian provinces of Wallachia and Moldavia, embracing nearly one fourth of the whole of Turkey in Europe.

In the mean time, as dangers threatened and the policy of the Russian Emperor assumed a more substantive form, the British fleet, acting in concert with the French, proceeded from the British station at Malta to the Bosphorus, to watch the progress of events. Yet, as negotiations were pending, the Sultan, under the advice of the English embassador, did not, in the first instance, treat the invasion as a *casus b·lli*. The ostensible demands of the Emperor of Russia were met by the proposed full guarantee of immunities in the Vienna note.

But the Emperor's real object was a very different thing. He insisted upon the actual transfer to him, and control by treaty, of over twelve millions of Turkish subjects. The Vienna note was rejected, and war was declared by Turkey against Russia. There remained no alternative to the western Powers but either to let the war proceed, and ultimately terminate by an extension of the Russian boundary along the shores of the Black Sea, taking in a portion of the Levant and Adriatic, or to interpose with all the formidable means they could command.

The avowed motive of England and France to interfere merely to maintain the equilibrium of Europe, to defend the right of the weak against the strong, was a secondary purpose. The preponderating cause of interference on the part of England was the danger of allowing the grasping power of Russia to extend to the Anglo-India dominions and to the commercial privileges which the British people possessed in that direction.

The new Emperor of the French, a man whose sagacity had been greatly underrated, but who is now acknowledged as taking the lead of the statesmen of Europe, had his Algerian territory to protect, and had been no idle calculator of the advantages likely to result from a collision of arms with the powerful monarch of the North. Besides, he weighed the popularity of a war, which was to some extent one of retribution. He knew the impulses of the French people for war, and the splendor with which it would invest his reign. He looked to the extension of territory, not only near at home, but perhaps along the eastern shores of the Mediterranean, and, for aught that may be, to the realization of the dreams of his illustrious ancestor, whose cannon had thundered around the pyramids, and who shed the lustre of his genius over the age in which he lived.

There were deep wounds which had not been healed. The great Napoleon received his first check by the winter of Russia, and the Cossack thereby overrun the plains of France, and carried his standards even to her capital.

The real cause of the interference of England was undoubtedly considered by her statesmen a political necessity.

There were her Anglo-Saxon Indian dominions erected upon the shores of the Arabian sea and the Bay of Bengal, with harbors and stations stretching around to the Chinese seas. Turkey once absorbed by Russia, and where is the barrier that can be erected to check the millions of serfs that do the bidding of the Autocrat? Persia even now is virtually a dependency of Russia—moved, controlled, mastered by the policy of the Czar. Between the eastern limits of the Schah and the British peninsula of Hindostan is an in-

termediate space of only some five or six hundred miles, occupied by Beloochistan, a branch of the Persian family, consisting of petty States, and recognizing the supremacy of the Khan of Kelat.

It requires but little sagacity to discover the ulterior designs of Russia in that direction, and that the present was the most important move ever made to effect her object onward to the commerce of the East.

It will be borne in mind, too, that there are now natural and political causes which hold in check the expansion of the commerce of Russia. She has, it is true, the White sea on the north—an arm of the Arctic ocean, but it is shut out from trade by the rigors of winter for the greater portion of the year—and the Baltic on the west; but these maritime points are also subject to a like difficulty, and are liable to be controlled by the fortifications of Denmark.

We have thus glanced at the real aggressive reasons of Russia, and the real motives for resistance on the part of the Western Powers, who, obeying their instincts of cupidity, self-preservation, and also moved by the lust of dominion, made a demand upon Russia to evacuate the principalities within a given time, and that her default would be treated as equivalent to a declaration of war.

But I draw the attention of this House and of the country, Mr. Speaker, to the fact that before the commencement of hostilities, or even the declaration of war, the danger of a collision with the neutral rights of the United States had attracted the anxious attention of even British statesmen. In Parliament, the Ministry were called upon to guard against this difficulty, since it might be fraught with incalculable, perhaps incurable, evils.

In the debate which took place in the House of Commons, pending the contemplated action of England against Russia, Mr. Milner Gibson stated his views as follows:

"I have thought it consistent with my duty to call the attention of the House at the present time to the question of the rights of neutrality which may be enjoyed by other nations, in case that war, with which we are now threatened, should take place. The subject of my present motion relates simply to the position in which neutral mercantile vessels may find themselves during the continuance of hostilities. We are on terms of the most perfect amity with France and the United States of America, two of the most important naval and commercial Powers in the world besides ourselves, and therefore we might probably obtain their assent to such an alteration of international law upon this subject as would be befitting the times in which we live, and as would give liberal scope for commercial transactions in time of war.

"On these grounds I think this is a favorable moment, by negotiations with foreign Powers, and in the exercise of our own discretion, to endeavor to carry on war with greater respect to private property than has yet been done," &c.

"The propositions I have taken the liberty of making consist of two parts:

"In the first place I ask you not to exercise the power of searching neutral vessels for the purpose of finding enemies' property; and I also ask you to consider the policy of our entering into treaty stipulations with the United States of America, and other foreign countries willing to entertain the subject, that free ships shall make free goods, and that the neutral flag shall give neutrality to the cargo. I propose not that you shall bind yourselves to agree to such a treaty stipulation by assenting to this motion, but merely that the Crown shall direct its ministers to consider the policy of such a measure. I believe there is very good ground for considering, at the present time, the policy of entering into a treaty with the United States and other foreign countries, in order that free ships may make free goods."

"I believe, and I speak on the authority of the ablest writers in the United States on this subject, that the Government of that country is willing, and always has been willing, whether in time of war or in time of peace, to enter into such a treaty. If England enters into such a treaty with the United States, you will grant to the United States this privilege, that the neutral flag of the United States shall be respected when England is at war; and you will obtain from the United States a similar privilege that, when the United States is at war, the neutral flag of Great Britain shall be respected. Thus, in entering into such a treaty stipulation, England obtains as much as she gives. Remember we are not now in the position with regard to the United States that we were half a century ago. It might be a matter of some importance to receive the privilege of neutrality from other States in those days, because England was separated by a vast interval in her commerce from all other countries in the world; but, at the present time, if the number of our ships be great, the number of the United States ships is great also. It is possible that the United States may, unfortunately, be engaged in war with some powerful country. Your ships will then enjoy the privilege of neutrality, and will not be interfered with in their lawful dealings; and the same way, if the treaty I suggest existed now, the ships of the United States would not be interfered with in the carrying of ordinary mercantile produce."

The British statesman then read from the works of that distinguished American jurist, Chancellor Kent, as follows:

"It has been the desire of our Government to obtain the recognition of the fundamental principles consecrated by the treaty with Prussia in 1785, relative to the perfect equality and reciprocity of commercial rights between nations; the abolition of private war upon the ocean, and the enlargement of the privileges of neutral commerce. The rule of public law, that the property of an enemy is liable to capture in the vessel of a friend, is now declared, on the part of our Government, to have no foundation in natural right, and the usage rests entirely on force. Though the high seas are a general jurisdiction common to all, yet each nation has special jurisdiction over their own vessels; and all the maritime nations of modern Europe have at times acceded to the principle that the property of an enemy shall be protected in the vessel of a friend. No neutral, it is said, is bound to submit to the usage; and the neutral may have yielded at one time to the usage, without sacrificing the right to vindicate by force the security of the neutral flag of another."

The distinguished member [Mr. Gibson] of the House of Commons, then went on to present to the House the importance of the proposition that free ships make free goods, and proceeded to say:

"The question of a neutral flag has already involved Great Britain in war; that it involved that country not only in war with the United States, but, connected with other questions, with the Confederacy, who ranged themselves together in 1789, for the express purpose of an armed neutrality to defend the security of a neutral flag."

Lord John Russell, as the organ of communicating to the House the views of the ministry, stated, in reply, that it was "the intention of the Government, who" had "been some time considering these subjects, to advise her Majesty to issue, in some shape or other, a document which" would "declare the policy of the Government on these subjects," that "hostilities had not then been entered into," and before they were "entered into, a declaration of the views and policy of her Majesty's Government would be made."

Within a few weeks after this debate in the House of Commons, the Minister of Foreign Affairs of the French Government, M. Drouin de l'Huys, made a report that received the approval of Louis Napoleon, in which it is stated that "at a period when maritime relations and commercial interests occupy so large a share in the existence of nations, it is the duty of any Power obliged to wage war to take the necessary measures for alleviating, as much as possible, its effects, by leaving to the commerce of neutral nations every facility compatible with the state of hostility to which they endeavor to remain strangers. But it is not sufficient that the belligerent parties be fully determined to respect constantly the rights of neutrals; they are bound also to endeavor to calm down in advance the disquietudes which commercial men are always so prompt to conceive, by not allowing any doubt to subsist as to the principles which they intend applying;" that "a set of regulations on the duties of neutrals might appear a sort of infringement on the sovereignty of such nations as desire to preserve neutrality; while, on the contrary, a spontaneous declaration of the principles to which a belligerent party promising to conform, appears the most formal testimony that it can give of its respect for the rights of other nations."

Accordingly, the French Emperor, on the 29th March, 1854, issued his declaration respecting to neutrals, identical with that which emanated from the British Government, as presented in the Queen's declaration dated the 18th March, 1854, at Windsor, in which it is stated as follows:

"To preserve the commerce of neutrals from all unnecessary obstruction, her Majesty is willing, for the present, to waive a part of the belligerent rights appertaining to her by the law of nations;" that "it is impossible for her Majesty to forego the exercise of her right of seizing articles contraband of war, and of preventing neutrals from bearing the enemy's despatches; and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbors, or country;" but that "her Majesty will waive her right of seizing property laden on board of a neutral vessel, unless it be contraband of war;" that "it is not her Majesty's intention to claim the confiscation of neutral property not being contraband of war found on board enemy's ships; and her Majesty further declares that, being anxious to lessen as much as possible the evils of war, and to restrict its operations to the regularly organized forces of the country, it is not her 'present' intention to give letters of marque for the commissioning of privateers."

The terms of these declarations, on the part of Great Britain and France, are not such as, in my judgment, are acceptable to the American people. They lay claim to rights as inherent under the laws of nations, which we dispute, and make known their course and policy in the war that now agitates Europe as concessions "*for the present.*"

When these declarations reached the United States, now nearly a year ago, I felt it due not only to the commercial district which I have the honor to represent, but to our national dignity, that I should draw the attention of this House to the subject by the presentation of certain resolutions, in the expectation that the enlightened Committee on Foreign Affairs might examine the subject, mature such propositions for legislation as, in their judgment, was due to the great interest we represent, and the high responsibility we have assumed.

We had felt the blasting effects of the Milan and Berlin decrees, and the British orders in council upon our commerce during the war that grew out of the French revolution in 1793. Our sovereignty as a nation was infringed, our commerce interrupted, our seamen imprisoned, and every indignity inflicted upon us under the municipal law of England, which she announced and enforced as international law.

The time is now at hand, and the present juncture in the affairs of the belligerents of Europe render it necessary on our part, for us to declare those principles touching our maritime rights as a neutral Power, and a member of the family of nations. Our statesmen of the past, who were charged with the direction of public affairs, have left no uncertain or ambiguous record of their policy. From the moment we first established our nationality and independence, we acquired the unconditional and absolute attributes of political sovereignty, not only within our own limits, but also upon the high seas. In the act by which we erected ourselves into an independent Government, we claimed, as one of its high prerogatives, the right to "establish commerce, and to do all other things which independent States may of right do."

The Revolutionary, or Continental Congress, which existed before the articles of confederation, as the supreme and controlling power of the Republic, under the sanction of the American people, asserted, in their alliance with France on the 6th February, 1778—the very first treaty they made as a sovereign Power—that "the essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of government as of commerce."

In the treaty of amity and commerce with that nation, concluded on the same day, it was expressly "stipulated that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole loading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It was also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect: that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers, and in actual service of the enemies."

In another article it was stipulated that the merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage and the species of goods on board of her there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates showing that her goods are not of the number of those prohibited as contraband. And it was also agreed, when once put on board the ship or vessel of either of the two contracting parties, that they should be subject to no further visitation.

The first French revolution had broke forth in all its fury, and had repeatedly violated the faith in which these treaties were concluded, leaving Congress no alternative but to declare them on that account as released from their provisions. Yet, as

a part of our revolutionary record, they remain to show the high ground then taken in connection with concerns so deeply affecting the prosperity of our people.

In the early history of the Republic, when we were feeble, as a nation, we were compelled to yield, to some extent, to the iron rule of that nation that once held the trident of the ocean. But the times have changed, and we have since extended our own limits from ocean to ocean, from the great lakes of the north to the tropics.

We have also increased in numbers from some three or four millions to a population of twenty-five millions, nearly equal to the aggregate population of the United Kingdom of Great Britain and Ireland. From a tonnage of about a million and a half, in 1812, when we declared war against Great Britain for injuries upon our maritime rights, our commerce now reaches a tonnage within a fraction of five millions, quite equal to the whole tonnage of Great Britain. Space has been annihilated by the power of steam, and the two continents brought into such close proximity by the interests of trade and commerce, that we cannot remain otherwise than seriously affected by the war which now rages in Europe.

That war has already swelled the annual expenses of the empire of Russia to the enormous amount of some two hundred and forty millions of dollars; being an excess over the regular revenue of a hundred millions of dollars, and leaving this sum as an annual deficit.

England, with a national debt, the interest of which is one hundred and thirty-five millions of dollars annually, is engaged in a war which adds to her expenses annually from one hundred and fifty to one hundred and seventy-five millions of dollars; and France, saddled with immense burdens to sustain her Government, enters the field with a weight of obligation oppressively felt by her toiling millions.

No more auspicious period could ever be selected for the Government of the United States to declare its policy in reference to our maritime and commercial rights than at this juncture.

Now, the United States claim the right to navigate the high seas without molestation on account of the strife which has been brought about by no act of theirs; and as an inherent and unalienable right that belongs to our sovereignty, and not because it is conceded by any treaty stipulation.

Their laws and ability are competent to punish any of our citizens for engaging in this quarrel, or aiding or abetting any of the belligerents. If their action should embroil us in difficulty with other nations, in acknowledging this obligation, and a willingness to adhere to the principle of non-interference, we demand, and will insist upon an absolute immunity to navigate the high seas in the peaceful pursuits of commerce, and will submit to no claim to search, visitation or detention, under any color or pretext whatever.

The great principles of public law on which rests the present right, have been asserted by the distinguished patriots of the Revolution, and reiterated by the enlightened statesmen who have since presided over the Executive departments; but by the Constitution of the United States the power to declare war is delegated to the *Congress* of the United States. It is for the *legislative* department, then, of this National Government, to give their DECLARATION in time in the form of a public act. They have a right to demand a hearing in the council of nations, and to insist upon their doctrine as to what is the law of reason and right in this respect, and to enforce that doctrine, if need be, by all the means which the nation can command.

There is another subject, Mr. Speaker, that naturally associates itself with the subject now presented for consideration, and that is, the relations we hold towards the Island of Cuba. The efforts made by the Western Powers with the Executive of this Government to induce an abnegation of any future acquisition by the United States, are known to the world. The policy at the bottom of this presumptuous measure on the part of France and England, and the irrationality of their interference, were ably exposed by a distinguished statesman who presided over the State Department at the close of the last Administration.

The principles then declared by him, and the views then announced, constitute the basis of the true American creed. We respect and should enforce the Monroe doctrine of resistance to any attempt at European interference in the affairs of this continent. That is the great principle which pervades the State papers of all the different Administrations from the days of President Monroe to this hour. That it may have all the weight which *an act of Congress would give*, I desire, also, in connection with the subject of our neutral rights, that this doctrine shall also enter into our legislation, and, therefore, Mr. Speaker, at an early period of the session at which I first had the honor to appear in this Hall, I felt it my duty to ask the attention of this House to these important subjects by the following resolutions. I again present them, earnestly hoping they may, at no distant day, be incorporated into the public law of this country, as I believe they will command the assent of the whole American people:

"Resolutions of Congress declaratory of our maritime rights, and of our polity interdicting the extension of the European system of Government on any portion of this hemisphere.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States, as a maritime power, having neutral rights to maintain, deem it proper, in view of the existing war in Europe, to declare and make known that every American vessel engaged in the lawful pursuits of commerce is held by this Government to be protected by the flag that covers her, and which shall be the evidence of her nationality; that we attach to all such vessels a character of sovereignty, considering them as clothed with immunities corresponding to those which appertain to our Territory; that our rights as thus declared rest upon no precarious or temporary basis, nor upon the concessions of any power, but upon public law, as insisted upon from the early history of the Republic; and that any attempt to enforce an obsolete right of impressment, search, detention, or visitation, in regard to such American ship, will be regarded as an act of hostility to the United States, and just cause of war.

"*Be it further resolved*, That, as the existing conflicts in Europe may lead to the change of political sovereignty in some of the European Powers, and the destruction of political sovereignty in others, we deem it proper for Congress to make known to them that we affirm the doctrine that we should consider any attempt on their part to extend their system of government to any portion of this hemisphere as dangerous to our peace and safety; and, from the geographical and commercial position of the Island of Cuba to this continent, we will never consent to her sovereignty being transferred, except to the United States, to which she seems naturally to belong."

VETO OF RIVER AND HARBOR BILL.

SPEECH OF HON. D. CARPENTER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1855.

The House being in Committee of the Whole on the state of the Union—

Mr. CARPENTER said: Mr. Chairman, I desire to express somewhat, though briefly, my views upon the opinions of the President, as set forth in his late veto message upon the river and harbor appropriation bill, passed at the last session of Congress. He assumes, as a "fundamental proposition, that the Federal Government is the creature of the individual States; and of the people of the States severally." Now, Mr. Speaker, we assume that the Federal Government is the creature of the people of the United States in convention assembled; and adopted and ratified by the people of the United States in convention assembled in their several States respectively. That all powers conferred upon the General Government by the Federal Constitution are denied to the States; and all powers, not thereby denied to the States, rest with the States severally. If the "Federal Government is the creature of the individual States," then a majority of the States can alter or amend the Constitution. But this is not the mode pointed out in the Constitution for its amendment. Article fifth of the Constitution says:

"The Congress, whenever two thirds of both House shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, whenever ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by Congress."

Amendments can be proposed by two thirds of both Houses of Congress, or on the application of the Legislatures of two thirds of the States; but the mode of the ratification of all amendments thereto is wholly within the power of Congress, and may be "by the Legislatures of three fourths of the several States, or by convention in three fourths thereof," as Congress shall determine. As the States, then, can ratify no amendment except by the authority of an act of Congress, it follows that the General Government is not "the creature of the individual States," in any legitimate sense or proper interpretation of the Constitution. The President also affirms "that all the powers of the Federal Government are derivative ones," &c. Derived from what source? Not as the President would have us believe, "from the individual States," but derived from the source of all political power, direct from the American people themselves, assembled in national convention, and ratified by the people assembled in convention in their respective States.

Does not the Constitution of these United States declare itself to be "the supreme law of the land, anything in the constitution or laws in any State to the contrary notwithstanding." The powers enumerated therein are denied to the States, and are declared to be supreme in the Federal Government. What are those powers as made applicable to the principles of this bill, which has received the Executive veto? The eighth section of the first article of the Constitution is in these words:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States," &c.

But the President, passing by this eighth section of the Constitution, quotes the tenth article of its amendment, to wit:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Then he adds:

"Starting from this foundation of our constitutional faith, and proceeding to inquire in what part of the Constitution the power of making appropriations for internal improvements is found, it is necessary to reject all idea of there being any grant of power in the preamble."

True indeed! but who ever contended there was any grant of power in the preamble to the Constitution of the United States?

But he affirms "it only declares the *inducements* and the *results* of the things ordained and established by it."

It is admitted, then, that one of its "*inducements*" was to "promote the general welfare," and, by consequence, to secure that "result" is one of its admitted "*ends*." Now, it will be observed that while, in the preamble to the Constitution, the "*inducement*" is expressed in the words "promote the general welfare," in the eighth section of article first, a much stronger and more expressive term is used to declare this particular "*inducement*" or desired "*result*," which I give in the following words: "and provide for the general welfare of the United States," &c. To "provide" for the "general welfare" implies a more definite and extended obligation and power than to "promote" the "general welfare."

It is clear that the Constitution, as well as the preamble, intended to distinguish the power to provide for "the common defense," from the power to provide for the "general welfare of these United States," as the one is made to follow the other in the same order in the body of the Constitution, as it does in the preamble, being preceded alike by the word "promote" in the latter, and "provide" in the former, for "the common defense and general welfare," &c.

I wish here to be understood as confining my remarks to the objects of the bill for river and harbor improvements as contained therein, and which were the subjects of the Executive veto, and not as referred to by the President as an indefinite and indiscriminate system of internal improvements, which "has no sufficient exactness of meaning to be of any value as the basis of a safe conclusion, either of constitutional law or of practical statesmanship."

But what does the President concede to be works of a national character, and to be constitutional therefore?

The power "to dispose of the territory and other public property of the United States," the President concedes, carries with it the right "to

make improvements essential to the successful execution of the trust." He concedes, also, that "when the object of a given road, the clearing of a particular channel, or the construction of a particular harbor of refuge, is manifestly required by the exigencies of the naval or military service of the country, then it seems to me (the President) undeniable that it may be constitutionally comprehended in the powers to declare war, to provide and maintain a navy, and to raise and support armies."

It is further admitted, "if the particular improvement, whether by land or sea, be necessary to the execution of the enumerated powers, then, but not otherwise, it falls within the jurisdiction of Congress."

In referring to the act of 1789, extending "the jurisdiction of the United States to all waters which are navigable from the sea," and to the act of 1845, extending the same "to the lakes and rivers subject to the authority of the Federal Government." The President admits "these conditions include all waters, whether salt or fresh, and whether of sea, lake, or river, provided they be capable of navigation by vessels of a certain tonnage, and for commerce, either between the United States and foreign countries, or between any two or more of the States or Territories of the Union." Then comes the closing admission of the President, in regard to "the constitutionality of these provisions of statute," as to what are navigable waters. He says:

"Their constitutionality has been maintained, however, by repeated decisions of the Supreme Court of the United States; and they are, therefore, the law of the land, by the concurrent act of the legislative, the Executive, and the judicial departments of the Government."

So that no principle or rule of construction has been settled by the veto as a guide on this great constitutional question, as to whether Congress can improve the navigation of certain rivers, or construct certain harbors, with a view to render navigation "safe and easy." And, says the Executive, in his earnest endeavors to assign some limit to the power of Congress over this important subject:

"The conflicting sentiments of eminent statesmen, expressed in Congress, or in conventions called expressly to devise, if possible, some plan calculated to relieve the subject of the embarrassments with which it is environed, while they directed public attention strongly to the magnitude of the interests involved, have yet left *unsettled* the limits, not merely of *expediency*, but of *constitutional power*, in relation to works of this class by the General Government."

So it has come to this at last, that so specious is the constitutional tenure of this power, and so ambiguous, yet favorable in signification are the terms of its grants that even those strict constructionists who deny its existence have not been thus far able to show clearly and indisputably that it does not exist. While they have admitted the power of Congress to build and maintain a Navy, not only for public defense, but for the purpose also, of protecting our foreign commerce, not only to construct dock-yards and magazines, but harbors and custom-houses, and to establish ports of entry and ports of delivery to accommodate the commerce of the country. But the power to do these is claimed as incidental to the power to collect revenue. To levy this tax upon the commerce of the country for the maintenance of the Government, and then to deny to that great interest the fostering care of the Government cannot be a very direct mode of "providing for the general welfare" of the country. To gather from this source alone almost the entire support of the Government, and for the defense of the country and then deny to it a proper share of the protection of the Government could not have been the intention of the framers of the Constitution, or they would have said so in unequivocal language and terms.

The message concedes the impropriety of attempting to distinguish between domestic and foreign commerce, because the latter "has already penetrated thousands of miles into the interior of the continent by means of our great rivers;" and admits also, "that no rule is admissible which undertakes to discriminate, so far as regards river and harbor improvements, between the Atlantic and Pacific coasts, and the great lakes and rivers of the interior regions of North America." From commerce the revenue is gathered to maintain the Army and the Navy; to meet the deficiency of the Post Office Department; to maintain our foreign relations; to support the judiciary of the United States, and the Executive and legislative departments of the Government; and, to provide all our resources of public defense in times of war, as well as in times of peace; also, to furnish the means with which to purchase or acquire foreign territory; and yet, when a small pittance of the national revenue is asked for, to benefit and protect this great national interest and render navigation upon our Atlantic, Pacific, and lake coasts, and their navigable rivers more "safe and easy," we are gravely told by the Executive that doubts are entertained both as to the constitutionality and expediency of the appropriation of funds from the National Treasury to secure that object. While, at the same time, it is admitted that the concurrent acts of the legislative, executive, and judicial departments of the General Government, having declared all rivers susceptible of navigation with vessels of ten or twenty tons burden to be public highways; being therefore taken from the States or Territories in which, or through which, they may pass, these States and Territories, unless by permission by Congress, cannot adopt means to improve their navigability.

The tenth section of article first declares:

"No State shall, without consent of Congress, lay any imposts, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imports laid by any State on imports or exports shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of Congress."

"No State shall, without consent of Congress, lay any duty of tonnage," &c., &c. The General Government, therefore, have the power to declare what waters or rivers are public highways; and that no State shall, without consent of Congress, lay any duties of excise or on imports, exports, or tonnage. And when Congress shall have granted power to levy any of these duties to the States, the Constitution declares that even then Congress shall have power to "revise and control" those State laws.

This shows that the power over this subject is vested in the General Government, and not in those of the States, as the States cannot exercise it without the consent of Congress. With the General Government, then, this power must *rest*, or be extinct. But it cannot be *extinct* so long as the States may exercise this power by the authority of Congress; and what Congress has the constitutional power to authorize the several States or Territories to do, shall we be told it cannot itself constitutionally do? But what says the President on this point?

"During that period of time in which the country had not come to look to Congress for appropriations of this nature, several of the States, whose productions or geographical position invited foreign commerce; had entered upon plans for the improvement of their harbors by themselves, and through means of support drawn directly from that commerce, *in virtue of an express constitutional power*, needing for its exercise only the permission of Congress."

Here, then, unintentionally, no doubt, but most explicitly the President admits the existence of the power to draw the means from commerce for these improvements, in or upon those rivers wherever our foreign commerce shall penetrate into the interior.

If Congress may authorize the levying of these duties to the States—which is a direct tax upon commerce for the purpose of clearing the channel of a navigable river, or to construct a harbor—it must possess the constitutional power to appropriate a portion of those revenues collected from customs for river and harbor improvements without transcending the limits of its powers. If the General Government has supreme power over all enumerated modes of collecting duties, and to declare what rivers shall be deemed public highways, why has it not the same authority over their incidents as it has over those of any other grants of power? Or, in the language of the President, "why does not this power also carry with it the right to make improvements essential to the execution of the trust." To pass laws necessary to carry into execution these powers, implies the discretion of Congress both as to the expediency or constitutionality of the means, time, or mode of executing its trusts as well as to whether the public defense or general welfare of the country demands its exercise. To say that Congress has power to authorize the States to levy duties and make these improvements, and that Congress has power to revise the laws of the States making the same, and then deny that it has constitutional power over this subject, is a self-evident absurdity needing no comment.

None deny the power of this Government to collect revenues by either of the modes provided for in the Constitution. And revenue is but the means by which to execute the purposes of the Government to carry into effect the grants of its powers, and Congress must be permitted to apply the revenues as it shall deem proper in executing this trust. If our Government shall derive its revenue from the commercial interests of the country, it must have power to protect those interests from which its revenues are derived.

If it shall become necessary to construct harbors, to build custom-houses, and to establish ports of entry for the successful execution of this trust, it must be equally competent for the Government to improve the navigation of the rivers as a means of increasing the resources of the Government in the productiveness of its revenue. To declare that the power or protective policy of our Government terminates as soon as the imports are landed upon our Lake, Pacific, or Atlantic shores, is to assign a limit to it unknown to our Constitution and contrary to the established practice of this Government. If, in time of peace, we may maintain a navy in foreign ports, at an annual expense of millions of dollars, to protect our ships of commerce, and if we may build custom-houses at our ports of delivery far in the interior of our country, up the sources of our rivers, for the benefit of our importing interests, without assigning constitutional limits to the demands of trade, where, then, do we find constitutional restrictions to the improvement of the navigation of these rivers, which, by this commerce, is equally demanded from the hands of the Government as protecting the source of its revenues?

Is it not as important that our imports should be able to penetrate into the interior States of this Union, as that they shall be able to reach the shores of its coasts? Is not our domestic commerce as extensive and important to the welfare of the States of this Union, as is that of our imports, the productions of foreign countries? Can we pay for the one unless we can dispose of the other? Shall we make a watch dog of our protective policy, confining its cares to the outside of our gates and not permitting it to come within? The Constitution does not define what are navigable waters or what rivers are public highways, consequently it does not define what waters or navigable rivers are within the jurisdiction of the States or Territories, or of the General Government. They are designated only by acts of Congress in assigning limits to the maritime jurisdiction of the General Government; and the only characteristic adopted for distinguishing those which are, from those which are not public highways, is their capacity for tonnage, and not as the President assumes whether they "pass through or into two or more States or Territories of this Union."

The President seems to have two principal objections, which constitute, when closely scanned, really the only tangible objections to the bill. First, it does not "make appropriation for every work in a separate bill, so that each one shall stand on its own independent merits." So far as this objection implies a system of log-rolling, as it has been termed, or a banding together of the several local interests, whereby an appropriation can be got through Congress which in itself has no merits of a national or proper commercial character, I conceive the objection has no valid force. The community of interests would be the same were each bill to be separately presented. Besides, he does not attempt to point out one feature even which he thinks not to be national in its character. And I doubt much whether, upon a review of the subject, he can designate one of these river appropriations which do not come within the limits of his conceded constitutional and commercial character, benefiting sections of the States "whose productions or geographical position invited foreign commerce." He has drawn no line of distinction between the power of the Government to make appropriations out of

the national treasury to construct a harbor or to clear the channel of navigable rivers, nor does he discriminate between the domestic and foreign commerce of the country, so far as their constitutionality is concerned.

His *second point* is, that we should "return to the primitive idea of Congress, which required, in this class of public works, (the construction of harbors,) as in all others, a conveyance of the soil, and a cession to the jurisdiction of the United States." This test, then, rests upon a mere "primitive idea of Congress," and has no other foundation. The answer to all this objection is, that every appropriation for harbor improvements contained in this bill, was either for the completion or reconstruction of some unfinished or dilapidated work, where appropriations had been made, and moneys heretofore expended on these works. The bill contains no appropriation for any new work, nor is it conceivable, as a valid objection, either of constitutionality or expediency, that in case where "piers, jetties, sea-walls," &c., are constructed, that the States should make a "cession to the jurisdiction of the United States."

Admitting this to have force as an original proposition, it certainly can have no constitutional force in the case embraced in this bill for the reconstruction of the piers at the port of Genesee, located in the district which I have the honor to represent. This is a port of entry situated upon the southern shore of Lake Ontario, the waters of which form both the dividing line and connecting medium between the United States and the dominions of a foreign Power; a port of vast importance to our domestic and foreign commerce in time of peace; and in case of war between the United States and Great Britain, of indispensable moment as a safe harbor for our vessels of war; being central upon the southern shore of that great inland water, and the only harbor, for eighty miles of its coast, where vessels can take refuge in cases of storms or gales upon the lake. It is important, also, in another point of view, should such war exist, as a depot for obtaining provisions, naval and military stores, &c. Mr. Chairman, I invite the attention of this committee to the following statistics in relation to the commerce which is carried on at this port, and which will undoubtedly be greatly increased since the passage of the so-called reciprocity treaty of the last session of Congress:

Statement exhibiting the Commerce of the District of Genesee for the fiscal year ending June 30, 1854.

American vessels entered.			American vessels cleared.			Foreign vessels entered.			Foreign vessels cleared.		
No.	*Tons.*	*Crew.*	*No.*	*Tons.*	*Crew.*	*No.*	*Tons.*	*Crew.*	*No.*	*Tons.*	*Crew.*
78	16,283	831	78	16,283	831	207	35,288	2,445	207	35,288	2,445

Exports.			Imports.	Duties.
Domestic.	*Foreign.*	*Total.*		
$522,905	$114,615	$637,520	$109,787	*$22,382 42

* Of which $161 55 was paid on goods from warehouse, and may have been transported from another district.

Statement exhibiting the value and amount of Duties on articles which were imported during the fiscal year ending June 30, 1854, and now made free by the Reciprocity Treaty.

ARTICLES.	Rate of duty per cent.	Value of articles.	Duties.
Grain, flour, and breadstuffs	20	$3,906,073 00	$781,214 60
Animals, free	-	75,406 00	-
Animals, dutiable	20	225,642 00	45,128 40
Fresh, smoked, and salted meat	20	5,184 00	1,036 80
Cotton wool, free	-	125 00	-
Seeds, plants, shrubs, &c., free	-	18,210 00	-
Seeds, plants, shrubs, &c., dutiable	20	555 00	111 00
Vegetables	20	102,806 00	20,561 20
Undried fruits	20	13,692 00	2,738 40
Dried fruits	20	31 00	6 20
Fish of all kinds	20	901,671 00	180,334 20
Products of fish and all other creatures living in water	-	-	-
Poultry	20	1,016 00	203 20
Eggs	20	5,500 00	1,100 00
Hides and skins	5	34,729 00	1,734 45
Furs, undressed	10	13,920 00	1,392 00
Tails, undressed	20	8 00	1 60
Unwrought stone	10	10,758 00	1,075 80
Unwrought marble	5	4 00	80
Butter	20	126,811 00	25,362 20
Cheese	30	127 00	38 10
Tallow	10	37 00	3 70
Lard	20	837 00	167 40
Horns	5	1,421 00	71 05
Manures	-	-	-
Ores of metals, free	-	18,790 00	-
Ores of metals, dutiable	20	516 00	103 20
Coal	30	254,775 00	76,432 50
Pitch, tar, and turpentine	20	75 00	15 00
Ashes	20	4,441 00	888 20
Fire and other wood	30	726,688 00	218,606 40
All other wood	20	574,051 00	114,810 20
Pelts	20	24,639 00	4,927 80
Wool	30	69,189 00	20,754 60
Fish oil	20	110,402 00	22,080 40
Rice, free	-	-	-
Broom corn, free	-	-	-
Bark	20	978 00	195 60
Gypsum, ground	20	353 00	70 60
Gypsum, free, unground	-	113,312 00	-
Grindstones	5	23,265 00	1,163 25
Dye-stuffs	5	14,717 00	735 85
Hemp, flax, tow, unmanufactured	-	-	-
Tobacco, unmanufactured	30	2,915 00	874 50
Rags	5	12,686 00	634 80
Total		$7,398,358 00	$1,524,457 40

Perhaps, with the exception of some half-dozen articles contained in the above list, which might very properly have been thrown into a free list, the advantages are entirely on the British side of this one idea, one legged treaty.

The value of the articles imported during the fiscal year ending June 30, 1854, from the British Provinces, and which are now under this so styled reciprocity, to be made duty free, amounted to $7,398,358 00. The duties upon the same being $1,524,457 40; as appears from the register's report in the above table. A portion of this trade comes to us through the channel of the Genesee river, and comes, therefore, into direct competition with the agricultural products and the industry of the county of Monroe, and western New York; nothing, in return, being received as an equivalent, beyond what has been referred to as above; and which might have been attained by an act of Congress, merely adding those few articles, to wit: raw-hides, undressed skins, tan-bark, lumber, wood, &c., to the free list, leaving the residue to swell our national Treasury, and to the protection of American industry; thereby securing all the advantages without incurring the disadvantages of this misnamed reciprocity treaty. This treaty I regard as far more unequal and disastrous to the American interests than out-and-out free trade, because it restricts the articles subject to it, to those which the British Provinces desire to bring into the States, or pass through the border States for a market, excluding agricultural implements and those articles of manufacture which western New York and the United States desire most to carry there for a market.

The following is a list of articles constituting the staple agricultural productions of western New York, which are to be imported, duty free, under this treaty, but which, under the present tariff, are subject to duties. I have set the rate of duty, the value imported during the past fiscal year, and the amount of duties collected thereon, opposite each article, in order to a proper appreciation of the effect of this treaty upon the interests of the agriculturists in our northern frontier States.

	Rate of duty.	Value imported.	Amount of duties.*
Wheat, flour, and breadstuffs	20 per ct.	$3,906,073	$781,214
Meat, fresh, smoked, and salted	20 "	5,184	1,036
Poultry	20 "	1,016	203
Butter	20 "	126,811	25,362
Cheese	30 "	127	38
Lard	20 "	837	167
Ashes	20 "	4,441	888
Wool	30 "	69,189	20,754
*In round numbers.		$4,113,671	$824,663

Thus are these border States compelled to compete with over $4,000,000 of foreign agricultural products—being breadstuffs mainly—with the loss of nearly $1,000,000 to our revenue, and with the Executive veto upon all our harbor appropriations which, if they were allowed to levy and collect these duties, would give them a surplus beyond the sums asked for at the hands of our Government for the construction of their lake coast harbors, and improving the channels of the navigable rivers entering therein.

Mr. Chairman, I desire this committee will pardon me for this seeming digression, as I deem it to be germane to the subject of river and harbor appropriations by means of the necessities of the trade and commerce, which is to be carried on at the mouth of the Genesee river.

If this Government shall take from us the right to levy and collect tonnage duties, it is bound to give us this improvement for the security of life and property, subjected to the hazards of commerce upon our lakes, or restore to us the power to levy tonnage duties for the purpose of making these improvements so necessary to the security demanded. To collect $22,382 42 revenue at our port during the past year, and then deny us that aid which security and protection to our commerce imperiously demand, is to shackle individual enterprise; and to burden its commerce, and then deny our citizens the benefits of those great natural advantages which are ours by location and by natural right, and which, on its northern coast, are enjoyed, in a superior degree, by our northern neighbors—the subjects of Great Britain. Shall a Republic be less solicitous, wise, or liberal in providing for the welfare, promoting the happiness, and protecting the life and property of a free and independent people, than is a monarchy in protecting the lives and property of its subjects?

Can it be our Government has not the sovereign power to do this? Or is it but an evasion for withholding its exercise? Sovereign or supreme power in a Government, is a necessary element of its existence; and to provide for the protection and welfare of its people, is the vital principle or soul of its power, and must be intended to be used for the public good, and not merely to exist in a latent state, or, if wielded, but to paralyze the energies

and prostrate the interests of its citizens. Nor is the Constitution a dead letter, to be used only as a text against the power and right of this Government to carry out its solemn guarantees to the American people. Its power should be exercised for the purposes granted, or be at once restored to the people of the several States.

But, Mr. Chairman, by the language of the veto it would seem the President would have the river separated from the harbor improvements, so that those States in which the latter were to be made should first cede to the General Government the jurisdiction thereof, and the whole in separate bills, so that each one should be made to "stand upon its own merits." By the indirection of this language, so fair upon its face, the country are led to believe the President to be sincerely desirous to separate those which were from those which were not constitutional; those which were from those which were not national; those which had merits from those which had not, to enable him to sign those which he should approve, and return, with his objection, those which he should disapprove.

But, Mr. Chairman, I must believe this a mere pretext, or dodge, which serves but to cover or mask the real ground of his objections to the bill, as a whole, and in each particular. I must believe this from his own official declaration, heretofore made, on another similar occasion, which stands recorded before Congress and the country. It will be recollected by this committee, sir, that, on the 22d day of July last, the President communicated a message to the Senate; which being short, and containing the evidence of my inference, as above alluded, I take the liberty of giving it in full:

To the Senate of the United States:

I have this day given my signature to the act "making further appropriations for the improvement of the Cape Fear river, in North Carolina."

The occasion seems to render it proper for me to deviate from the ordinary course of announcing the approval of bills by an oral statement only; and, for the purpose of preventing any misapprehension which might otherwise arise from the phraseology of this act, to communicate in writing, that my approval is given to it on the ground that the obstructions which the proposed appropriation is intended to remove are the result of acts of the General Government.

FRANKLIN PIERCE.

WASHINGTON, *July* 22, 1854.

This was an act simply for the *improvement* of the Cape Fear river, to remove an obstruction from the channel of it, by an appropriation from the Treasury of the United States. This was upon our Atlantic coast. Above this obstruction our Government had erected a fort, and a custom-house, and had made it a port of entry. The Government had also built a wall out into the current of that river, above this fortress, to protect its foundation from being washed away by the current of its waters. It was this wall to protect the fort which had occasioned the deposit constituting this obstruction in the channel of that river. It was also a separate bill, and stood upon its own merits. Its waters emptied into the Atlantic ocean. It was navigable only in a single State, and did not pass "through two or more States or Territories." The President made this act the special "occasion" to avoid. "any misapprehension" which might otherwise arise from the phraseology of the act, to communicate in writing his "approval," it being on the ground that the obstructions "are the results of acts of the General Government."

Mr. Chairman, "improvement" simply was proposed by the "appropriation" for the removal of the "obstructions" in the Cape Fear river, which the President feared would lead to "misapprehension." From this, can it be doubted but that the President desired and meant to be understood that had these obstructions been natural, or of providential occurrence, the circumstances, otherwise being the same, he should not have given his signature to the *bill*. What otherwise could "occasion" fear of "misapprehension?" If this improvement, excepting the mode or manner of the occurrence, be not constitutional in its character, and national in its object in the opinion of the President, then his objections to the river and harbor bill of the last session of Congress, must be mere evasions, or as may, with propriety, be more properly termed, are but his excuses, and not his reasons for withholding his signature from those appropriations.

With all due deference for the high position of the Chief Magistrate of this Republic, taking his Cape Fear message as the key to his sentiments and opinions on the constitutionality, and expediency of works for river and harbor improvements, are we not fully borne out in the conclusion, and justified in the belief that his excuses given in his veto message were designed but to amuse those of his partisan friends who supported that bill, or might favor improvements of this character, to disarm them of open hostility? if, indeed, they were not disposed to declare him obnoxious to the charge of insincerity. The President has no where said in his messages he was in favor of any river or harbor improvement, except the instance which I have given. And in this case his language utterly precludes the idea that he favors such improvements, except the "obstructions" occur "by acts of the Government." But on the contrary, the entire scope and tenor of his language is, that our Government is sovereign to hold, but powerless to act, which is a political dogma having no parallel in ancient or modern history, either in the science of government, ethics, or political economy, outside of the President's veto message.

FRENCH SPOLIATIONS—VETO MESSAGE.

SPEECH OF HON. I. WASHBURN, JR., OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1855,

On the President's Message vetoing the French Spoliation Bill.

The House being in Committee of the Whole on the state of the Union—

Mr. WASHBURN, of Maine, said:

Mr. CHAIRMAN: I had hoped that the health of the able gentleman who presides over the Committee on Foreign Affairs [Mr. BAYLY] would have permitted him to enter at once upon a review of the most extraordinary message communicated to the House on Saturday week by the President of the United States; and that a general discussion of the doctrines and arguments therein advanced might have taken place at the earliest moment. The assumptions in that paper as to the occasions when the Executive may properly exercise the veto power, were so novel, so startling, and so dangerous, if acquiesced in, and the reasons for which the President attempted to justify its application to the bill which he has returned were so remarkable, so inconsistent with the truth of history, and yet so calculated to mislead, if not answered, that an instant, earnest, and indignant protest should have been made to the former, and the latter subjected to that early and searching examination which would have exposed and refuted them at once, and forever. But, sir, as soon as the message had been read, motions were made for postponing its consideration to a day certain, on which motions no general debate was in order, and pending which the House adjourned. On Monday, while these motions were yet undisposed of, a friend of the Administration, and opponent of this bill, [Mr. ORR,] demanded the previous question. It was seconded, and the main question was ordered; thus cutting off the motions to consider on a future day, and bringing the House to a direct vote upon the question, "Shall the bill, upon reconsideration, pass, notwithstanding the objections of the President?"

The Constitution says, if the President approve the bill, "he shall sign it; but if not, he shall return it, with his objections, to the House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it;" or, in other words, to consider it again. What kind of consideration was allowed here? Not a word of discussion was permitted, either upon the bill or the message, not a remonstrance suffered to be made to the strange doctrines of the President, nor a single answer to the manifold errors of statement, and faults of logic and reasoning, of which the paper is full. But, under the gag of the previous question, every man's mouth was shut, and the bill brought to that *reconsideration* (?) for which the Constitution provides. Sir, was this well or worthily done? What if our time was short, and what if many important measures were yet pending before Congress? Did gentlemen seriously fear that any of them which are really necessary would fail? I think not. But, sir, were there not questions involved in this veto message infinitely transcending in importance any, or all, of the questions in the bills before us?—questions reaching to the foundations, the elementary principles, of the Government; striking at the very vitals of constitutional liberty and representative republicanism. Did the House well to submit to these fetters, to be "trusted with a muzzle, and enfranchised with a clog?"

"I forbid," says the President, to an act of Congress making provision for the payment of claims against the United States for indemnity for spoliations made upon her citizens, more than fifty-five years ago, by France; claims which, notwithstanding what has been said by the President, this Government appropriated to its own uses, and for which it received a full equivalent at the commencement of the present century; claims recognized by it as just and true at the time of their origin, and which never have been, and never will be, repudiated. When truth, justice, and good faith, are deliberately repudiated by a Government, that moment the Government ceases to exist; it may keep up the name and the forms of Government for a while after, but its life is gone, and forever. "The blasted leaves of autumn may be renewed by the returning spring; the cerements of the grave shall burst, and earth give up her dead, but political degeneracy has no restoring power; national death is followed by no resurrection."

These claims have always been affirmed, and never denied by the country—they never will be denied. They will be paid—they must be paid—because they are just, and because this people is just. Presidents may postpone, but they cannot prevent their payment. Presidents will be what they are, and the people what they are. The obligation of the Government to make indemnity for these French spoliations has been affirmed by such men as Marshall, Madison, Giles, General Marion, (the partisan hero of South Carolina,) George Clinton, the two Livingstons, Everett, Chambers, Preston, Wilkins, Webster, and, I believe I may add, by Jefferson; by more than thirty committees of Congress; by the Legislatures of many, if not, indeed, a majority of the States; by the repeatedly favorable action of one or the other of the Houses of Congress; for similar bills to this have passed the Senate nine times, and twice have they passed by the concurrent action of both Houses, *and never have they been voted down in either*. Such bills have received the support of men of all parties and all shades of political opinion; of Whigs, Democrats, Southern Rights men, and Free-Soilers; of southern as well as northern, of western as well as eastern members. Can it be possible that all these men, and bodies of men, in all this time, and with all the investigation which, through so long a period, they have been able to make, have been in error, have not ascertained or understood the grounds upon which these claims must stand or fall? True, sir, a bill for the same object as this was vetoed in 1846 by the late President Polk; but that veto was for special reasons not applicable to this act and to these times. While it is due to candor and to truth to say that Mr. Polk doubted the liability of the Government to make indemnity as the bill provided, he did not place his disapproval upon the ground that he could, under ordinary circumstances, properly revise the action of Congress in this regard; but he arrested the passage of the bill for the following reasons, as a reference to his message will show:

1. The country was engaged in a war with Mexico; the Treasury was empty; a debt of several millions had been recently created, and which the necessities of the country might require to be largely increased. Whether these claims were just or not, it was, in his judgment, quite certain *that* was not the time to pay them;

2. The amount due should be paid in money, and not in land, as the bill provided. There were, in his opinion, serious objections to paying so large a sum in the public lands. They might, and very probably would, come to be owned in large quantities by individuals or associations, who would hold them at exorbitant prices, and so

retard the growth and prosperity of the new States;

3. Another reason, apparently not much relied upon, though not identical with, was similar to, one of the objections in this message. It was this: While the bill appropriated but $5,000,000, it was generally believed that the claims in all greatly exceeded that sum; yet the persons interested were required to execute releases in full; and

4. The bill was passed near the close of the session, while important measures were crowding upon Congress, and without that full and elaborate consideration which the amount involved, and the state of the Treasury, would demand.

No man, I venture to say, can read Mr. Polk's message and deny, or even doubt, that he would have felt bound to approve the bill but for the reasons which have been stated, and excluding the third.

Now, sir, it is manifest that none of the reasons or objections upon which Mr. Polk relied apply in the present case. The country is at peace with all the world; the Treasury is full; and not only so, but the Administration is seriously inquiring how the revenues may be reduced.

The bill of the present Congress has been placed, and may be successfully defended, upon grounds consistent with and even involving the idea of complete and final indemnity, at least so far as the obligations of this Government are concerned. The Government pays the amount of the consideration it received from France. That consideration it estimates at $5,000,000. Does the President, or any opponent of the bill, question the principle upon which the payment is proposed to be made? and who shall say that the amount adjudged by Congress to be what the Government received, is essentially out of the way? But, in addition to this, did not the President know that the claimants asked for this amount, that they desire to obtain it, and pray for it, as such full indemnity, and that every one of them will so receive it with joy and thankfulness?

It provides for payment in money, and not in land.

It was not passed at the heel of the session, nor without full and elaborate discussion.

It was not, then, for the objections made by Mr. Polk that the present Executive has seen fit to strike down this bill, the passage of which by the two Houses had carried so much of hope and gladness to so many hearts and homes. God help the widow and the fatherless, who have waited so long and borne themselves so patiently and so bravely, until the era of little men in high places shall have passed away, and statesmen, rather than partisans, shall be the stuff of which Presidents are made!

Was it for want of authority, of constitutional power in Congress, that the veto has been sent here? That is not even pretended. Because the bill was the result of hasty or inconsiderate legislation? No. Because it encroaches upon the proper functions, the rights or privileges of the Executive? Certainly not. These are the reasons for which it has been supposed heretofore, by those who have given the more liberal construction in regard to the veto power, that a President might justify a resort to this method of arresting the execution of the people's will, as expressed by their Representatives. It has never been understood that the power of the President legitimately extends to cases of mere propriety and expediency, to questions of appropriations where no power is usurped and no rights are invaded; that he could make himself, to all practical intents, a third branch of the Legislature, and set his will, his individual judgment, against the opinions and judgment of the Senate and House of Representatives, and the people, who they, in matters of legislation, immediately and peculiarly represent. The veto has been generally regarded as an extraordinary power, a power not for every day use, or for common cases; but rather as an instrument of defense and protection, to be employed only in cases of great and manifest wrong, on occasions of solemn, urgent, and palpable necessity. It is like the sword of the giant, which was kept in the temple, to be used only on great occasions. Sir, we are receiving new readings in reference to the extent and proper uses of this power, which, if not stayed and rebuked, will work a complete and entire revolution in our Government, a fundamental change in its theory and practice. Sir, we must "resist beginnings." The doctrines of the President on this point are such as have never been advanced by any of his predecessors, and such as the framers of the Constitution could not have been made to believe would ever be held by any man whom the American people could, in any hour of fatuity or madness, elevate to the high position of President. Look at their debates, and learn how jealous they were of this power, how they believed it to be impossible that it should ever be exercised in a case of simple expediency like this. Sir, these doctrines are alarming on account of the place from which, if not the person from whom, they emanate. Fifty years hence they may be referred to as the opinions of the President, and not of General Pierce. The office will remain, though its present incumbent may be forgotten.

To show that I have not overstated the monstrous claims of the President—they cannot be overstated—I quote a portion of what he says on this subject:

"The President's responsibility is to the whole people of the United States, as that of a Senator is to the people of a particular State, that of a Representative to the people of a State or district; and it may be safely assumed that he will not resort to the clearly defined and limited power of arresting legislation, and calling for reconsideration of any measure, except in obedience to requirements of duty. When, however, he entertains a decisive and fixed conclusion, not merely of the unconstitutionality, but of the *impropriety*, or injustice in other respects, of any measure, if he declares that he approves it, he is false to his oath, and he deliberately disregards his constitutional obligations."

* * * * * * *

"If there be anything of seeming invidiousness in the official right thus conferred on the President, it is in appearance only, for the same right of approving or disapproving a bill, according to each one's own judgment, is conferred on every member of the Senate and of the House of Representatives."

Passing the statement that the responsibility of Senators and Representatives is limited to their respective States and districts, which may be true in one sense, but is utterly unfounded to the extent implied by the language of the President, I would call your particular attention to what he asserts in reference to his duty under the veto. When he entertains a "decisive and fixed" opinion of the "impropriety" of a measure, he cannot approve it (as President in the technical sense, in which, under the Constitution, he makes use of the word "approved" in signing bills) without being false to his oath and constitutional obligations. Was ever anything more puerile than this? Was it ever understood, by any of his predecessors, that the signing of a bill imported that it had the President's approbation, as a thing of expediency; or that it implied more than this—that, by a true construction of his power and duty under the Constitution, he felt bound to give it his *official* sanction? The statement of the President's position is its sufficient refutation. But that there should be no doubt as to the extent of his claims, he makes use of this remarkable language:

"If there be anything of seeming invidiousness in the official right thus conferred on the President, it is in appearance only, *for the* SAME *right of approving a bill according to each one's own judgment, is conferred on every member of the Senate and of the House of Representatives.*"

So that whenever, as a member of Congress, he would not vote for a bill, as President, he would veto it! In the first session of the present Congress the President affixed his signature to between three and four hundred bills and joint resolutions. Had he read them all, and did he fully understand them? Did they really receive his approbation in the sense in which he says he is held to approve by signing them? As a member of Congress would he have voted for all these bills? No single member of either branch, I venture to affirm, voted for two thirds of them. Yet we are bound to believe the President would have voted as Senator or Representative for each and every one; otherwise, he has, by his own admission, been false to his oath, and disregardful of his constitutional obligations. Can anything demonstrate more clearly than this simple statement, the fact that the President himself has not heretofore believed in the correctness of the principle which he has found it necessary to assert in justification of his action in this particular case?

I now come to notice some of the President's objections to the bill. The claims, he says, if just, should have been paid half a century ago. By providing for their payment now we cast reproach upon the Government which, for so long a time, has neglected or refused to discharge them. The force of this objection may be seen in this form of statement: A has been indebted for ten, or twenty, or thirty years to his neighbor B; for some reason he has neglected to pay the debt, and still hesitates; he begins, however, to have some compunctions about it, but finally satisfies his conscience by saying, "If I pay it now I shall acknowledge my delinquency in the past; I will save my honor, and let the debt go."

And not only would the passage of this bill, in the President's judgment, be an imputation on the public honor, but it would also imply a sentence of condemnation upon the sagacious and patriotic men who participated in the transactions out of which these claims are supposed to have arisen, and who never acknowledged the obligation of the Government to make indemnity. Here, sir, I take issue with the President, and allege that those men, without exception, recognized the validity of these claims, and the obligation of the Government to discharge them; and I submit that the highest respect we can pay to their memory is to provide, without further delay, for the payment of what they acknowledged to be justly due, by reason of those transactions, from the Government to its citizens.

Among the distinguished men who participated in the transactions connected with these claims, I may mention the names of Jefferson, Marshall, Madison, and Robert R. Livingston, "great and celebrated names—names which," to borrow from Mr. Burke, "have kept their country's name respectable in every other on the globe." I propose to ascertain what they said, and must have thought, concerning the obligations of the Government in this regard. I quote, in the first place, from a speech of the Hon. Mr. BRADBURY, of Maine, made in the Senate of the United States, in April, 1852:

"I leave it to the Senate to determine the weight that ought justly to be attached to the authority of such names. Comment can add nothing where their knowledge of the subject, their capacity to investigate, their judgment and integrity, are known and appreciated.

"It has been intimated that, at the period of which I have been speaking, our commerce being exceedingly profitable, our merchants assumed the risk incident to the troubled state of affairs, without expecting any indemnity from the Government in case of loss. It is the duty of a Government to protect at all times, in their lawful pursuits, the citizens who render it allegiance and give it support. But the claimants are not left to stand on that ground alone. They were specially invited to send out their ships upon the ocean, under assurance of protection, by the President of the United States. The Secretary of State, in a circular issued August 27, 1793, says:

"'I have it in charge from the President to assure the merchants of the United States concerned in foreign commerce or navigation, that due attention will be paid to any injuries they may suffer on the high seas, or in foreign countries, contrary to the law of nations, or to existing treaties; and that, on their forwarding hither well-authenticated evidence of the same, proper proceeding will be adopted for their relief.'"—*Senate Doc., 1st sess. 19th Cong., vol. 5, p. 217.*

"We here have the fact that the Government was so anxious to encourage a commerce that was filling the Treasury with the means to discharge the debt of revolution, that it stimulated our merchants to prosecute their adventurous business by a special assurance of prompt protection. Is it, then, anything less than a mockery of their wrongs to tell them now they are entitled to no relief, as they could never have expected that measure of redress which Government ordinarily afforded?"

This was during the administration of General Washington, and the Secretary of State who issued the circular was Thomas Jefferson. Does he perform an act of kindness to the memory of Washington and Jefferson who asserts that they did, or would do, if living, anything that might be construed as a denial of the right of these claimants to relief—claimants who suffered by confiding in the solemn assurances which they gave?

During the administration of Mr. Jefferson, Mr. Madison, as Secretary of State, writing to Mr. Charles Pinckney, our Minister to Spain, on the 6th of February, 1804, says:

"The plea on which it seems the Spanish Government now principally relies, is the erasure of the second article of our late convention with France, *by which France was released from the indemnities due for spoliations committed under their immediate responsibility to the United States.*"

"We claim against her, not against France. In releasing France, therefore, we have not released her. The claims

again, from which France was released, WERE ADMITTED BY FRANCE, and the release was for A VALUABLE CONSIDERATION, IN A CORRESPONDENT RELEASE OF THE UNITED STATES FROM CERTAIN CLAIMS ON THEM."—*Doc.* 102, *p.* 793.

Can anything be more distinct and unequivocal than this admission of Mr. Madison; and of Mr. Jefferson, under whose authority it was made? The late Chief Justice Marshall, whose name as acting Secretary of State, is affixed to the convention of 1800, says:

"I would positively oppose any admission of the claims of any French citizen if not accompanied with the admission of the claims of American citizens for property captured and condemned for want of a *role d'equipage*. My reason for conceiving that this ought to be stipulated expressly, was a conviction that, if it was referred to commissioners, it would be committing absolutely to chance *as complete a right as any individual ever possessed.*—*Journal, p.* 471, *No.* 316.

"He (Chief Justice Marshall) stated that, having been connected with the events of that period, and conversant with the circumstances under which the claims arose, he was, from his own knowledge, satisfied that there was *the strongest obligation on the Government to compensate the sufferers by the French spoliations.*—*Letter from Hon. W. C. Preston, United States Senate, South Carolina.*

The conversation to which Mr. Preston refers, took place but a few years prior to the date of his letter, which was January 29, 1844.

Mr. Robert R. Livingston, one of the ministers who concluded the treaty and conventions with France, in 1803, in a letter to M. Talleyrand, on the 17th of April, 1802, makes use of this language:

"The payment for illegal captures, with damages and indemnities, was demanded on one side, and the renewal of the treaty of 1788, on the other; *they were considered as of equal value*, and they *only* formed the subject of the 2d article."—*Doc.* 102, *p.* 717.

To these authorities I may add that of Timothy Pickering, Secretary of State in 1800, who, in a letter dated November 19, 1824, says:

"If the relinquishment of these claims had not been made, the present French Government (1834) would be responsible; consequently the relinquishment by our own Government having been made in consideration that the French Government relinquished its demand for a renewal of the old treaties, then it seems clear that, *as our Government applied the merchants' property to buy off those old treaties, the sums so applied should be reimbursed.*"

Mr. Chairman, I beg to ask with what show of reason or authority the President can declare that these men "never recognized the alleged obligation on the part of the Government" to make indemnity for the spoliations in question? The temerity of the President, in hazarding the observations he has made on this point is most wonderful, and to be accounted for only by the desperate character of the task which he had assumed.

Again, the President objects to the bill because it "proposes not to pay them, (the debts,) but to compound with the public creditors, by providing that, whether the claims shall be presented or not, whether the sum appropriated shall pay much or little of what shall be found due, the law itself shall constitute a perpetual bar to all future demands."

Sir, what kind of a reason is this? Is it more wrong to pay a part than to pay nothing? But the bill is founded upon the principle that the Government pays all that it received in fact from France, and all that it justly owes to the creditors. This is its judgment; and to prevent future demands for claims which it does not admit, and to make an end of the thing, it provides for full and final releases. Is there anything dishonorable in this? Is it not the course which honorable and careful men pursue every day in their own affairs? Besides, what is this to the President? If the creditors ask for the passage of this bill, and nothing more, what right has he to step in, and, as their self-appointed agent and representative, defeat the very thing which they desire to have done?

The objection, so much relied upon by the late Mr. Wright, of New York, and upon which the gentleman from South Carolina [Mr. ORR] laid such stress—that war existed prior to 1800 between the United States and France, does not seem to have made a very strong impression upon the President; as I understand his message, he has virtually abandoned it. By the public law there must be actual, positive war, war in the strictest sense and in fact, to extinguish the ordinary obligations subsisting between nations. War, in this sense, had never existed between these countries; there had been hostilities and disturbances, but not war. If war, when was it declared, and by whom? and by what treaty was it ended? The treaty of 1800 declares, in the preamble, that it was made, not to establish peace, but to "terminate differences." John Adams was President of the United States, and Napoleon Bonaparte First Consul of France in 1800. Mr. Adams said in 1823:

"To explain all the mysteries of that period never was and never will be in my power. It would require volumes to give a simple history of it. All that I can say of it is, there was war between St. Dennis and St. George. Each had an army in America, constantly skirmishing with each other, and both of them constantly stabbing me with lancets, spikes, and spears. MY SOLE OBJECT WAS TO PRESERVE THE PEACE AND NEUTRALITY OF THE COUNTRY; AND THAT, I THANK GOD, I OBTAINED, at the loss of my power and fame with both sides."

And the First Consul declared at another time, speaking of the convention of 1800, that:

"The suppression of this article at once put an end to the privileges which France had by the treaties of 1778, and annulled *the just claims* which America might have made for injuries done IN TIME OF PEACE."—*Gourgaud's Memoirs* vol. ii. p. 95.

I submit it is hardly probable that war existed at this period without the knowledge of either of these magistrates.

And, in passing, I would thank you to notice what Bonaparte alleged to be the consideration paid by France for the release of these claims for spoliations.

The President further objects to the payment of these claims, that by the treaty of 1800 France released nothing to the United States, not even our obligation to her under the treaties of 1778 and 1788, and that as this Government received no consideration from France by that transaction, it, therefore, assumed no liability to its injured citizens—especially, as it had used proper diligence to recover what was due them. The President endeavors to maintain this proposition, by showing that on the 7th of July, 1798, Congress passed an act abrogating those treaties. Who ever understood before, by what school of publicists was it ever taught, that treaties, which are contracts between nations, could be annulled at pleasure by either party, simply upon its alleging a failure on the part of the other to keep its provisions? How easy after this, it will be for any nation with whom we may have a treaty, to avoid its obligations to us. It has only to resolve that a breach of the compact has been made by the United States, and then proceed, by its own legislation, to declare the treaty null and void. This act of 1798, was an act of retaliation, excused by the exigencies of the times, intended to advise France of our understanding of her acts of hostility, and to lead the way to an amicable adjustment of the matters in difference between the two nations. But, that the act of 1798 did *ipso facto* relieve us from all liability to France, under those treaties, was an idea which never entered into the head of any man. France denied that the treaties had been annulled, or made void, by any act of hers, or of the United States. And we find, that in 1800, when the convention was entered into, the parties at once proceeded upon the fact, that the treaties of 1778 and 1788, were set up by her as still subsisting. So it was understood by all the negotiators, and by both Governments, and Hence provision was made therein for their abrogation. The quotations which I have made, and shall make, abundantly prove this, and stamp this specification as a piece of pettyfogging, unworthy the Chief Magistrate of a great and honorable people.

Whether France had done enough to authorize the United States to annul the treaties, is not the question, but whether she admitted that she had. If not, she would, as she did, insist that they were in force, and demand our faithful observance of them. To put an end to this troublesome demand, we first offered to pay money. This was refused; and then we agreed to a release of the claims for indemnity.

There is another reason assigned why this bill ought not to pass, more extraordinary, if possible, than the one which I have just considered. The treaty (or convention, as it was called) of 1800 contained, among other articles, the following:

"ART. II. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and, until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows."

When the convention was presented to the Senate of the United States, that body agreed to it with this proviso:

"*Provided*, That the second article be expunged, and that the following article be added or inserted: It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications."

So that the clause which I have just read was, in effect, substituted for the second article as the convention was originally drawn. This alteration rendered it necessary to return the convention to the First Consul, by whom it was ratified, as amended, upon the condition contained in the following declaratory note:

"The Government of the United States having added in its ratification that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided, That by this retrenchment the two States renounce the respective pretensions which are the object of the said article.*"

The history of the transaction is continued by the President in these words:

"The convention as thus ratified by the First Consul, having been again submitted to the Senate of the United States, that body resolved that 'they considered the convention as fully ratified,' and returned the same to the President for promulgation, and it was accordingly promulgated in the usual form by President Jefferson."

And upon this history the President makes the observations which I am about to read, and which I could devoutly wish for the honor of the American name, had never proceeded from her highest public functionary:

"Now, it is clear, that in simply resolving that 'they considered the convention as fully ratified,' the Senate did in fact abstain from any express declaration of dissent or assent to the construction put by the First Consul on the retrenchment of the second article. If any inference, beyond this, can be drawn from their resolution, it is, that they regarded the proviso annexed by the First Consul to his declaration of acceptance as foreign to the subject, as nugatory, or as without consequence or effect. Notwithstanding this proviso, they considered the ratification as full. If the new proviso made any change in the previous import of the convention, then it was not full. And in considering it a full ratification they, in substance, deny that the proviso did, in any respect, change the tenor of the convention."

Then, sir, the American Senate, at that time the most august body upon earth, ratified a solemn treaty between this Government and France, in one sense—and meaning to be bound by it in that sense only—when they knew that it was understood by the other party in another and entirely different sense. A party, says Pothier, is bound by a contract in the sense in which he knew it was intended, and understood by the other. Such is the law of nations and of common honesty; and to suggest that such men as were in the Senate in 1800, were capable of the duplicity and bad faith involved in the President's construction of their action, is a gross and inexcusable libel, not only upon them, but upon the country. The President has affected great solicitude for the honor of our early statesmen; but, if they were capable of such conduct as he charges them with, they are beyond the reach of harm from this Congress or any other. They covered themselves with a degree of infamy from which no lustration in which ordinary political sinners bleach like linen, can cleanse them—and invoked a condemnation

"Black as the damning drop let fall
From the denouncing angel's pen,
Ere Mercy weeps it out again."

Well could these men, if living, exclaim save us from such a defender! Sir, I hope I may not be deemed disrespectful in suggesting in this connection that the President should not allow an exceeding jealousy for the honor of others to interfere with the taking care of his own. But, Mr. Chairman, thank God there is not the slightest foundation for the implied charge of duplicity and swindling on the part of the American Senate, and the Administration of Mr. Jefferson. The Senate and the Administration understood the convention as Bonaparte did—that the second article *was* retrenched, and the respective *pretensions*, which were the objects of that article thereby

renounced—'that by such renunciation we got rid of the treaties of 1778 and 1788, and the claims of France in virtue of them, and she was discharged from the claims of the United States mentioned in that article, and which were different from, and independent of, the debts and claims referred to in other parts of the convention. So much was settled and known, and admitted to be settled on both sides, as this, viz: our claims for this class of spoliations, and her claims by virtue of the old treaties were mutually set off and extinguished forever. The citations I have made from Marshall, Madison, Livingston, Pickering, and from Bonaparte, incontestibly prove the truth of this assertion. I might multiply authorities indefinitely to the same point. I will only add that in 1807 a committee of the Senate, to whom these claims were referred, consisting of Marion, of South Carolina, Eppes, of Virginia, George Clinton, of New York, Tallmadge, of Connecticut, Cutts, of Massachusetts, Dickson of Tennessee, Blount, of North Carolina, Findlay, of Pennsylvania, and Tenney, of New Hampshire, made a report declaring that this Government, "by *expunging* the second article of our convention of France, of the 30th September, 1800, *became bound to indemnify the memorialists* for those just claims which *they otherwise would have rightfully had on the Government of France.*"

If in 1801 the Senate did not intend to ratify the convention of the previous year upon the condition in Bonaparte's note, is it not wonderful that this fact should have been unknown in 1807 to the members of that committee and that they should have proceeded—honest it may be, but ignorant men—upon the idea that the Senate, in its ratification, had adopted the condition insisted upon by the First Consul, and should have affirmed the legitimate effect of such adoption—to wit: the obligation of the Government to pay these claims.

The last and principal ground of objection relied upon by the President is intimately connected with the one just considered, and however that may be decided, the author of this message thinks it is clear that by the operation of the treaties of 1803—which, by the way, were all made at one time and were parts of the same transaction—all the claims and questions embraced in the original second article of the convention of 1800 were opened, considered, passed upon, and settled. This is an assumption so clearly and utterly unfounded in point of fact, that it had never, to my knowledge, been made use of by any intelligent man, save in a single instance. The late Silas Wright, of New York, who was a very great man, did at one time fall into the error which the President has taken up, but he was misled by it for a moment only. He was too wise a man to be kept in ignorance long, and too honest not to confess his mistake when he discovered it. Before him no public man had been deceived, and since his abandonment of the error, no man has revived it till it was laid hold of by the President, who makes it, in fact, the great and controlling point in his message. In Mr. Webster's speech, made in the Senate in 1835, I find the following passage:

"I have said nothing, sir, of the Louisiana treaty, because neither that treaty, nor anything done under it, affects this question in the slightest degree. Great mistakes, I am aware, have existed on this point. The honorable member from New York [Mr. WRIGHT] candidly acknowledged that he himself had partaken in this misapprehension; but as he, and others who have opposed the bill, admit that the Louisiana treaty is not connected with this subject at all, I will not detain the Senate with remarks upon it. Suffice it to say, *that the demands provided for by that treaty were only certain debts arising in contract or due for detention of vessels by embargo, and for certain vessels not condemned at the date of the treaty of 1800, and that none of them arose from illegal captures and condemnations.* And the Senate will see that, to avoid all ambiguity on that point, this bill expressly excludes from its provisions all claims which were paid, in whole or in part, under that treaty."

The Louisiana treaty, made April 30, 1803, included two conventions of the same date, as will appear from reference to the ninth article of the treaty, which is as follows:

"The particular convention signed this day by the respective ministers, having for its object to provide for the payment of *debts* due to the citizens of the United States by the French Republic prior to the 30th of September, 1800, (8 Vendémaire an. 9) is approved and to have its execution in the same manner as if it had been inserted in this treaty; and it shall be ratified in the same form and in the same time, so that one shall not be ratified distinct from the other.

"Another particular convention, signed at the same date as the present treaty, relative to a definitive rule between the contracting parties, is in like manner approved, and will be ratified in the same form, and in the same time, and jointly."

These three constitute the Louisiana treaty referred to by Mr. Webster, and are relied upon by the President as discharging, in their operation, and in the transactions under them, the Government of the United States from all obligation to afford redress to these claimants. The convention in reference to debts, &c., was in execution of certain provisions in the convention of 1800, which had nothing to do with those "*pretensions*" and claims on either side, which had been forever settled and put out of the way by the retrenchment of the second article, upon the condition required by the First Consul, and acceded to by our Government. These matters having been adjusted and finally settled by the parties in 1800, nothing remained to be done in 1803, or at any other time, in regard to them; but there were debts and claims of a different character, such as are specified by Mr. Webster, and not embraced under the head of "pretensions," as used by Bonaparte in his declaratory note; and these France agreed to pay in 1800, agreed by the convention itself to pay. The others were already set off and put out of the way. We paid France for a release from the old treaties by surrendering these claims for "illegal captures and condemnations." So much was done—executed—wound up. The other matters—those which were not embraced in the mutual renunciations—were provided for, and to be settled within the time specified. Such, and such only, entered into the provisions of the convention of 1803; and the commissioners under that convention, I have been told, excluded from their consideration all the claims of the class for which this bill makes indemnity, *on the ground that they were not included in the convention, having been extinguished by the mutual offsets in the convention of* 1800. The convention of 1803 embraced only debts and claims *then existing* against France, and had nothing to do with those for which she had made satisfaction in 1800. Did she not satisfy *some* claims then? Was there not some consideration for her releasing us from the old treaties? If so, what was it? If the claims or "pretensions" named in the second article were renounced on both sides, then they could not be the subject of negotiations in 1803, nor could they be spoken of as "sums *due by France* to the citizens of the United States." They were not then due by France.

The President seems to place great reliance upon the terms of the preamble to the treaty and convention of 1803, which he quotes. They make his strong point. The preamble to the Louisiana treaty is as follows:

"The President of the United States of America and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to *objects of discussion* mentioned in the second and fifth articles of the convention of the 8th Vendemiaire, an. 9, (30th September, 1800,) relative to the rights claimed by the United States in virtue of the treaty concluded at *Madrid, the 27th of October*, 1795, between his Catholic Majesty and the said United States," &c.

A conclusive answer to the President's inference from this language may be found in Mr. Everett's report in the House of Representatives, in 1835, as follows:

"From this conjunction of the second and fifth articles, some color has been sought to be given to the idea that the Louisiana convention was intended to provide for the payment of the claims alluded to in the second article of the convention of 1800. But such payment, (could we conceive that it was stipulated,) instead of being in *compliance* with that article, would be in contradiction to it; for it provided not for the payment, but the non-payment of the claims. And the allusion to the second article of the convention of 1800, in the Louisiana convention, *is evidently for the express purpose of carrying into the Louisiana convention the same exclusion of the spoliation cases which is prescribed by the second and fifth articles of the convention of* 1800. The payments made under the Louisiana convention are to be '*in compliance with the second and fifth articles of the convention of* 1800." By the second, the payment of the spoliation cases was waived, and eventually renounced; by the fifth, it was expressly provided that, from the debts to be paid, *captures and condemnations were to be excluded*, and the Louisiana convention was negotiated in compliance with these two articles, inasmuch as, in providing payment for the debts, it still excluded the captures and confiscations; such payment and such exclusion being in compliance with the second and fifth articles of the convention of 1800. This idea is, perhaps, not more conclusively, but it is rather more clearly seen in the French text of the treaty in '*en execution*' of the second and fifth articles of the convention of 1800. The only way in which the Louisiana convention can be made to be in *execution* of the second and fifth articles is, by fulfilling the dispositions of those articles; that is by still excluding one class of claims, and providing for the payment of the other.

"If any doubt could attach to this construction as an interpretation of the reference to the second article, taken singly, (which is not admitted,) it will disappear on the reflection that the fifth article of the convention of 1800 is both inclusive and exclusive. It includes *the debts*, which are to be paid, and excludes the *captures and confiscations*, which are not to be paid; and it is in compliance with, or in execution of the second and fifth articles that the convention of 1803 is negotiated."

The argument of Mr. Everett is referred to by the present Attorney General in his report, made in the House of Representatives, in 1839, as decisive on this point.

The precise language of this preamble is worthy of notice. According to that, the design was to remove all misunderstanding relative, not to *the* objects of discussion, but to "objects of discussion" mentioned, &c., implying, perhaps, that some, rather than all, of the objects of discussion in those articles were yet open to dispute and misunderstanding.

Now, it may be that while the cases to be provided for by the Louisiana convention, were, in fact, such as were indicated by other articles than the second in the convention of 1800, yet, inasmuch as the general language of the second article was broad enough to include some of them, as well as the claims which had been renounced, it was deemed prudent to make the reference, not because it was absolutely necessary, but *ex majorâ cautelâ*.

The preamble to the convention of 1803—that part of the Louisiana treaty which has reference to the debts, &c.—is in these words:

"'The President of the United States of America and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the eighth Vendemiaire, ninth year of the French Republic, (30th September, 1800,) to secure the payment of the *sums due* by France to the citizens of the United States,' and 'have appointed plenipotentiaries,' who agreed to the following among other articles."

I leave it with the remark that it limits the reference to the second article to those claims which were for "*sums due by France to the citizens of the United States.*" And to make this fact clear beyond doubt I refer to the fourth article of that convention:

"ART. IV. It is expressly agreed that the preceding articles shall *comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, eight Vendémaire, ninth year*, (*30th September*, 1800."

This, it will be perceived, restrains the subject-matter of the convention of 1803 to the cases therein enumerated, and which were not the cases settled by offsets three years before. Those cases were not here included, for the very good reason that nothing remained to be done in respect to them by the two countries.

The principal object of the negotiations of 1803 was, on our part, to secure the purchase of Louisiana. Thus we find our Minister, Mr. Livingston, writing on the 24th of December, 1802:

"The treaty I propose (for Louisiana) might also form a basis for the immediate discharge of debts due to our citizens; in the doing of which advantageous arrangements may be made," &c.

As tending to show what the debts and claims were which the parties regarded as unsettled, and therefore as reserved for future adjustment, I will read from a memoir of Mr. Livingston in January, 1803, intended for the consideration of the First Consul:

"I cannot conceal from you, sir, that both the Government and people of the United States are, at present, in such a state of mind as to be filled with doubts and jealousies with respect to the views and dispositions of France. Many among her firmest friends are ruined by the inexecution of that *article*" (not articles) "*of* the treaty which provides for the payment of their debts; many by hasty measures at St. Domingo, and the disregard, in some instances, of the common principles of the law of nations in the decisions of the council of prizes."

Not a word is said or intimated in relation to the claims of France under the old treaties, or of our claims against her, which had been renounced

by the convention of 1800. Can this silence be accounted for except upon the satisfactory reason that these matters had been definitely arranged, and were not then in dispute? Again, in a letter to the First Consul, dated February 27, 1803, two months before the treaty, he says, these claims "are *chiefly* founded upon contracts for articles of the first necessity, furnished when they were most needed, and when the want of them would have plunged France in the utmost distress."

Now, if Mr. Livingston had understood that the claims given up in 1800, amounting to some $10,000,000, were to be reopened and negotiated for, could he, with any propriety, have asserted that the claims for which he was then contending were *chiefly* founded on contracts? But to place this whole matter beyond controversy, I desire to quote another portion of the same letter:

"It was this predilection, too, in favor of France, that furnished Britain with a pretence to commit those depredations on our commerce by which it so materially suffered, but which, indeed, ever attentive to the preservation of her interest in the United States, she is, of late, very amply compensating, by full payment of principal, interest, and damages, for any illegal capture made during the war, *while compensation for those which fell under that description in France have, in a great measure,* BEEN GIVEN UP BY THE LATE CONVENTION, and that *due for the remaining few,* which ought to have been satisfied by that treaty, have been eluded by some very extraordinary decisions of the council of prizes, or by that delay which all the claims of American citizens have hitherto met with."

After the convention of 1803 had been entered into, it was found that certain debts recognized by France, in the convention of 1800, as due to the United States, had been pretermitted in the late convention. The Secretary of State, Mr. Madison, in writing to Mr. Livingston, on the 31st January, 1804, after giving his interpretation of the effect of the conventions, says:

"This construction is the more reasonable, also, inasmuch as the reciprocal stipulations of the convention of 1800, in this particular, were carried into immediate and full effect on the part of the United States; and, as a contrary construction would imply the relinquishment, without equivalent, *of vested rights never formally contested by France.*"

The unavoidable inference from this language seems to be, that the claims for which we sought to obtain payment in 1803 were of the character of "vested rights never formally contested by France."

As shedding further light upon these transactions, I beg to read some short extracts from a speech of Hon. John M. Clayton, in the Senate of the United States, in 1846:

"Robert R. Livingston, our Minister to France, after the ratification of the convention of 1800, in his letter to M. Talleyrand of the 17th April, 1802, says: 'It will, sir, be well recollected by the distinguished characters who had the management of the negotiation, (of 1800) that the payment for illegal captures, with damages and indemnities, was demanded on the one side, and the renewal of the treaties of 1778 on the other; that they were *considered as of equivalent value;* and that they only formed the subject of the second article.' Mr. Livingston having before that time made a demand under the convention of 1800 for some of these spoliations on our commerce, M. Talleyrand had reminded him that such claims had been released by that convention, to which Mr. Livingston, in the letter last referred to, replies: 'I am ready, sir, on the other hand, to admit the justice of your remark, so far as relates to indemnities for captures and condemnations which had been made previous to the signature of the treaty; and that, as to such parts of my note on the subject of prizes as relate to this object, I acknowledge that my demand cannot be supported by the convention.'"

* * * * * * *

"We also secured the payment of all debts due to American citizens from either France or French citizens, though not the claims for captures and confiscations. These *debts* were paid, in part, by the reservation of 20,000,000 of francs for that purpose in the Louisiana treaty of the 30th April, 1803, and the claim under the fourth article, amounting to $332,623 16, was finally paid under the treaty of Paris of July 4, 1831. All these debts were secured by the treaty of 1800; the treaties of 1803 and 1831 merely having provided the mode and means of paying them. So that, in fact, the treaty of 1800 secured to American citizens about $4,300,000 for debts. To say nothing, then, of the other provisions of the treaty, we here see that all the indemnities due to the claimants in this bill, for illegal captures and confiscations, were bartered away for, and were the means of securing, $4,300,000 to *other* American citizens."

How, in view of this history, and of the facts, that in four years after the convention of 1803, an able committee of the Senate reported in favor of these claims, saying, "that this Government by expunging the second article of our convention with France of the 30th of September, 1800, *became bound to indemnify the memorialists for those just claims which they* OTHERWISE *would rightfully have had on the Government of France;*" that Marshall and other leading men who filled conspicuous parts in those times and transactions always asserted the justice of the claims; that Mr. Wright, having been convinced of his error, candidly and frankly confessed it, and abandoned the position he had taken—how, I say, in view of these things, the President could have been induced to believe that this objection had the slightest foundation in fact, I am at an utter loss to understand.

Such, Mr. Chairman, are the reasons upon which this most extraordinary veto is to be justified. Are they sound, and will they be satisfactory to the country, which is always willing and ready to pay its honest debts?

KNOW-NOTHING ORGANIZATION.

SPEECH OF HON. O. R. SINGLETON,

OF MISSISSIPPI,

In the House of Representatives,

February 28, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. SINGLETON said:

Mr. Chairman: Deeply as I regret the necessity of consuming the time of the committee at this late day of the session, yet I should feel, sir, that I had not discharged my whole duty to myself, or to those I represent, did I permit the occasion to pass without giving expression to my opinions upon the great and absorbing topic of the day.

A profoundly astonishing aspect of affairs presents itself to the bewildered gaze of the philosopher and the statesman. Under a Government the freest the sun looks down upon; where the people are their own rulers, and hold all things subservient to their will; where each man may assert his political opinions with the same freedom that he breathes the air; where equality of rights is the deep, broad foundation upon which all may build; where religious toleration is one of the boasted features of our social fabric; where freedom of speech, and freedom of the press, are the great safety-valves to the pent-up feelings of each proud American heart; under this Government, in the broad blaze of civilization, in the uninterrupted enjoyment of these high privileges, it has been deemed necessary by a number of our citizens, for the preservation of our civil and religious liberties, for the protection of our Constitution and Government, to retire from the walks of men, and unite themselves in a secret political, oath-bound association. And, sir, if declarations upon their part are to be relied upon, this movement is not confined to a few political adventurers, whose arts of legerdemain constitute their political capital, but embraces many a good and true man, whose every impulse is patriotic, who would follow his country's banner wherever honor or duty should lead the way, who would peril his life and fortune in defense of civil and religious liberty. That disappointed political aspirants, *patriots* whom their country love too well to burden with the public service; that those who have once held position, and have been thrown aside by the people, like a cast-off garment, who have seen with tearful eyes the handwriting upon the wall, should be willing to sit together in secret places, to take sweet counsel of each other how best they might improve their fallen fortunes, should not excite our special wonder. But that men who have battled for principles all their days, asking no place of honor, profit, or trust; who have no ambition above that which looks to the support of the Constitution, and the enactment and enforcement of wholesome laws, should bind themselves by a most solemn obligation to submit their judgment and their will to the dictation and control of others, is truly a paradox to my mind. This, sir, is the gloomy part of the picture. Here the statesman may pause with painful anxiety, the philosopher may stop and moralize, and the enemies of free Government and religious toleration in other lands, may look, and leap, and dance for joy.

It is not my purpose, nor shall I indulge in casting imputations upon the motives of *all* those who have connected themselves with the order; for it is not to be doubted that there are many amongst its membership who are above reproach, the purity of whose conduct has never been called in question. But, sir, I have always indulged myself so fully in the belief that our Constitution was so guarded, our laws so plain, our tribunals for administering them so pure, our citizens so loyal and patriotic, that it could never become necessary to resort to any than the ordinary means to protect society and sustain good order. Under other Governments, where despotic power, by summary process, could imprison for life, or cut off a head for indulging a thought or an aspiration for political or religious independence; where bloody, relentless oppression had the effect to freeze men's thoughts back to their source, secret political combinations might become necessary, and oftentimes very proper, for the preservation of the rights of the citizen. Not so under our Government, where political theories seek the light as their natural element; where they challenge investigation and scrutiny and are subjected to the fiery ordeal of discussion, and claim adherents only upon the ground that their wisdom is made apparent, and that popular judgment has declared in their favor. However the fact may be elsewhere, no man will deny that here the basis of our scrutiny is public confidence; and he who strikes at this foundation aims a blow at our security and happiness. In the success of secret political associations, which organize we know not when, which plan we know not where, which execute we know not how, public confidence is undermined and strong inducements are held out to those who have been victimized by them to resort to a system of counter-irritants, to organize associations of a like secret nature, with a view of paralyzing the strength and destroying the influence of the first; thus introducing into our midst the reign of terror. Am I not right in denominating it the reign of terror? Blows are given in the dark, and he that is stricken down cannot tell whether the arm which inflicted them has been used to embrace him as a friend, or to grapple with him as an enemy. Men are prostrated in their career of honor and usefulness, in the very midst of their earnest, ardent, and untiring labors for the country's good, with no charges preferred against them, no arraignment at the bar of public opinion, without reference to age, principles, or past services. The young statesman in the flush of manhood, his heart filled with lofty aspirations, stimulated by feelings of gratitude for his elevation to manly action in behalf of principles and measures of good to the Republic, with every pulsation of his heart beating for its honor and glory, is cut down as with the mower's scythe. The aged veteran whose eloquent voice has rung in the halls of legislation for a quarter of a century; who has reared, all along his track, monuments of genius to the American name, and to American history; whose life has been spent in unremitting toil and labor to build up for us an enduring form of government, to devise for us a system of laws suited to our present wants, and future progress and development, must lament his country's ingratitude, and with Cardinal Wolsey exclaim:

"An old man broken with the storms of state,
Has come to lay his weary bones among ye;
Give him a little earth for charity."

Its operations are not confined either to the ballot-box, where the man of lofty talents and patriotic heart is to be ostracized; but, in its secret progress, it marks its victims among the humble and unoffending, who refuse to bend the knee in adoration at its proscriptive altar. The humble laborer upon your public works is dismissed from his menial employment, if it chance to be that he has drawn his first breath in a foreign land, or if he prefer the religion of his fathers, and is willing to build upon it his hopes of immortality. The merchant in his marble palace, and the pauper in his hut of squalid wretchedness, are neither too high nor too low for the application of its test; and the good and the evil outside of its pale are alike condemned. Aye, more, sir; the Pagan, the Infidel, the Atheist, if initiated into the order, occupies a more favorable position than he that is outside, though his symbol be the cross of the Redeemer. And when looking over the slaughtered heaps, and mourning the desolation which has been wrought, the inquiry goes forth, who has done all this? no

manly voice responds, "It was I that did it;" but a deep and sullen silence prevails, and mystery, impenetrable mystery, shrouds the whole transaction. It was not thus our fathers thought and acted. No, sir; when the declaration of American independence was proclaimed to an astonished world; when the fortunes of the day were gloomy; when no army, no navy stood ready to vindicate the truth of that imperishable instrument; when success was glorious revolution, but defeat was rebellion, and death was the penalty, the men of that day did not content themselves with fulminating to the world the truths stamped upon every line of it, but dared to append their names to it, willing to meet the consequences. And one of that constellation of sages and patriots, and he a Catholic, too, fearing that he would not be sufficiently identified by his signature already appended, and that a kinsman of the same name might reap the danger, as well as the glory of this act, returned and wrote his name in letters of ever-living light, "Charles Carroll, of Carrolton." In all the political history of our country from that day until the present, no party has attempted to ensconce itself behind a wall, or in a dark alley, and shoot at an enemy standing in the light of open day. Parties have sprung up, and banners have been given to the breeze with principles inscribed upon them; conflicts have ensued, and truth has been made to flash upon the American intellect, elicited by the contact of mind with mind, as the hasty spark follows the concussion of the flint and steel. The result has been considerate action, intellectual growth, independence of thought, freedom of speech, and freedom of the press. No veiled prophet until now has ever been inaugurated by any party, and happy, proud Americans called upon to fall down and worship with blind devotion.

How comes it, then, that in our day and time a new order of things is to be introduced, and the veil of secrecy thrown over the political views and conduct of men? Is it because the people are less virtuous, less intelligent, less patriotic than in days gone by, and, therefore, less worthy to be trusted with power which concerns their own welfare? I am not prepared to distrust the capacity of the people for self-government, nor do I believe any sane man will take this ground. Is it because the theories and opinions of the new order will not bear the light of day, and the searching criticisms of an enlightened American public? If so, its condemnation is written at once, and it ought to go down to the tomb of the Capulets. Is it to counteract the laws of the land, or to do away with the provisions of the Constitution, which declares that "no religious test shall ever be required as a qualification to any office of public trust under the United States;" * * * "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof?" If this be the object, listen to the warning voice of the Father of his Country:

"All combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or overawe the regular deliberations and actions of the constituted authorities, are destructive to this fundamental principle, and of fatal tendency." * * *
"However combinations or associations of the above description now and then answer popular ends, they are likely in the course of time and things to become potent engines, by which *cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and usurp for themselves the reins of Government, destroying afterwards the very engines which lifted them to unjust dominion.*"

Could language be clearer or more comprehensive? Does it not hold up a mirror into which it were well for men to look, and see reflected the dangers from secret political combinations, for whatever purpose formed? If these, or any of them, be the objects of their secrecy; if they neither distrust the good sense, nor capacity of the people for self-government; nor dread the test to which their theories and opinions must be subjected, if fully promulgated to the world; nor desire to control the legislation of the country, I confess my poor vision cannot penetrate the profound gloom which shrouds their purposes, and I must await further developments, which time and chance may furnish.

To give something like form and arrangement to my remarks, I propose to consider the subject under the following heads:

1. The constituent elements of the association.
2. The purposes and objects they profess to have in view, and the inadequacy of the means proposed for their accomplishment.
3. The effects and consequences, politically and morally, to result from their organization and action.

Before I proceed to consider this subject further, I wish to premise that what I have said, or may say, is intended to apply to the organization as it exists in the States where its character and conduct have been developed in the recent elections. For, as yet, I have no sufficient evidence that it exists to any considerable extent in the South; or, if it do, that there are any feelings, or opinions, common to the order, in the two sections of the Union.

First, then, what are the constituent elements of this grand conglomerate? So far as its secrets have been revealed, political and religio-fanatical Abolitionists seem to be its controlling spirits. Is this proposition called in question? If so, I shall offer an array of testimony in its support which cannot fail to carry conviction to the mind of every intelligent, truth-loving man. In the first place, I challenge its advocates to point me to a single man, in a free State, who is one of its acknowledged leaders, or who has been honored by the votes of its members with an important position, whose opinions on the slavery question are sound. It cannot be done, sir. They are all Free-Soilers or Abolitionists. I go one step further. Show me a single resolution, passed by them in a subordinate lodge, or in grand council, which repudiates Abolitionists, or Abolition sentiments, or expresses a willingness to acquiesce in the provisions of the Kansas-Nebraska act, or the fugitive slave law. No man who respects truth or fairness will undertake this task. But, lest there might remain doubts in the minds of those who are not particularly interested to know the truth in reference to the matter, I shall not content myself with this negative sort of proof, but will offer that which is positive in its character.

Who are the acknowledged leaders of the Know-Nothings in Pennsylvania? The high priests of Abolitionism, Johnson, Pollock, Cameron, and Stevens. Who are its godfathers in New Jersey? Pennington, Dayton, and Halstead. Who speaks for Illinois upon the subject? Lincoln, the Anti-Nebraska champion. Who for Iowa? Grines and Harlan, Abolitionists of the deepest dye. Who are its mouth-pieces in Ohio? Corwin, Ewing, and Galloway, whose names are synonyms for Abolitionism. New Hampshire has her Fogg, the traducer of President Pierce in the late canvass; her Colby and her Hale; the two latter the avowed candidates of the order for the United States Senate. Maine, too, has her Fessenden; Wisconsin her Durkee; and Connecticut her Gillette and Truman Smith, who have embraced the cause, and, Don Quixote like, started out in search of adventure. As for Massachusetts, the old State of Bunker-Hill memory, around whose name cluster so many fond reminiscences of our early history, when her sons, in the better days of the Commonwealth, were ready to pour out their blood in the cause of religious toleration, and against the hateful dogma of taxation without representation; instead of having as her spokesmen an Everett, a Choate, a Winthrop, and a Webster, is cursed with a Gardiner, a Wilson, a Burlingame, incendiaries who, by their crusade against slavery, are doomed to the same sort of unenviable notoriety that was awarded to Pisistratus for burning the temple of Diana. Well might the old Commonwealth exclaim, in bitterness and anguish of soul, "O what a fall was there, my countrymen!" Instead of having, in the Halls of Congress, the eloquent voice of "the godlike," exhorting his countrymen to be true to the Constitution and its guarantees for the protection of its citizens, we shall hear the treasonable voice of a Burlingame, as he proclaims to the world his own infamy, in such language as the following: "If asked to state specifically what he would do, he would answer: 1st, repeal the Nebraska bill; 2d, repeal the fugitive slave law; 3d, abolish slavery in the District of Columbia; 4th, abolish the inter-State slave trade; next, he would declare, that slavery should not spread to one inch of territory of the Union. *He would have judges who believe in a higher law, and in an anti-slavery Constitution, an anti slavery Bible, and an anti-slavery God.*" And the seat which Webster filled so entirely to the satisfaction and delight of his friends and admirers will be disgraced by a Wilson, who said of the speech of Burlingame just quoted, "You have listened to the eloquence of my young friend, and here to-night *I indorse every sentiment he has uttered;*" thus making it his own. These are *political Abolitionists;* many of whom will occupy, at the next session of Congress, seats which are now occupied by men of great moral and intellectual worth; and will pollute, by their foul touch, the fountains of legislation.

But there is another species of Abolitionists more hateful, if possible, than those already mentioned, of a religio-fanatical stripe—a set of men in the North styled *clergymen;* who, forgetting their mission into the world, have turned aside from their sacred ministrations, to dabble in the dirty pool of political fanaticism; lowering the standard of that religion which they profess to exalt; giving offense, and throwing stumbling-blocks in the way of thousands. Could they but feel the weight and responsibility of their sacred calling, as it rested upon the mind and heart of the eloquent apostle, when he exclaimed, "Woe is me if I preach not the gospel!" they would turn and repent in sackcloth and ashes if, perchance, they might obtain forgiveness.

Am I asked for proof of their connection with the order? I point you to Harlan, the newly-elected Senator from Iowa; to Brunton, of Indiana; Pearce, of Pennsylvania—members elect to this House; to Moore, the Universalist preacher of New Hampshire, who was nominated by the order for Governor, but declined for the want of a sufficient residence in the State; to the twenty-seven preachers in the Massachusetts Legislature; and finally, to the three thousand who protested, in the name of Almighty God, against the passage of the Kansas-Nebraska bill; all of whom, so far as I can learn, are members of Know-Nothing lodges.

But, sir, I must notice, very hastily, some other elements entering into this amalgamation. It is almost invariably the case that, where you find a worn-out, cast-off politician, or a *patriot* who has long desired to serve his country, but has been permitted to continue in retirement, for his country's good, you will find a burning, shining light in the cause of Know-Nothingism. Its trumpet-blast has awakened the sleeping dead to a political resurrection; and as they meet and greet each other, an exultant shout of thankfulness goes up from the resuscitated multitude, for the general jubilee which they enjoy. Hale lives anew; Wilson, Pollock, and Durkee have been regenerated; Trumbull, like Lazarus, has come forth; Stevens, and Wilmot, Corwin, and Fogg, breath again; and Seward has escaped the purgatory to which he was consigned, and has taken a new lease at their hands of a six years' term in the United States Senate.

But I must come to the climax. Hideous as this picture seems to be, the worst is not yet told. The membership of the order is not confined to free white persons. An Irishman, or a German, however virtuous, intelligent, and patriotic, is too low in the scale of being to aspire to social and political equality with native Americans in certain portions of the country; but the sable sons of Ham are marvellously proper men for the enjoyment of these privileges. Read the following paragraph from the Philadelphia Ledger:

"In New York colored persons are allowed to vote. A Know-Nothing lodge of colored persons was organized at Elmira, New York, last week, being the eighth of that complexion in the State."

But, again, let the New Hampshire Independent Democrat, the same Abolition organ which traduced and vilified President Pierce, in 1852, for being hostile to Catholics, the tale of infamy unfold. It furnishes the following notices in its columns:

"SLAVERY AND POPERY.—Rev. Thomas James, a fugitive slave, will address the citizens of Franklin on Wednesday evening, January 9th, upon slavery and POPERY, and show their bearing upon the nation." * * * *

"Rev. Thomas James, of Massachusetts, formerly a slave, addressed a crowded audience at Phœnix Hall, in this city, last Sunday evening, on the subject of slavery and popery. The patient attention which the audience gave to the

address, is the best test of its ability and of the interest it excited. Mr. James is a WORTHY MAN, and WILL DO GOOD, we make no doubt, whenever he has a hearing."

Sir, I will not dwell longer on this disgusting picture, but turn to something else.

I propose to consider now the purposes and objects which the organization have in view; and to show that the means proposed for the accomplishment of their ends are wholly inadequate. The first great reform proposed is to get rid of the power and influence at the ballot-box of a foreign-born population, by extending the term of naturalization to twenty-one years, or by repealing all laws on the subject. Can this be effected by such means, under our Federal Constitution as it now stands? Let us suppose the Know-Nothings have control of both branches of Congress, and a President who stands prepared to sanction their measures. The term of naturalization is extended to twenty-one years; as they declare, not to exclude honest, intelligent foreigners who come to our continent from worthy motives; no barriers are to be erected against their ingress; but they would only keep out the vicious and ignorant, who can never become fit elements for naturalization. But what would be the *effect* of such a law? Men of capital, possessed of intelligence and high-toned feelings, aspiring to the dignity of citizenship under whatever Government they live; looking to our laws, and seeing that this citizenship is denied them—for a residence of twenty-one years, in effect, amounts to that, and so thought Mr. Jefferson—seeing that they must live amongst us a degraded caste, having no power to inherit or devise real estate, except so far as the States in which they live choose to confer this privilege; having no claim to the protection of the Government, with the thousand other disabilities that rest like an incubus upon their energies and talents, I ask, sir, what inducements are there for such individuals to come to our inhospitable shore? None whatever. If these sacred privileges are to be denied them; if they are to be excluded from the position of equality with their fellow men, after undergoing a suitable probation, they will, as they certainly ought, remain in their native land, and bear in silence the frowns of that tyrant who has so often scowled upon them, in preference to encountering the bitter sneers and deep-rooted prejudices of strangers in a strange land. Not so with that class of foreigners against whom there seems to be so much anxiety to guard our country and its institutions. Without prospects at home; with gaunt famine staring them in the face; degraded and down-trodden, any change in their condition must be for the better; and it is this class that will continue to come. Citizenship with them is no great desideratum; and we shall have them by the thousand with us, but not of us; with no incentive to give our institutions, never having abjured allegiance to their foreign Prince, nor taken any oath of fealty to our Government—loose elements floating about on the surface of society, to be picked up by wicked men, and converted to the most nefarious purposes. Is such a state of things desirable? Is it not far better to make wholesome and stringent regulations upon the subject—excluding the unworthy entirely, and giving citizenship to those that deserve it—than permit all to come, with no tie to bind them to the Government, no cement to union between them and our people—on the one hand, having no claim to the protection of our Government, and, on the other, cherishing no feelings of loyalty to it? Better far that our portals should be closed against them forever, than permit them to collect in large numbers among us, and deny to them the rights of citizenship after a reasonable probation.

But, sir, suppose I am mistaken in this view of the subject, and all classes continue to come after as before the passage of such a law: I am asked, must not something be done to guard the ballot-box against abuse, and the sanctity of the elective franchise against such encroachments upon the part of men who have not been schooled in the principles of free government, and are not prepared to appreciate these privileges?

Sir, how is this to be done by the Federal Government, without a destruction of the rights and powers of the States? Is there a single clause in the Federal Constitution, which gives to Congress the power to decide upon the qualifications of those who approach the ballot-box? Not a sentence or word to that effect. Here lies the popular error upon the subject. The prevailing opinion is, that Congress may do this thing; and all that is necessary, is to send members in favor of the change, and the work is done? The power rests *entirely* with the States, to say who shall exercise the right of suffrage, *without respect to the will of Congress, or the naturalization laws.* It is true that no State can pass a law naturalizing a subject; but any State may pass a law conferring the power to vote in all elections in that State, whether the voter be naturalized or not. In proof of this fact, under the law of Illinois, an unnaturalized foreigner, after a residence of twelve months within her limits, may not only vote for all her county and State officers, but may vote for members of Congress, and for President and Vice President, as readily as a native-born citizen. So of Michigan, and perhaps of other States. The correctness of such a policy I very much question; but the power to make such a regulation is undoubted. This may seem strange to those who have accustomed themselves to regard the right of suffrage as dependent upon naturalization; and that Congress alone could confer the former, by granting the latter. Mississippi might to-morrow, if she chose, alter her constitution and laws, and declare that every foreigner, so soon as he sets his foot upon her soil, without a residence of one hour, shall become a legal voter. Am I asked, whence she derives such plenary power? I answer, from the Federal Constitution itself. The second section of the first article of that instrument, speaking of the election of members to this body, provides that "the House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors (voters) in each State shall have the qualifications required for the electors (voters) of the most numerous branch of the State Legislature." From this clause it is perfectly plain, that if the State of Mississippi think proper to declare by law that a ten minutes' residence in her borders by a foreigner born, shall entitle him to vote for members of the lower house of the State Legislature, *eo instanti*, at that very moment, he becomes a qualified voter for members of Congress. It cannot be denied by any sensible man, that the States have full, complete, and entire control over the subject, *independent of any action of Congress.*

So also does the right to vote for President and Vice President of the United States depend upon the action of the Legislatures. The first section of the second article of the Federal Constitution provides, that "each State shall appoint, in such manner as the *Legislature thereof shall direct*, a number of electors (that is, persons to cast the electoral vote of the State) equal to the whole number of Senators and Representatives to which the State may be entitled in Congress," &c. By virtue of the power conferred by this clause upon the State Legislatures, they have gone on to determine how these electors are to be chosen. South Carolina has declared that the members of her Legislature shall vote for and choose them. Mississippi, and, I believe, all the other States except South Carolina, declare that they shall be chosen by the people at the ballot-box, and further declare what qualifications a man shall possess to enable him to vote for these electors.

Thus, it is seen that the whole power as to the question of voting rests with the States, while the power to naturalize belongs alone to Congress. And while Congress may say a foreigner shall remain here five or twenty-five years before he becomes naturalized, the State in which he lives may say he shall vote for members to this body, or for President and Vice President, in *one year or one hour* after he has come into its borders. If, therefore, the right to vote does not depend, in the least degree, upon naturalization, but may be enjoyed under the fiat of a State to the fullest extent, how is the ballot-box to be purged by extending the time to twenty-one years? The foreigner has been delayed in the enjoyment of *other privileges*, but he goes on *voting*, if the State choose to have it so, precisely as though the law had not been changed; and the means adopted have proved altogether inadequate to the accomplishment of the end proposed. All this clamor, then, about purging the ballot-box by extending the time of probation is mere gammon, "springes to catch woodcocks."

But it may be said, if this reform cannot be effected through the action of Congress, it may be through the State Legislatures, and foreigners born may thus be shut out from any participation in the administration of our Government. I grant that the power lies just there, and if anything is to be effected in the way of restricting the elective franchise, it must be begun and carried on by the State Legislatures. But is it to be supposed that the several States, by concert of action, can be brought to require a residence of twenty-one years, as a condition precedent to the right of suffrage? Why, sir, in several of the new States, as Iowa, Wisconsin, and others, if the foreign born population does not outnumber the native, it is at least sufficiently numerous to control the elections, and send representatives to the Legislature who respect their wishes, and will not prove inimical to their interests. Should the older States, therefore, where foreigners have not this controlling influence, adopt a system of legislation, to exclude them from the ballot-box, how easy is it—and agreeable to their taste, too—to collect in the new States of the West, or in the Territories, prescribe the qualification of voters, elect men to office reflecting their own opinions, and thus retain their power and influence in this Government. This is no man of straw of my own making; but, in my intercourse with the more intelligent of the foreign-born population, I find this is regarded as the life-boat to which they will fly, should the threatened storm break upon their devoted heads. He that has read the Celt, a paper published at Cincinnati, and other papers under their control, must have been struck with the strength and perspicuity of the articles appearing almost daily upon that subject, and the feasibility of their plans.

Failing in this undertaking, of operating through the State Legislatures, the only way of reaching what they term a crying evil, is by an amendment of the Federal Constitution, by which they take from the States the power of regulating the right of suffrage, and confer it upon Congress.

Will the States agree to this? Do they not already feel jealous of the concentration of power in its hands, and of its evident tendency to consolidation? The most superficial observer cannot fail to understand popular feeling upon this subject. No such change will be authorized by the States; and here the way seems blocked up again. Instead of impairing the strength and influence of this so much dreaded population, all their measures must have a tendency to concentrate it in a part of our country where they will not only vote and regulate matters pertaining to State government, but they will send up their members to Congress, to take part in the councils of the nation, and to give direction to its action and policy. At present they are contented, as a general thing, to choose between native-born citizens to represent them, seldom aspiring themselves to any position above that of a commissioner of a school district, or a justice of the peace. But if driven to the wall, they will do as men have done in all ages of the world, when oppressed—strike for power and influence. At present they are scattered over the land amongst our native-born population, intermingling with, and becoming assimilated to them in habits, taste, and manners; adopting our language, and losing their identity entirely, in the second generation. But if a policy be adopted, either by the Federal Government or by the States, which forces them to collect in the new States, or Territories, they will, of course, preserve their manners, languages, tastes, and domestic habits and relations to a great extent; and we shall have upon our continent, in miniature at least, an Ireland, a Germany, a France, and an Italy.

But it may be said, repeal the naturalization laws altogether. What then? We only refuse to give them citizenship. No barrier is erected to their ingress, and being here by the permission of the States, they may vote and exercise the elective franchise to its fullest extent, *though never naturalized.* What has been accomplished in this quarter, then, towards "purging the ballot-box?" Just nothing at all. We cannot fail to see, then, how utterly impossible it is to effect the end proposed, by the instrumentalities to be used.

But I have elaborated this proposition at too great length already, and must pass to another, embracing a principle of far greater import to each individual, and to the whole country, than any I have yet touched upon. It is the proposition to exclude from office and places of public trust certain individuals, on account of their religious persuasion. It is not proposed to do this by means of legislation, as the Constitution of the United States contains an express prohibition against it; but by combining and controlling elections, and thus proscribing them. What cannot be effected directly is to be brought about by indirection. This does not exactly square with my notions of the duties and responsibilities of American citizens. What was the object of the framers of the Constitution in declaring that there should be no religious test as a qualification for office? Was this a mere idle declaration, "*vox et præteria nihil;*" or did they intend to proclaim to the world a great principle, and, by incorporating it into the organic law of the land, to secure to their posterity, for all time to come, the full and unrestricted enjoyment of it? It must be apparent to every candid, thinking mind, that their great object was to guarantee to the citizens of our Government the full and free enjoyment of religious liberty, and to fortify them against sectarian bigotry and popular outbreaks. The authors of this principle in the Constitution were the descendants of the Pilgrim fathers who had fled from religious intolerance, choosing rather to encounter the tomahawk and scalping-knife of the savage Indian than the relentless persecution of religious fanatics. The story of their hardships and sufferings was handed down from father to son; and when this Constitution came to be formed, those sons, from gratitude, determined to erect inside the Constitution, a monument to the memory of their fathers, and to religious toleration, to be as enduring as the Republic itself. No vandal hand has ever been turned to the destruction of this, their workmanship. No modern Sampson has dared to lay hold of the pillars of the edifice, bringing it down, with the destruction of all that is dear to us in religion and politics. Shall we set ourselves to work, then, like a set of sappers and miners, to dig away its sacred foundation? If we respect the Constitution and its provisions, its restrictions and its guarantees, is it not our solemn duty, on all occasions, and under all circumstances, to uphold it by our actions, as well as by our words; and by our conduct in the observance of its spirit, as well as its letter, to commend it to the sacred regard of our children, our neighbors, and "the stranger that is within our gates?" We should cherish it next to the Bible, and reverence its teachings as scarcely less imperative than inspiration. Though sometimes abused by popular majorities, and often derided by fanatics, and higher law men, it has afforded us a safe retreat from many a pelting storm. A frail and paper check though it seems to be, it has driven back the waves of faction, even as the rock repels the raging sea. Religious toleration is taught by it; and it is not enough that we do not violate its letter, we must respect and keep its spirit. And although a man may vote against his neighbor, on account of his religious persuasion, and incur no penalty of a violated law, yet he has wounded the spirit of the Constitution, and weakened the barriers erected for his own security, and the protection of his own happiness.

But it is said that a man may vote against another for any reason, or without a reason, if he choose. All this is true, so far as his mere legal right is concerned. But man is a moral, as well as a social being; and is responsible to the laws of morality, as well as to the laws of society; and does not always satisfy the demands of the former by obedience to the latter. A man may vote against another, *because he is a Christian at all, or because he is an honest man*, and be guilty of no infraction of a municipal law; yet all sensible men would condemn his conduct as violative of the law of morality. All men admit that Congress can pass no law excluding a man from office, or any public trust, on account of his religious faith. Either this principle is correct, or it is incorrect. If it be correct, and follows the legislator into the Halls of Congress, and prevents him from making a religious test as a qualification for office, it is no less sound and correct when it follows him to the ballot-box. What would we think of a man who, as a *legislator*, would admit the correctness of a principle, but leaving his seat, steps out to the *ballot-box;* and there denies what he has a moment before affirmed? Policy may change, times may change, and men may change with them; but principles never. They are but great truths, established by the Eternal One himself; and are as immutable as his own unchangeable nature. If, then, the principle of religious toleration be good to-day, it is good to-morrow. If it be a safe guide for the legislator, it is a safe guide for the private citizen; and it is a most suicidal course to trample it under foot to accomplish any end, however desirable.

Suppose, if you please, this new organization has accomplished all that it may desire at present; and the Catholics are effectually put down, and their religion brought into disrepute: think you, sir, that the organization will disband, having produced none but good effects, and that all other religious denominations will be left free to enjoy their peculiar tenets? Will the Episcopalian be left to the full enjoyment of his Litany, and the doctrine of Apostolic succession; the Baptist his notions of close communion, and baptism by immersion only; the Presbyterian his Calvanist opinions of predestination and final perseverance; and the Methodist his ideas of falling from grace and universal atonement? Does not history teach us some instructive lessons upon this subject? Is it not a well authenticated fact, that while under the reign of the bloody Mary, Catholics put to the rack and the stake Protestants—under the reign of the pious Elizabeth, immediately following, Protestants exercised the same cruelty towards Catholics? Aye, more, sir; the very men who had fled from religious persecution in the Old World, and came to our continent that they might be unrestricted in their religious privileges, afterwards became the persecutors of others for opinion's sake. Such is the nature of frail, fallen man, that he often condemns in others that which he practices himself. All experience, as well as all history, teaches us, that religious fanaticism "treads no step backwards;" but often, in its onward march, gathers to a tempest, tearing up by the roots and dashing to earth all that is made venerable by age, or hallowed by use of association. Let us once depart from the teachings of the Constitution; cut loose from our quiet moorings in the harbor of religious toleration; give countenance to the doctrine that men may combine and march to the ballot-box, to put down any religious denomination, and we have broken down the barriers of religious toleration which our fathers attempted to throw around our consciences; we have destroyed the beacon-lights which they erected for the guidance of all nations upon the subject of religious liberty; and will soon find ourselves in the midst of the same bloody scenes which blacken and disgrace the history of the Old World.

What will men think, too, of our sincerity and honesty of purpose when they see us inaugurating at home the reign of religious intolerance, while we are combating it in other lands, and claiming everywhere else freedom of worship and opinion for our citizens? Let not men deceive themselves upon this subject. Fanaticism, like the shamble-fly, fattens upon the corruption itself hath wrought, and increases in strength and appetite for its work of further desolation. Let the Catholics be disposed of, and then the question comes up, who shall be the next victim? When it is announced that the insatiable appetite of this Moloch demands another sacrifice, the wild cry will come up from its devotees, Is it I? Is it I?

In the sincerity of my soul, I could commend to the careful perusal of all who are disposed to forget the friendly warnings of the early sages of our country, and the emphatic language of the Constitution, and are ready to embark in a crusade against a class of the professed followers of the Saviour of mankind, the thrilling story of Mordecai at the King's gate, and the untoward fate of the foolish Haman. Let a gallows be erected for the benefit of Catholics, and when they are disposed of, it will stand; will not down at the bidding of those who have erected it. There it is, to execute, perhaps, the same penalty upon its authors, that it has upon others. We read of a German student, who, by his art and incantations, created a monster which he could not afterwards control. There is a moral in this story which should be well studied by those who are inclined to join in this crusade against a religious sect. I am no Catholic, nor apologist for Catholicism. I was born of Protestant parents, reared a Protestant, and have no kindred blood, that I am aware of, flowing in Catholic veins. Many of their principles I cannot approve; many of their dogmas I condemn; but with these, as a legislator, I am forbidden by the Constitution to interfere; and as religious toleration was deemed a thing of so sacred a character by our fathers as to demand a clause in the Constitution for its protection, and to perpetuate their views upon the subject, I feel that with it I have nothing to do when I approach the ballot-box. I am actuated in what I say by higher motives than the defense of Catholicism, for I do not mean to be driven into this by friend or foe. I was sent here for a different purpose, and most respectfully decline, either to make war upon, or enter into a defense of, any religious denomination. I look over this Heaven-blessed land of ours, and witness with delight the deep religious sentiment of our people. I see the vast multitudes that bend the knee in devotion at the same altar, having a common object in view, with unity of heart, under the same leadership, fighting the battle against our common enemy; and I feel that much of our growth, prosperity, and happiness is due to the peace, the harmony, and concord which has heretofore prevailed in the religious ranks of our country. I most ardently desire to see this state of things continue, and deeply deprecate all efforts to foment discord among religious denominations. "Let each esteem his neighbor better than himself," is the injunction of Heaven to all Christians, and no man is safe in saying, "I thank God that I am not as other men." Would we but accustom ourselves to look more searchingly into our own hearts, and study more carefully our own imperfections and weaknesses, instead of flying arrows at those of our neighbors, we would find enough to humble us into Christian charity and benevolence.

A great foundation principle of our social fabric is put to hazard, and men should awake to reflection and to action. They should speak out in the impressive language of Mr. Jefferson, in his famous act, passed in the Virginia Legislature, for establishing religious freedom:

"Well aware that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and of mind, yet chose not to propagate by coercions on either, as was in his almighty power to do." * * * * * "That our civil rights have no dependence on our religious opinions more than our opinions in physics or geometry; that, therefore, the proscribing of any citizen as unworthy the public confidence by laying upon him an incapacity of being called to the offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow-citizens, he has a natural right; that it tends, also, to corrupt the principles of the very religion it is meant to encourage, by bribing, with a monopoly of worldly honors, those who will externally profess and conform to it."

Or, in the still more emphatic language of the Father of his Country, in his Farewell Address, who said:

"The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy—a policy worthy of imitation. *All possess alike liberty of conscience and immunities of citizenship.* It is now no more that toleration is spoken of as if it were by the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights; for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, *requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.*"

Interesting as this part of the subject is to me, I must leave it and pass to another.

Another of the objects of this new order is said to be, or rather *has been* said to be, the destruction of the Abolition, higher-law party in the North. A most praiseworthy object, I confess, had the action been suited to the declaration. But how stands the matter? Let the tree be judged by its fruit. Southern members of the order may obstinately close their eyes to truth, and hug this phantom to their bosoms, but their brethren at the North will laugh at their credulity, and ridicule their pretensions. I shall not doubt that, in

the infancy of the organization, when its spread in the South was much desired, that assurances were given that it would make war upon Abolition. But then it was in the hands of comparatively good men; now it seems to have gathered into its lodges the worst elements of Abolitionism that curse the North. Then its operations were confined to a more limited sphere; now it seeks to control political events everywhere, and to give direction to public sentiment upon religious as well as political subjects. Then it was weak, and consequently humble in its pretensions; now it has become strong, and risen to power, it has grown insolent and overbearing in its demands, vindicating the truth and wisdom of Shakspeare's words when he said:

"Lowliness is young Ambition's ladder,
Whereto the climber upward turns his face;
But once he has attained the utmost round,
He then unto the ladder turns his back,
Looks into the clouds, and scorns the base degrees
By which he did ascend."

It is now sufficiently potent to dispense with its southern allies, and they must either come into measures of Abolitionism, or be lopped off as excrescences. This is not all, sir; they are taunted with their weakness, and sentence of condemnation pronounced against them and their institutions. Let southern men read and reflect upon the following language from the Worcester Evening Journal, a Know-Nothing organ in Massachusetts:

"The following States, we know, can be carried to-day by the American party, and we attach to each the number of votes they are entitled to: Pennsylvania 27, Massachusetts 13, Maine 8, Delaware 3, New Jersey 1, Illinois 11, Indiana 13, Rhode Island 3, New York 35, Ohio 23, Connecticut 6, New Hampshire 6, Vermont 5—making in all 160 electoral votes, being eleven more than are required for the election of President. *These figures show, that, as a party, we are independent of any southern support whatever, and therefore the temptation or the necessity of bidding for southern votes does not exist; for the two great States of the Union are now secured to the American party.* Maryland and Virginia are sure to go for the American ticket; but without the aid of a single vote from these almost northern States, we shall elect in 1856 an American President. The slavery question cannot affect the American party; *for its whole power, and all its hopes, are north of Mason and Dixon's line. Its aspirations are for freedom; and when the party is accused of being pro slavery, let its defenders point the men who uttered the base lie to every election that has occurred since the party sprung into existence.*"

But it may be said this is only the language of a newspaper, and the editor is alone responsible for it. I propose, then, to present it in a still more solemn form. The subjoined resolutions were adopted in one of their conventions, just before the late elections in that State:

"*Resolved*, That in the present chaotic condition of parties in Massachusetts, the only star above the horizon is the love of human liberty and the abolition of slavery; and that it is the duty of all anti-slavery men to rally around the Republican party as an organization which invites the united action of the people on the one transcending question of slave dominion which now divides the Union.

"Whereas, Roman Catholicism and slavery, being alike founded and supported on the basis of ignorance and tyranny, and being, therefore, natural allies in every warfare against liberty and enlightenment: Therefore, be it

"*Resolved*, That there can exist no real hostility to Roman Catholicism which does not embrace slavery, its natural coworker in opposition to freedom and republican institutions."

In the State of Michigan, where the anti-Nebraska men and Know-Nothings swept over the State like a desolating storm, the Legislature sends greeting to Federal Massachusetts the following preamble and resolutions:

"*Whereas*, The violation by Congress of the compact of 1820 has released the people of this State from all obligation to respect Congressional compromises for the extension and perpetuation of slavery: Therefore

"*Resolved*, That the act of Congress of 1850, known as the fugitive slave law, was, in the opinion of the people of this State, an unnecessary measure; that it contains provisions of doubtful constitutionality; that the mode of proceeding under it is harsh, unjust, and repugnant to the moral sense of the people of the States, cruel and despotic toward the person claimed as a fugitive, and that we are in favor of its immediate repeal.

"*Resolved*, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested to use their best exertions to procure the immediate repeal of the act of 1850, known as the fugitive slave law."

Ohio, too, has spoken to the same effect, through the State Journal, an Abolition Know-Nothing press.

"So far, in this State and the free States generally, *the 'Know-Nothings' have coöperated and worked faithfully with the anti-Nebraska and anti-slavery feeling of the people.* They have shown themselves true republicans by *casting their weight uniformly in favor of freedom.*"

Mr. Chairman, I trust I shall be pardoned for the number and length of these extracts. I desire that southern men especially, and sound men everywhere, shall see and understand the views and purposes of this organization in these States. What must southern men think of such avowals, openly and distinctly made? Can they meet the members of the order from these States, in a grand council or convention, and fraternize with them? Are they prepared to give them the right hand of fellowship, and bid them God speed? Sir, I was born upon southern soil; reared amongst that proud and spirited people; I have witnessed with what jealous care they guard their rights and institutions; and here, to-day, in vindication of their wisdom and self-respect, I proclaim to the world that they will not stultify themselves by any such connection; that they will not be cheated into any such unholy alliance. While they have organized Know-Nothing lodges, with a membership numerous and respectable, and, it may be, with controlling political power yet its members South can have no feeling or principles common with those of the North, and the order can have no nationality. A southern man will never consent to be found in secret conclave with a Burlingame, a Wilson, a Fogg, or a Wilmot, plotting the destruction of slavery. The effect of the whole movement will be, then, to renew in the halls of Congress the agitation of the slavery question. Most of those, if not all, who have been elected to Congress from northern States by the aid of this organization, have, like Hannibal, sworn upon the altar of their country eternal hostility to slavery. The repeal of the Kansas-Nebraska act, the repeal of the fugitive law, is the language which they use at the hustings, in their conventions, in their legislative resolves; and the same language will echo in the halls of Congress. And when this period shall arrive, as it soon will, the South will need all the unity and strength she can summon to the conflict to bear her off harmless from the fight. Instead of giving countenance to this movement, which is now assuming such a threatening aspect for us, we should begin to heal up our dissensions; to repair the broken walls of our fortifications; to post our sentinels, and, with wisdom and foresight, prepare to receive the attack, like men who know their rights, and intend to defend them.

Before I close my remarks, I wish to say here, as I shall say everywhere, that I desire to see the naturalization laws more strictly enforced than they have been heretofore. Courts have not always looked to the administration of them with that watchful eye which the interests of the country demand. Frauds have been perpetrated justly alarming in their consequences to certain sections of the country, where the foreign population has accumulated in great numbers; and the grievances complained of are not altogether unfounded. It might be well so far to amend the naturalization laws as to require the declaration of intention to be made a matter of record five years before the final papers, were granted, by which means parol testimony would be dispensed with, and the record evidence substituted in lieu thereof. Under the law thus amended, when a party made application to a court to be admitted to the rights of citizenship, instead of producing before that court some degraded witness, who was ready to testify as to the five years' residence required by law, an authenticated copy of the records when the declaration was made, five years before, would be proof of a much higher nature, and more satisfactory in its character. This change could be effected without extending the period of naturalization; as the foreigner who intended to become a citizen might make his declaration of intention immediately upon his arrival here, and in five years thereafter perfect his papers. But, sir, I am not wedded to the period of five years, nor do I consider the Democratic party as pledged to this period of time, to the exclusion of all change. Should it be lengthened or shortened to meet the necessities of the country, there could certainly be no sacrifice of principle involved in the change. The Democratic party is emphatically the party of progress, and has at all times, and under all circumstances, adapted its action to the true wants and interests to the people.

The history of our country is marked on every page with its wisdom, liberal policy, and adaptedness to the growth and wants of a great Government. And he who leaves it to join a new or a better one, will soon find the delusion into which he has fallen. It was the party of Jefferson, Madison, Jackson, and Polk, and it shall be my party as long as it shall stand to its landmarks, or be guided by its ancient principles. All necessary reforms can be effected as well under its auspices as under that of any new party, composed of antagonistic elements that can never fuse. For what furnace seven times heated can melt, refine, and blend together, a party made up of such elements? Compromise and concession seem to be no part of its creed; and what it now denies to the South will be denied to other fragmentary parts in the day of its power and haughtiness. It is true that Democracy has lost many of the free States for the time; but, in them, we have found the mass of the party true to the Constitution, true to the laws passed under it, true to great principles of party faith, and ready to become a sacrifice in their support. They have gone down, not like Lucifer, to rise no more; but, as the sun sets, and leaves the world for a time to darkness, under which men hide their evil deeds, so, like that sun, they will come up again to dissipate that darkness, and drive the evil-doers into their dens and hiding places. But further, sir, I am in favor of seeing stringent laws passed by Congress, to exclude entirely paupers and convicts from our shores. This is due to ourselves and to the honest foreigners amongst us; and they would rejoice at it as much as we could do. Much of the odium which seems to have attached to the whole foreign population, in some quarters, has grown out of the fact that a few vicious and unprincipled men of that population have been engaged in riots and excesses disgusting to good men everywhere. And instead of placing the blame where it belongs—instead of confining a just indignation to those who have violated law and good order—it is visited upon the whole foreign-born population. Every honest, intelligent foreigner, then, could but rejoice to see and feel that he was relieved from this unjust censure and reproach.

But again I say, this reform can be commenced and carried on by Democratic counsels, and under Democratic guidance, far better than under the leadership of any new and untried party; and what I do in the premises shall be done in connection with my old party, and such good and conservative men as shall be willing to coöperate with it. I believe I am as true an American as any man of any organization, however boastful his pretensions; and I believe that the Democratic party needs no proof to bolster it up, as the party of the Constitution and of the country. Where the honor of the nation was to be vindicated, and to that end wars were to be conducted to a successful close, a Democratic Administration has had the responsibility to assume; the work to do; and gloriously has it been done. When territory was to be acquired, and our borders to be extended, carrying forward civilization and happiness to mankind, the power of Democracy has been invoked, and, as with the enchanter's wand, our maps have been enlarged, and the area of freedom extended. Our financial, commercial, and agricultural prosperity, under its auspices—prove the wisdom of its policy, and teach me that I should cling to it as to a life-boat in the wild fury of the storm. With these convictions resting upon my mind, I shall not leave it, nor forsake it, for any temporary advantage that might accrue to myself, from a connection with any other organization.

In conclusion, sir, I have been told that the expression of my opinions on this subject will deprive me of my seat in this House. I am not prepared to believe it. I represent a true, an enlightened, an honest constituency, who never strike before they hear, who prize principles above expediency; who, if they draw the sword, it is to use it upon an enemy and not upon a friend; a constituency who glory in religious toleration; who never burn churches; who never collect in mobs for purposes of violence; who neither teach nor preach the principles of agrarianism; who never seek to array labor against capital; who, in obedience to Heaven's command, gain their bread by the sweat of their brow, and eat it in peace: ready at all times to share it, with Christian good will, with the needy and the hungry, whether they be

born in this or a foreign land; whether they bend the knee before the Redeemer in one form of church government or another. With such a jury to try me, I will fear no evil, until I shall have done something worse than I have done this day. But, sir, should I be mistaken; should public sentiment have become infected with this raging distemper; should they be prepared to strike down an humble public servant for attempting to steer by the old landmarks; for cherishing and upholding the sacred principle of religious toleration, planted upon this continent by the Pilgrim fathers when they landed upon Plymouth Rock—I shall meet it with becoming fortitude; and shall carry with me to my humble home, in private life, the proud satisfaction of knowing that I have never made a compromise with what I believed to be error, for the honor of position, or the poor emoluments of office. Whatever may befall me, if I can retain my self-respect, and a consciousness of integrity, of motive, and of conduct, I shall not repent at my adverse fortune. In my short career, my mind has often dwelt with unbounded admiration upon the proud saying of a distinguished statesman, now no more, and which I trust may be permitted, without presumption, to repeat with him: "I would rather be right than be President."

POST OFFICE APPROPRIATION BILL.

DEBATE IN SENATE,

MONDAY, *February* 26, 1855.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill from the House of Representatives, making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1856.

Mr. RUSK. I am instructed by the Committee on the Post Office and Post Roads to offer the following amendment, as an additional section:

SEC. —. *And be it further enacted*, That the fourth section of the act of Congress approved the 5th of August, 1854, entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1855," be, and the same is hereby, continued for one year from August 5, 1855, and that the allowance granted by the said section to the deputy postmaster at Washington city, District of Columbia, of one mill per pound upon the aggregate weight of the public documents printed by order of Congress, and deposited in the office of said postmaster to be mailed, shall be so construed as to commence August 5, 1853.

Mr. HUNTER. I hope the Senator will explain that. I do not understand it.

Mr. RUSK. It is the amendment which was proposed and adopted by the Senate at the last session. It goes back to 1853, covering the exact service which has been performed, and commencing at the time when the clerks in the other Departments here had their salaries raised. It was last year lost in the committee of conference. This goes back, therefore, and covers that year and continues it one year longer. It is a small amendment, sir.

The amendment was agreed to.

Mr. SEWARD. I am instructed by the Committee on the Post Office and Post Roads to offer the following amendment:

SEC. —. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to establish and put in operation, a semi-monthly mail by sea, from San Francisco, in the State of California, to Olympia, in the Territory of Washington, touching at Humboldt bay, Trinidad, and Crescent City, in the State of California; Port Orford, Gardiner City, Umpqua, and Astoria, in the Territory of Washington; Shoal Water bay, and Port Townsend, in the Territory of Washington, and such other points as shall be designated by the Postmaster General: *Provided*, The whole cost of said service shall not exceed the sum of $120,000 per annum.

Mr. HUNTER. I would ask if there is any recommendation or estimate from the Department in regard to this additional service.

Mr. SEWARD. Yes, sir, there is a recommendation—a communication between the Delegate of the Territory and the Postmaster General.

Mr. HUNTER. In addition to the mail service which they now have?

Mr. SEWARD. The recommendation represents it to be necessary.

Mr. WELLER. At many of the points named there is no mail whatever. Besides, the mail steamer from San Francisco to Oregon runs within sight of some of these places, but they have none of the benefits of the mail, because, under the present contract, the vessels are not required to stop there. The object of this is, to give those places a regular mail.

Mr. HUNTER. If the mail steamer runs in sight of the places, why give this large additional compensation—$120,000? Will the Senator inform me what is now given for this service?

Mr. GWIN. This is a route from San Francisco to points in Washington Territory where there are no routes. The mail which is now run is bound by the contract to stop at none of those points. It runs from San Francisco to Astoria. There is no mail now between those points from Astoria to the extreme point that is named there in Washington Territory on the proposed route. They have no mails, and they have no possibility of getting mails except by a line established in this way. Propositions have already been made, and I believe a contract has been made to carry this mail at the amount stated. Certainly an estimate has been made. We have no mails at all, except one monthly mail running to Oregon from San Francisco.

Mr. HUNTER. It seems to me that this must be an extravagant compensation, if the steamer goes within sight of these places, as the Senator from California [Mr. WELLER] has stated.

Mr. WELLER. I did not state that the steamers ran within sight of all these places; within sight of some of them they do; but they would be delayed greatly if they were compelled to go in. Sometimes it would be difficult to get out. They are not now compelled to go in. They choose to steer directly to Astoria, where their contract requires them to go. It would necessarily produce a good deal of delay if they were compelled to stop at those intermediate points; yet there is a large population there, and, as a matter of course, they are entitled, as well as other portions of the country, to mail facilities.

Mr. HUNTER. Do I understand the Senator from New York to say that the Postmaster General himself estimated it at $120,000?

Mr. SEWARD. I believe a contract was once made, and that contract assumed the sum of $120,000; but on that subject I will refer the Senator to the chairman of the committee, [Mr. RUSK,] whose information is more explicit than my own.

Mr. MORTON. This is a postal route which, I understand, was established at the last session of Congress. The amount which is specified in the amendment is not the amount which we say shall be given; but it is the maximum which we authorize the Postmaster General to pay for the service. The Committee on the Post Office and Post Roads were governed, in fixing that maximum, by the bids which were received in the Post Office Department. The service was never put upon the route touching at these particular points. There was a good deal of competition, if I understand aright, from the representation of the Delegate from Washington, and also from the Senators from California. The amendment does not instruct the Postmaster General to pay this amount; but it is a limit put upon the reception of bids which he may receive. It is the maximum amount which he is authorized, under any circumstances, to pay for the service. There will be great competition, I doubt not, as on other mails routes in the country; and the contract will be taken at a proper remunerative price. The amount specified is the maximum which you will authorize the Postmaster General to pay. He may have the service for $10,000, if he gets bids for that amount.

Mr. RUSK. This route was established by a former Congress, and several bids were made to perform the service. In fixing the maximum sum here, we have been governed by those bids, and put it below the lowest sum, I believe. The mail route is necessary, but would not be a remunerative one. The Postmaster General refused to put it in operation, because of the large bids; and no one can blame him for it, when we look at the revenues of his Department. But, sir, these are new Territories. They are settling up rapidly with population. The mail pay returned is, at present, very slight, but I have no doubt that if the Postmaster General is authorized and required, within this sum, to put the route in operation, it will come as near being a remunerative service to his Department as any newly settled portion of the United States. In some of those places they now get mails once every month, and in others not at all. They are compelled, after the mail goes to Astoria, to carry it several hundred miles, at a great loss of time, before these intermediate points can be filled up. Under these circumstances, I think Congress ought to extend these facilities to them.

The amendment was agreed to.

Mr. RUSK. I have another amendment, as an additional section:

SEC. —. *And be it further enacted*, That the proper Comptroller of the Treasury, under the instructions of the Attorney General, inquire whether the contract made by the Postmaster General with William L. Blanchard, for carrying the United States mail on route 5066, in the year 1853, was violated by the Postmaster General, without legal and adequate cause given by said Blanchard; and if it was so violated, then to ascertain and allow such damages as he is entitled to, in equity and justice, by reason of such violation, and such damages be paid to said Blanchard out of any money in the Treasury not otherwise appropriated.

Mr. HUNTER. I hope the Senator will explain that.

Mr. RUSK. It provides for compensation to Mr. Blanchard, a mail contractor between Salt Lake City and San Francisco. Some two years ago, when the Hon. Mr. Hubbard was Postmaster General, a contract was made with two men—Choppering, I believe, was the name of one, and Woodward of the other—at the sum of $14,000. The route was through an Indian country, and we had several failures on it. One of the men lost his life in carrying the mail Mr. Woodward was killed. Postmaster General Hubbard, upon some statement given to him by a special agent of the Post Office Department, set aside the contract, and made one with Blanchard to carry that mail at $50,000 a year. It was stipulated in that contract that Mr. Blanchard should, at his own expense, establish in Carson's Valley a post, for the protection of the mail as well as of emigrant passengers. The papers accompanying Blanchard's petition show that he did, at a cost of some $35,000, as well as I remember, establish that post. The present Postmaster General, after the contract had been in operation some four or five months, set it aside, on the ground that in making it with Blanchard there had been no advertisement, and he reinstated the party Choppering—I believe that is his name. I believe, also, there has been some failure in the service since. Mr. Blanchard shows that he established the post; that he was subjected to very large expense, and that he lost, by attacks of the Indians, a good deal of his stock upon the route. The amendment, therefore, authorizes the proper accounting officer of the Treasury, under instructions from the Attorney General, if the contract has been violated by the present Postmaster General, to inquire, and allow Blanchard a reasonable and equitable sum for the actual damages which he has sustained. It may amount to some $30,000 or $40,000. The losses, I have no sort of doubt, have been incurred in the attempt to carry out the contract. There may have been an impropriety in the former Postmaster General making that contract without advertisement, but these losses have fallen upon a citizen of the United States who has performed the service well; and it seems to me that, most clearly, on principles of equity and justice, he should be remunerated.

Mr. HUNTER. This seems to me to provide for a private claim, and it is, perhaps, not the best mode of adjusting it. We are to require the First Comptroller of the Treasury, under the decision of the Attorney General, not only to ascertain whether anything is due, and whether the Postmaster General violated the contract, but also to ascertain the damages. We have passed a bill establishing a court of claims which ought to take cognizance of such cases as this. I think it ought not to be put upon a general appropriation bill. We cannot enter into the consideration of the case at this time. It would involve a great many considerations which we have not time now to bring up. We do not know what the contract was. We are not able to examine it, and it seems to me that it is not a power which we ought to delegate—to require an officer of the Government to ascertain the damages, and award whatever he thinks right. The amendment does not require

the accounting officer to report the case back to Congress for their decision, but he is to pay whatever he may think right. I should be against this under any circumstances; but, with the certainty that we have a court established where all such things can be considered and adjudicated hereafter, it seems to me to be manifestly proper that we should vote it down here.

Mr. WELLER. The only question presented by the amendment, is whether you are willing to trust the Attorney General to decide whether the Postmaster General has violated a contract with one of the citizens of California? If there has been a violation of the contract on the part of the Government, and the individual has sustained loss in consequence of that violation, it seems to me that common justice would award him a compensation. He entered into this contract in good faith with the predecessor of the present Postmaster General. He performed his duties under that contract faithfully for a period of six months. Then, the present Postmaster General, on his accession to power, annulled that contract, after the party had expended a large sum of money in making the necessary arrangements for carrying out the service of the contract. That contract provided for the establishment of military poste. Thòse military posts were indispensable for the protection of the mail of the United States; and while they were protecting the mail, which was carried through a country inhabited by Indians, they were incidentally giving protection to the emigrants who were passing from Salt Lake to the Sacramento. The only question here is, whether there has been a violation of the contract. The amendment will leave that question to the determination of the law officer of this Government; and if there has been a violation, then the proper accounting officer of the Treasury is to be authorized to inquire into his loss and damages in consequence of the violation. If there has been a loss, I think the Senator from Virginia ought to be willing to remunerate him to the extent of his loss.

Mr. HUNTER. I wish to suggest to the Senate that this is a departure from the precedents in all such cases. When we have directed these inquiries to be made, we have ordered the result of the inquiry and investigation to be reported back to us for our action and decision; but in this case the decision of the officer is to be final and the money is to be paid out on their award. They are not only to be the judges, but the jury, too. They are not only to judge on the legal rights of the party, but they are to award and assess the damages.

Mr. SEWARD. The ingenuity of the honorable chairman of the Committee on Finance is able to suggest new objections as long as the bill is under consideration. I wish to notice those that have already been made.

It is first urged against it that it is a private claim. It is a private claim; but it is one that arises from a contract of the Post Office Department, and necessarily connects itself with the appropriations to be paid by the Government for the maintenance of the postal communication on the route which is the subject of this difficulty. The contractor who had a contract with the Postmaster General, comes before the committee and says, the Postmaster General has violated my contract and taken it from me without right, without justice, and without law. That committee is quite as proper a one to examine that subject as the Committee on Claims, and I think a little more so. At all events, the question as to the proper committee to which it should be referred was settled by us. The Committee on the Post Office and Post Roads were charged with the investigation. Before the committee, good reason was shown for the belief that, while there were distresses and losses sustained by the contractor, there was some misunderstanding or misapprehension which induced the Postmaster General to interfere and terminate the contract.

The next question that presented itself to our minds was whether we should sit as a tribunal and try the case. We thought such a trial would have been an *ex parte* proceeding, and not safe for the Government. Therefore we conclude that the proper mode was to refer it to some court or authority competent to ascertain and determine the question. At that time there was no board of claims; I believe there is now no board of claims, and there never may be, for the President sometimes vetoes a bill which Congress passes. However that may be, the question was properly before the committee, and they thought it should be disposed of as other similar questions have been disposed of.

The proposition of the committee is in the most guarded form. Damages ought to be paid, and ought to be paid without delay, if the Government has incurred a liability to pay them. The officer designated in the amendment is the proper person to ascertain those damages; and the Treasury is the proper Department to pay them. Then the question arises whether the Postmaster General has violated the law, or acted unjustly in regard to this contract? We were not prepared, and were not willing, to sit in an investigation upon the conduct of the Postmaster General in regard to a matter of this kind, and we said among ourselves, if this Government can trust anybody to ascertain the truth of the matter, it will be the Attorney General; and, at all events, the Government of the United States will have least right to complain when we select the law officer of the Government to determine that question. Therefore we associated him with the Comptroller for the purpose of ascertaining whether there had been any violation of law, or any injustice, and if so, then, under his direction the damages should be audited and paid.

The only remaining question is, whether the case ought to come back to Congress hereafter. If it is not proper for Congress to investigate it now, it ought not to come back to us again, for Congress is so unfit a body for the investigation of such cases, that we have established a board for the examination of private claims.

Mr. RUSK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 16, nays 20; as follows:

YEAS—Messrs. Adams, Brainerd, Bright, Brodhead, Brown, Foot, Gwin, James, Morton, Pettit, Rusk, Seward, Thompson of Kentucky, Thomson of New Jersey, Wade, and Weller—16.

NAYS—Messrs. Allen, Bell, Benjamin, Cass, Chase, Cooper, Dawson, Evans, Fessenden, Fitzpatrick, Geyer, Hunter, Mason, Pratt, Stuart, Sumner, Toombs, Walker, Wilson, and Wright—20.

So the amendment was rejected.

Mr. RUSK. I offer the following amendment, as an additional section:

SEC. — *And be it further enacted*, That the right to frank letters and documents now allowed by law to the Vice President, be continued, to those who have heretofore or shall hereafter occupy that office, during life.

The amendment was agreed to.

Mr. RUSK. I offer the following, as an additional section:

SEC. —. *And be it further enacted*, That all books, maps, charts, or other publications entered for copyright, and which, under the act of August 10, 1846, are required to be deposited in the Library of Congress and in the Smithsonian Institution, may be sent through the mails free of postage, under such regulations as the Postmaster General may prescribe.

You require those publications to be sent by law, and, I suppose, there can be no objection to franking them.

Mr. HUNTER. Do we pay for it now?

Mr. PEARCE. The expenses now are paid out of the contingent fund of the Library, and they have absorbed almost the whole of it. Those which go to the Smithsonian Institution are paid for out of its funds.

The amendment was agreed to.

Mr. RUSK. The next amendment is to insert the following:

For the transportation of the United States mail over the Michigan Central railroad, five hundred and eighteen miles, from the 9th of June, 1849, to the 28th of November of the same year, $5,177 66.

Mr. HUNTER. Was there no contract for that?

Mr. RUSK. There was not at the time. They asked the Senate once or twice for it. At the last session it was neglected, or it would have been put upon the appropriation bill. The service was performed, under the direction of the Postmaster General, at a cheaper rate than it was afterwards taken by the railroad.

The amendment was agreed to.

Mr. RUSK. I have two other amendments which stand pretty much on the same ground. The first is to insert the following in the bill:

For compensation to William M. F. McGraw for carrying the mail on route 8911, from Independence, Missouri, to the Great Salt Lake City, Utah Territory, monthly each way, according to the contract under which said service is now being performed, the sum of $36,000 per annum, commencing with the contract aforesaid, and in lieu of the compensation therein stipulated.

I will explain that amendment. This contract for supplying the mail from Independence to Salt Lake City, was taken by Mr. McGraw, at the sum of $14,000. The Indian difficulties which have occurred there, have subjected him to great losses. All his papers are before the Committee on the Post Office and Post Roads. My own opinion is that, although this is a pretty considerable allowance for the mail service, it is absolutely necessary if the mail is to be carried there at all. He will be compelled to employ pretty strong guards. He has lost many of his mules and some of his drivers; and upon that route, in the present state of the country, he will have to employ a very strong guard. Under such circumstances I think it nothing but proper and right that the compensation should be allowed.

There is another amendment which stands pretty much on the same footing which I shall offer in a few minutes, in regard to the route from San Antonio to Santa Fé, at a less sum—not $3,000 less however. There may be one other route the contractor on which will hereafter make a demand for similar extra compensation, and that is the route from Independence to Santa Fé. At present there are no Indian depredations committed upon that route.

Mr. HUNTER. I understand that there is no recommendation for that from the Department, and no estimate for it. I do not raise the question of order, because the committee have the right to report it as an amendment, and yet, it seems to me, that it is hardly safe to be putting on these amendments without some estimate from the Department, some reliable information, something more than the loose statement of the parties who come here applying for additional compensation.

Mr. ADAMS. I have been in the habit of opposing, and voting against all extra allowances over and above the contract which the parties made. I favored, however, the amendment which is now pending before the Senate, as well as the other referred to by the chairman of the Committee on the Post Office and Post Roads. I did so for this reason: The proof abundantly shows that at the time these contracts were bid off, the country was at peace with the Indians. A new state of things exist, however, which could not have reasonably been anticipated and was not ascertained by the parties making the contracts at the time they were made, over a country over which the contractors had no earthly control. As hostilities have broken out in different portions of the country with the Indians, these men must be ruined unless we make them additional compensation to cover their additional and necessary expenses, in order to enable them to comply with the contract made with the Government. I thought it was reasonable, right, and proper, that in cases of this sort, the Government should conform its compensation to the circumstances of the case. If the parties could have anticipated this state of things, if they had made their contract with reference to it, with the knowledge of it, I should not be in favor of allowing them one cent over what they agreed upon. But the amount reported by the committee will only barely compensate them for their additional risk and their additional expense.

The amendment was agreed to.

Mr. RUSK. I have another amendment of a similar character. Pretty much the same state of facts applies to it as to the other:

For compensation to George H. Giddings for carrying the mail on route 12900, from Santa Fé, New Mexico, to San Antonio, Texas, monthly, each way, according to the contract under which said service is being performed, the sum of $33,500 per annum, commencing with the contract aforesaid, and in lieu of the compensation therein stipulated.

Mr. HUNTER. I will only suggest to the Senator from Texas—I am not disposed to revive the discussion; I know we have not time to do that—that, perhaps, we may be interfering improperly with Executive duty. These are Executive matters, it seems to me. The Postmaster

General ought to look into this case and report upon it before we adopt it. We have not the means of ascertaining the facts. These are cases in which we cannot act properly and understandingly; and I think it is a hazardous kind of legislation.

The amendment was agreed to.

Mr. RUSK. I have another small amendment to offer:

SEC. —. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized, in the settlement of the accounts of the late postmaster at Waterville, Maine, to allow such sum, in addition to the commissions which accrued at his office during his term of service, as will make his compensation equal to $175 per quarter, and cover all such necessary items of incidental expenses as have been usually incurred and allowed in post offices of his class: *Provided, however*, That the whole compensation and expenses shall not exceed $425 per quarter.

Mr. HUNTER. We cannot legislate on this bill for the raising of the salaries of postmasters.

Mr. RUSK. This is only to comply with one of the provisions of the existing law. The office is a separating office.

Mr. HUNTER. It is legislating for an individual upon a general appropriation bill.

The amendment was agreed to.

Mr. BRODHEAD. The Committee on the Post Office and Post Roads have instructed me to report the following amendment:

SEC. —. *And be it further enacted*. That the First Comptroller of the Treasury be instructed to examine the claim of William R. Glover and Thomas W. Mather, and their associates, and ascertain and allow such arrearage as they are entitled to, in justice and equity on account of the refusal of the Postmaster General to carry into effect the contract entered into between William R. Glover and Thomas W. Mather, and the Postmaster General in 1853, for the transportation of the mail on the Mississippi and Ohio rivers; and that such damages shall be paid to William R. Glover and Thomas W. Mather and their associates, out of any moneys in the Treasury not otherwise appropriated.

Mr. BENJAMIN. This amendment refers, I think, to a contract for carrying the mail on the Mississippi river. It was in relation to that contract that the Senator from Tennessee, [Mr. JONES] who is not now in his seat, introduced a resolution calling for information from the Postmaster General. As that subject is now before the Senate, I should be exceedingly happy if the chairman of the Committee on the Post Office and Post Roads, to which that information was referred, would inform us as to the action of the committee on the subject. This has immediate reference to it.

Mr. RUSK. The committee have just this morning come into possession of the answer of the Postmaster General. The amendment refers to another subject. The law which the honorable Senators from Tennessee [Mr. JONES] and Mississippi [Mr. BROWN] complained was not carried into effect, was passed at a subsequent date to this contract. The committee have only this morning received the information, which they will lay before the Senate at the proper time. I have not had time, myself, to examine it; but I see that it contains some statements from special agents of the Post Office Department, and perhaps it would not be proper to allude to them at this time, because the Postmaster General is seeking to enter into a contract to obtain the best service he can on the Ohio and Mississippi rivers. I think he is doing, as far as he can do it, his duty in the matter, in reference as well to the accommodation of the people on the rivers, as to the revenues of the Department. The hasty glance which I have been able to cast over the communication, shows me, I think, that it will be perfectly satisfactory to the Senate, and to the honorable Senators from Mississippi and Tennessee also. That, however, is not connected with this amendment.

It will be remembered that Congress twice repeated the requirement for the Postmaster General to put the service on the Mississippi and Ohio rivers. The former Postmaster General advertised for the service under the former law of Congress—advertised for a double service, a line from Louisville to New Orleans, and then another line to supply the way post offices. In the advertisement various things were required, such as that the boats in which the service was to be performed should be constructed for passengers only. That was the case, as well as I now remember. I am pretty sure that was the fact. There were several bids, and very high bids too, both for the through line and for the way service. As well as I remember, no contract had been made with the former Postmaster General. On the accession to office of the present Postmaster General the bids had just come in, and he suspended their acceptance at the instance of several Senators living upon the Mississippi river. I know I signed it, amongst others, for we did not believe that a double service was necessary. It was in the hurry and confusion of the adjournment of Congress, and when the new Administration was going in, and he was requested to suspend the acceptance of the contracts. He did so.

Upon examining it afterwards, he dropped the way service, which was paid for at a very high rate, and entered into a contract for the other service at, I believe, $295,000 a year. These parties, as they show, prepared themselves for the performance of the service, expended considerable sums of money, got several boats, and when the time for them to carry the mail commenced, the agent at Louisville refused to deliver it to them, because they had freight upon their boats. He found the boat taking freight; and he alleged he was instructed by the Postmaster General, if the boats carried freight, not to give them the mail. That was repeated two or three different times. Under the old law the mail was sent on boats. I am not sure as to whether it was sent by a special contract with the Department. These contractors repeatedly, for several days, demanded the mail. The agent of the Department, under instructions from the Postmaster General, refused it, because the boat was taking on freight, or had on freight, until it was agreed between the parties that it was unnecessary to make the demand for the mail, as no boat having freight upon it could be furnished with the mail. The parties contended that the Postmaster General had violated the contract. The Postmaster General contended that he had not, on the ground that the service should be performed according to the advertisement. It is due, however, to the parties to say, that no such requirement was in the contract, except that they should be safe and suitable boats.

Mr. BROWN. The Senator from Texas has stated this case, as I understand it, pretty fairly. Glover & Co. entered into a contract with the Government to carry the mail in safe and substantial boats. The advertisement required that they should simply be passenger boats, and that no freight should be carried on them. When they came, however, to enter into the contract, that portion of the advertisement was left out, and they were simply required to supply themselves with good and substantial boats to carry the mails. Now, the Postmaster General undertakes to assume the ground, that because a particular kind of service was advertised for, therefore they were bound by the advertisement, not by the contract. I think that is the most extraordinary position in law that was ever assumed. Why, sir, suppose you advertise to sell land upon a quit claim, and afterwards sell it and give a warranty, by what are you bound? By the advertisement, or by your deed? Are you not bound by the contract as you enter into it? I am not going to discuss before the Senate a principle of law which every man who ever read one of the horn books of the law must recognize as being correct. The parties are bound by the contract which they sign, and not by conversations and advertisements which occurred antecedent to the signing of the contract.

What did Glover & Co. propose to do? They were there at the appointed time, and asked to carry the mail. It was refused to them on a ground which was no violation of the contract into which they had entered. There is no pretense that they were not prepared to execute the contract according to the bond, according to the agreement into which they had entered. The Postmaster General refuses to deliver the mail. They come here and complain that they had some twenty or more boats on their hands engaged to perform this service, and that in violation of the contract, the Postmaster General refused to allow them to do it; and they ask that an account be stated, and that they may be indemnified for whatever losses they have sustained. I do not know that they sustained any losses. I take it for granted that if they do not show before the accounting officers that they did sustain loss, nothing will be allowed them. If under these circumstances they have lost money, it is the duty of the Government to pay it back to them. If your high official, your high executive officers commit errors like this, you must be accountable to the innocent parties who have endeavored to serve you according to their contract.

I do not intend, nor do I deem it necessary, to go into a full review of the whole question of the Mississippi mail, nor is it involved in this matter. These parties claim that they have been injured by the failure of the Government to execute its contract with them, and if they have, clearly they are entitled to indemnity. I know the ground on which the Postmaster General puts this thing. It is that these parties did not own the boats; that they had merely chartered them for the service, and that they were doing no more than he was able to do through his agents, that was, shipping the mail by boats. I invoke the attention of Senators to this, because I know there has been an industrious effort made in some quarters to produce a wrong impression upon the point that they did not own the boats, that they had their agent there simply to ship the mail. Suppose they did not own the boats; suppose they were shipping the mail; if they shipped and carried it according to the contract, what business was it with the Postmaster General whether they owned the boats or not? Suppose a man agreed to carry the mail from here to Baltimore, is it any business of the Postmaster General whether he owns the railroad that carries it or not? Suppose he undertakes to carry it from here to Warrenton, is it any business of the Postmaster General whether or not he owns the coaches in which it is carried? It is his business to carry it according to the schedule, and, if he carries it in that way, the Government is bound to pay for it. The difference between the manner in which Glover & Co., and the manner in which the Postmaster General proposes to carry the mail is, that he simply charters a boat when he happens to find one going out; he employs one and ships his mail upon it as he would flour, or whisky, or any other article of commerce; but these parties did not contract to carry the mail in this way. They were to have boats there, and to start and carry the mail whether they had freight or not. If they had no passengers, or no freight, if they had nothing but the mail, they were to start according to the contract. There, sir, is the substantial difference between the Postmaster General's mode of furnishing the mail upon the Mississippi, and the mode of these parties. It was no reason for refusing them the mail that they did not own the boats, that they simply proposed to take somebody else to perform the service, because that somebody else was to start according to the schedule.

Mr. BENJAMIN. I put the question to the chairman of the Committee on the Post Office and Post Roads, with the view of bringing again to the attention of the Senate the conduct of the Postmaster General. It was not that I had any special objection to the amendment now before the Senate. I am satisfied that the conduct of that official upon that occasion, as upon all other occasions in which I have had an opportunity of examining it, so far as regards the transportation of the mail upon the western waters, was in gross violation of his public duty, and in disregard of the repeated legislation of Congress on the subject. I do not desire now to enter into any special examination of the case, but simply to reply to some suggestions which fell from the honorable Senator from Texas, to the effect that he was satisfied, from a personal inspection of the papers in his hands, that both Congress and the Senators putting these questions would be perfectly satisfied with the action of the Postmaster General. I, for one, anticipate no such results from such an examination; but I believe the result of such examination will leave me in precisely the same train of mind in which I am now, a frame of mind which would induce me, with singular satisfaction, to vote in favor of a resolution that the Senate of the United States advise and consent to the appointment of a successor to the present inefficient and incompetent head of that Department

Mr. RUSK. I had hoped that the conduct of the Postmaster General, any further than it is necessary in connection with this matter, would not be alluded to in refusing to carry out this

contract, especially after what I had stated, that the committee had only received the information this morning, and at the proper time would lay it before the Senate. I do not think there is any necessity, at this late stage of the session, to make a bill of indictment against the Postmaster General, or to enter into his defense. I am as much in favor of furnishing the community, and especially that portion of it in the Mississippi valley, with mail facilities, as the honorable Senator from Louisiana. But, sir, there is a wide distinction in my mind between a profitable contract or job with the Government and furnishing mail facilities to the community. It is known to every one that the Central Illinois railroad has just been finished. Owing to the severity of winter, there is, so far, very little travel upon it. In all probability, early in the spring, or during the next summer, and thereafter, there will be a large travel there. That will, as a matter of course, induce boats to go through to Cairo for the purpose of taking the passengers from the Central Illinois railroad, going in the direction of New Orleans, and then the Postmaster General will be enabled to make a contract which shall accommodate the communication much better and at a vastly cheaper price than he could make if forced by law to make it now.

I do not intend to consume the time of the Senate on this subject. My intercourse with the Postmaster General has satisfied me that he is an officer of efficiency. Perhaps the Senator from Louisiana is anxious to have mail facilities extended at whatever cost; I confess I am anxious to have these facilities, and I grumble at the Postmaster General very frequently because he does not furnish me with such as I desire in my own State; but, at the same time, we must see that the Postmaster General has a double duty to perform. While he is required to extend, so far as he can, the mail facilities, he has, also, to look to the revenues of his Department; and if you will observe them, you will see that they are greatly behind. I send to the Secretary a statement of the Postmaster General in answer to a request of mine, and also an additional statement about the steamboat service, and the propositions which were made to carry the mail on this route. I ask for the reading of the letter.

Mr. ADAMS. I desire to inquire whether the communication to which the Senator refers is not in regard to a different matter altogether from the question now before the Senate?

Mr. RUSK. It is not in reference to this amendment.

Mr. ADAMS. Then I object to its reading.

Mr. RUSK. I hope the honorable Senator will not object. I do not see how he can.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The Senator has a right to have it read in connection with his remarks. It is not for the Chair to decide upon its pertinency to the subject before the Senate.

The Secretary read the following letter:

POST OFFICE DEPARTMENT, *February* 26, 1855.

SIR: The act of Congress approved 5th August, 1854, provided for the establishment of a daily mail on the Mississippi river, from Cairo, by Memphis, Napoleon, Vicksburg, Natchez, and Baton Rouge, to New Orleans.

On the 29th August I issued an advertisement, inviting proposals for such service, to commence 1st January, 1855. The 6th November was specified as the last day for receiving proposals, and they were to be acted upon by the 11th of the same month.

Sherlock, Rowe & Sherlock bid $300,000 *per annum* for the advertised daily service, or $325,000 for that and also the supply of the tri-weekly mails at Columbus, Hickman, New Madrid, Ashport, Oceola, Pecan Point, Randolph, Hickman's Bend, Fulton, Oldham, Napoleon, Victoria, Gaines's Landing, Columbia, Greenville, Point Worthington, Grand Lake, Princeton, Lake Providence, Tabula, Pecan Grove, Milliken's Bend, and Young's Point; or $350,000 per annum for *daily* mails to these places with those named in the advertisement.

The only other bid was from A. J. Cain, at $185,000, which was subsequently withdrawn.

These proposals appeared so extravagant as to induce me to defer any acceptance. The highest rate of pay for similar service, under existing contracts, in the United States is $191 25 per mile. This is paid on the route from New Orleans to Mobile on account of the peculiar difficulties of navigation and tolls at Grant's Pass. The average of pay on steamboat routes is but $60 60 per mile. The rate between Cairo and New Orleans, under the $300,000 bid, would be $283 28 per mile.

Such extraordinary increase caused me to hesitate, not merely in view of this single case, but especially in apprehension of the effect which the acceptance of so extravagant a bid would have upon the interests of this Department, causing, as it necessarily would, demands for largely increased pay in future on other routes. That the rate proposed was unusually high will appear in a more glaring light by contrasting it with the pay to the same parties on the route between Louisville and St. Louis. Here the distance is five hundred and forty-four miles, for the most part on the Ohio river, where the service is liable to many obstructions and difficulties; on which route Messrs. Sherly & Sherlock conveyed mails daily at $70,000 per annum, which was considered high pay. Yet, on the Cairo and New Orleans route, one thousand and fifty-nine miles, not twice the length of the former, and on a river comparatively exempt from obstructions, they bid more than quadruple that sum, being over one hundred per centum above *pro rata*.

Not receiving acceptable proposals, I proceeded to inquire as to making a private contract, according to the provisions of the act of Congress. Two special agents were sent to Cairo for the purpose of examining into the service, ascertaining the number of suitable boats on the river, and of obtaining generally such information as would facilitate the making of a contract. The report of these agents shows that there is, as yet, but little travel on the Illinois Central railroad, and that no steamboats are regularly connected with it, but that probably by the 1st July next the Ohio and Mississippi railroad will be extended so far eastwardly as to effect important changes in the course of trade and travel, and render a line of steamboats between Cairo and New Orleans, in connection with the Illinois Central railroad, both necessary for the public accommodation and profitable to the owners.

Messrs. Sherlock, Rowe & Sherlock have reduced their bid of $300,000 to $255,000, being at once a difference of $45,000 per annum; and I am now also expecting proposals from other parties, and shall endeavor to make a contract, so soon as it can be done on proper terms, and with parties who are fully responsible and able to satisfy the demand of the public for better mail facilities than have heretofore existed on the Mississippi river. It may be proper to add that I have offered to give $150,000 a year for this service, a rate which I consider high in view of the prices paid in other sections, and of the almost certainty that this route must soon become one of the best traveled routes in the country.

It is of the first importance that the contractors should be able to keep the mail line wholly and absolutely under their control; otherwise the mails will continue to be shipped, in whole or in part, on transient boats, thus perpetuating the evils which the act of Congress was evidently designed to remove.

I transmit herewith a copy of the report of W. M. Murphy, special agent, and also a table showing the pay on the several steamboat routes in the Union.

I have the honor to be, &c., JAMES CAMPBELL.

Hon. THOMAS J. RUSK, *Chairman of Committee on Post Office and Post Roads, United States Senate.*

Mr. BENJAMIN. The communication just read, from the Postmaster General is, in substance, a repetition of the report recently made to the Senate in reply to the resolution of the Senator from Tennessee. I consider it again a gross insult to the legislative department of the Government, and I mean to state the reasons why I characterize it in these terms.

In August, 1854, a discussion took place in the Senate on the subject of this western mail. Years had elapsed from the period when the people of the western country commenced first the agitation upon the subject of having proper mail facilities upon the Mississippi and Ohio rivers. Application had been made to the Executive Department, again and again, in all its branches, and finding them deaf to all appeals of the people for relief, we were driven to Congress, and made application to the legislative department for proper action on the subject. Two years ago, a law was passed by which the Postmaster General was ordered to put this mail upon the Mississippi river, but, under the peculiar phraseology of the act, he considered that he had a discretion, when the gentlemen who represented that section of the country were satisfied that he had none. He reported to Congress that he had not put the mail upon the western rivers in accordance with that act, by reason of difficulty in relation to the contract and the cost of the service. The gentlemen representing the States upon the Mississippi river, after a long and animated debate, succeeded in having a law passed at the last session of Congress. When that law was under discussion, some gentleman objected to its passage upon the ground that the existing legislation was sufficient to make it incumbent upon the Postmaster General to put that mail upon the western waters; but the friends of the mail, unwilling to leave the matter open to doubt or quibble, succeeded in prevailing upon Congress to pass a law directing that he should put that mail upon those waters, no matter what it should cost. Here is the language of the law:

"The Postmaster General be authorized to establish a mail on the Mississippi river from Cairo to New Orleans, and from Keokuk, Iowa, to Galena, in Illinois, and that he contract for the same in one line, or in such divisions, or sections, or both, as may be most compatible with the public service; and to facilitate the execution of this section, the Postmaster General may make immediate temporary arrangements for carrying said mail by the trip; and if he fails to obtain acceptable bids, after advertising for thirty days, he may make private contracts for carrying said mail, and the said mail *shall be carried daily* from Cairo to New Orleans."

Three times that order is repeated to him. Upon every occasion he is told no discretion is to be pleaded by him hereafter as an excuse. He is told, you may make temporary arrangements, but you shall carry the mail. He is told, make public bids, but you shall carry the mail. He is told, if the public bids do not suit the state of your ideas of what is right and proper in your Department, you may make private bids, but you shall carry the mail *daily*. And now nine or ten months have elapsed since that imperative order of Congress was made, and on a call for information, on the motion of my friend from Tennessee, the Postmaster General tells us that he is examining into the subject; that, in his opinion, it would cost too much. The Senator from Texas, the chairman of the Committee on the Post Office and Post Roads, can find nothing to say except to repeat the lame and paltry excuse of this contumacious public officer.

He gives us another reason. When we tell him that he shall carry the mail daily, he reports to us that when the Illinois Central railroad is completed, so as to make some connection with other mails, he will comply with the law. I do not know where the Postmaster General has slept the Rip Van Winkle sleep which seems to have buried his whole faculties in such a state of slumber that he does not know that, upon the western waters, this mail route upon the Mississippi connects with all the rest of the country, irrespective of the Illinois Central railroad. He tells us, in his last report, that, until the Illinois Central railroad is completed, the mail between Cario and New Orleans does not connect with any of the great public mails of the country. He is not yet awake to the fact that that is a great public line of itself. He considers the whole valley of the Mississippi as a mere adjunct of his railroad lines. He considers it as out of the official world, and when the progress of population and wealth of the western country shall meet his view and ideas of what are sufficient to maintain a mail route, he will give us a new line. He will exercise his judgment in contradistinction to that of Congress until then; but, in the mean time, the people of the western country are to wait—their representatives in both branches of Congress are to wait—until he can make some arrangement by which this insignificant commerce and population are to be accommodated by connecting with some great mail line. This is a small adjunct to a great mail line.

Mr. President, I did hope that the discussion the other day would have awakened up the sleepy faculties of this public officer, and that he would have become awake to the fact, that the western portion of this Confederacy is entitled to some consideration at the hands of the Executive Department, especially after two succeeding acts of Congress making it his imperative duty to act as we told him he should act; but here again is the same lame and flimsy defense, the same pretext—a miserable pretext—utterly without foundation, by which an Executive officer of the Government undertakes to give his views of the policy which dictated a law of Congress. I trust, sir, that this debate will be continued by other gentlemen who represent the interests of that valley; and that they will speak, as I now speak, the voice of the people of the western part of this Confederacy, demanding, ordering, that their wishes shall be obeyed in this matter, when they have succeeded in obtaining twice, in succession, the sanction of our Legislature.

Mr. BROWN. I quite concur with the Senator from Louisiana, that the Postmaster General, in reference to this Mississippi river mail, has displayed at all times a degree of obstinacy unparalleled in the history of an Executive officer, resorting continually to quibbles, to every conceivable quibble, to avoid the execution of the law. The Senator from Louisiana has stated the action of Congress correctly. In 1852 we passed a law requiring that the mail should be put upon that river. The predecessor of the present Postmaster General entered into a contract to carry the mail in obedience to the law. The first act

of the present Postmaster General in reference to this mail, after he came into power, was to repudiate the contract. Now you have a proposition to pay damages for its repudiation. We get no mail, and yet we are asked to pay damages. We get no mail, and we ought to pay damages, because our officer has refused to obey the law. For two years, because of the repudiation of that contract, which was valid in itself, because it was made in obedience to the law, we were without a mail. Then the whole western country rose up together and demanded that a mail should be put there. We passed an absolute order that it should be done; and now what do you find the Postmaster General doing? Instead of executing the law, as it is his bounden duty to do, he sends us a message about every two weeks making excuses for not obeying it; and when you come to ascertain the whole matter of his several communications to Congress, they amount to this, that he has got no bid that does not seem to him to be extravagant. Who told him, as an Executive officer, to consider the bids, because they were extravagant or not extravagant? He was told to put the mail upon the river, and he was given ample power to enable him to do that.

But now I desire to call the attention of the Senator from Texas to this declaration of extravagance in reference to this mail. Cain's bid was $185,000 for carrying the mail from Cairo to New Orleans, a distance of one thousand and forty miles.

Mr. RUSK. I would like to ask the Senator whether he knows Cain?

Mr. BROWN. I do not know anything about him.

Mr. RUSK. Has he a boat of his own or not?

Mr. BROWN. It makes no difference whether he has a boat or not. If he gives good security to enter into a contract, it is the business of the Postmaster General to enter into it with him, unless he is satisfied that he is incompetent and unable to perform it. The Senator seems to have the same idea that the Postmaster General has, that the parties should own the boats themselves. It is all nonsense; it would take twenty boats, and perhaps more, to carry the mail there, and no one can be expected to own so many boats. There is no more necessity for a man who carries a mail there owning the boats than for a man who carries a horse mail owning the horse upon whose back it is carried.

Mr. RUSK. I desire to ask the Senator another question. What advantage would there be to the United States in giving to a man $200,000 for doing what the agent of the Department now does?

Mr. BROWN. I see that the Postmaster General has been infecting my friend from Texas with his opinions.

Mr. RUSK. No, sir.

Mr. BROWN. Then I will set my friend right. There is this difference, as I tried to explain before. The Postmaster General ships the mail by transient boats, but those boats start at their own time. If they have freight and passengers they go, if not they stay. Perhaps, to-day, he would get a boat, and to-morrow, and the next day, and the next two or three days none; and the mail would be delayed until he gets a boat which is ready to go. Whereas, if he has a contract with competent parties to carry the mail, the mail boat must go whether it has freight, or passengers, or not. In other words the mail is made the primary object, and the freight and passengers become incidentals of the trip. But if the agent of the Department sends the mail simply by a passenger or freight boat, the passengers and freight are the first consideration, and the mail becomes the incident. That is the difference between carrying the mail by contract and carrying it by chance. These transient boats stop at every landing. They start from New Orleans; if they make it profitable to stop by the way, they will not get to Louisville for three weeks. If any body puts out a little flag and says he has two or three little packages to send, they will turn round, and be detained perhaps two or three hours. It sometimes happens that the mail boat leaves New Orleans under this system, and another boat starts three or four days later, and gets to Louisville four or five days sooner, and why? Because it is picking up freight and passengers all along the way, and doing all it can to make money, the mail being an incidental matter with it, it being no sort of difference with the owner whether it is delivered next week or the week after, or next month, or the month after.

But what I want to bring my friend to is this: Here was a bid to carry the mail one thousand and forty miles for $185,000. I want to call my friend's attention to a contract which the Postmaster General has in his own State, by way of setting this matter of extravagance all right. It is, according to my understanding, four hundred miles from Galveston to Houston, and one hundred and forty additional miles to Indianola. What is the pay for carrying that mail? They carry it three times a week to Houston nine months in the year, and twice a week on as far as Indianola, a distance of five hundred and forty miles—twice a week with one additional trip of one hundred and forty miles. For that service the Postmaster General pays $45,000. For carrying the mail three times a week four hundred miles, and two of them an additional distance of one hundred and forty miles, he pays that sum. If you will make a calculation, as I have done, you will find that, if you were to pay *pro rata* for carrying the Mississippi mail, according to the schedule of Congress, the sum would be $232,000; and yet a bid for only $185,000 is rejected for excess! What is the difference in the character of these mails? One is a mail which benefits a single State of the Union, a very gallant, good, and glorious State, I admit, which, for its age, is covered with as many acts of distinction, and greatness, and glory as any other, but I hardly think a mail for the benefit of Texas is equal in dignity to a mail for the benefit of the States on the Mississippi and Ohio rivers. Yet, I tell my friend from Texas to-day, that the Postmaster General has paid more, in proportion, for carrying that Texas mail than he has refused to pay for carrying the mail on the Mississippi.

Mr. RUSK. It may all be true, but then on the Mississippi river they have a hundred other mails.

Mr. BROWN. What hundred others?

Mr. RUSK. There is a mail from Charleston to Memphis, and others.

Mr. BROWN. Of what benefit is it to carry a mail to Memphis, and there stop, except for the town? and what mail will be carried from Memphis to Charleston, if you have no river communication? The truth is, that at least ten States of the Union are directly, immediately, and positively interested in the transportation of that river mail. All the States are greatly interested in it. The Postmaster General rejects a bid to carry it there for $185,000, and then gives one to the single State of Texas, for $45,000, the *pro rata* difference being $50,000 in favor of the Mississippi mail, which he rejects on account of excess. That is his financiering; that is his figuring. I do not believe he understands his figures much better than he does law. He refused Glover and company the privilege of carrying the mail for which they contracted because the advertisement was to govern the contract, and not the contract itself. Then he rejects a bid to carry the mail on the Mississippi for 185,000, and accepts one to carry the mail from Galveston to Houston for $45,000—the latter being *pro rata*, according to the service, $55,000 higher.

Mr. ADAMS. I beg leave to call the attention of the Senate back to the question which is before us for action. The reason why I objected to the reading of the communication of the Postmaster General, which was sent to the table by the chairman of the committee, was because I knew that it would give rise to a discussion on a different question altogether from the one before us. "Sufficient unto the day is the evil thereof." When that question comes up, if I shall deem it necessary to say anything, I will speak to it; but the question presented to the consideration of the Senate, is the amendment directing the First Comptroller to settle and ascertain the amount of consequential damages, assuming that the Postmaster General had violated the contract which was made with these parties. At the meeting of the committee at which I attended, it was agreed to report the amendment, by which the Attorney General, the law officer of the Government, was to be directed to ascertain whether this contract had been violated by the Postmaster General, and if so, then to inquire the amount of damages, and provide for its payment. I say to the Senate, that of all the questions I have had to examine since I have been a member of this body, I find those involved between the Postmaster General and these parties the most difficult to determine. Has the contract been violated or not by the Postmaster General? It is a difficult legal question; and I ask the Senate whether they are prepared now to determine it. They have not, as we have in the committee, read the contract, and weighed it, and examined it with the advertisement, and its reference to it.

That is the first question which arises; and it is one in reference to which my mind is not made up, though I have examined it to some considerable extent. I am not satisfied that the Postmaster General has violated the contract in this case; but suppose he has violated it. Another question arises. The parties agreed that, if he should discontinue it at any time, the damages which they should receive would be one month's extra pay. Here the parties had agreed among themselves what their damages should be.

But the question arises, did the entering into the contract in writing waive the requirements of the advertisement as to the character of the bids? for the bids were all put in in accordance with the advertisement. It is true that, when reduced to writing, it was not stipulated that freight should not be carried upon the boats, but they did stipulate that, if the Postmaster General discontinued the contract, one month's extra pay should be received as compensation for the discontinuance. The question, I say, then arises, when the Postmaster General refused to deliver it unless they would carry the mail without freight on their boats, and they refused to take it upon those terms, if the Postmaster General was in the wrong, what amount are they entitled to? I should say they were entitled to the one month's extra pay. No particular language is required to discontinue a contract. The most that you can make out of a refusal to deliver the mail, is that it was a discontinuance, and that they are entitled to one month's pay. But the amendment provides that they shall receive consequential damages, that all their losses, to be ascertained by the First Comptroller, shall be paid. I say, Mr. President, we are legislating in the dark.

If I should be governed by the inclination of my mind, with a disposition to relieve the men from the difficulties into which, perhaps, the Postmaster General brought them, I should not oppose this; but I have no right to give legislative votes as a favor to any man, or set of men. I am not satisfied, in the first place, that the Postmaster General violated the contract. If he has done so, I am not satisfied that the parties are entitled to more than about $25,000, one month's pay. Therefore, I cannot vote to authorize the First Comptroller to go into an investigation to ascertain the amount of consequential damages which resulted to the parties, assuming that the Postmaster General violated the contract. We have passed a law creating a court of claims—the only tribunal known to our institutions where this matter can be fully and fairly investigated and the truth, and right of the thing ascertained. It is impossible for any legislative body to do it, unless each man would take the papers and proof in the cause, and investigate them for himself. Now, sir, we ought to require parties who have claims against the Government for consequential damages to file their bills in that court. If we commence to do otherwise so soon as this, we may as well have never passed that law. I voted, to be sure, a few minutes ago, to change a contract; that required legislation. But that court can investigate this thing without any legislation. It can report to Congress at the next session. It may operate hard upon the parties. It is their misfortune; but I do not see how we can, in justice to the Government, act in any other way than refuse to agree to the amendment. Let the parties file their bill in this court of claims; and let it report to Congress whether the contract has been violated or not, and if so, let it decree the amount that the Government should pay, and then we can, with propriety, appropriate that amount.

Mr. BELL. I do not impugn the motives of the Postmaster General; but my opinion is very

clear that the contract was violated. I do not understand the amendment to be, that the parties shall be entitled to speculative damages; and as for consequential damages, I do not know exactly how to discriminate between consequential and real damages, which the honorable Senator from Mississippi might be willing to give if there was a violation of the contract. I do not understand his meaning of consequential damages. I would suppose it to be this: If there was an investment of a considerable sum of money in preparing to carry into execution the contract on the part of the Government, I should think the consequential damages would be to remunerate them for that expenditure which would not be useful to them, otherwise than by going on with the execution of the contract; so that I do not consider them as mere speculative damages.

But I did not rise to go into the consideration of the propriety of the amendment. As I understand it, however, I think it is fair, if we consider that there was a violation of the contract on the part of the Department refusing to carry it into execution after the parties had made preparation to execute it. If there was such a violation, one party complying as far as he could, and the other failing to comply, I think there may have been considerable damages visited upon the disappointed party. But I rise to speak with regard to the discussion which preceded the remarks of the honorable Senator from Mississippi.

I have nothing to say against the motives or competency of the Postmaster General. I have had one or two conversations with him upon the subject of the failure to execute the contract; and I think, to some extent, just complaint has been made. He appears to have his reasons. His suggestions are very plausible, and no doubt his motives are very fair. But still, Mr. President, here is a law upon our statute-book—an enactment positive in terms, of which there can be no evasion. There was no limit to it. Two or three biddings have taken place since the time this proposition to carry the regular mail from Cairo to New Orleans, or from St. Louis and Louisville to New Orleans, has been provided by Congress, and in every instance there has been a failure to execute it on the part of the Government.

Now, I want to know of the honorable Senator from Texas, for I have not had time particularly to examine the provisions of this bill, what provision he does make in regard to the further execution of this contract. It seems to me propriety requires either that we should repeal it altogether, or else modify it, according to the pleasure of Congress, in such a way that we can have the benefit of it. It seems to me it is an unseemly acquiescence in failing to carry out your directions on a question of such importance, to let it stand on your statute-book not complied with. I should like to hear from the honorable Senator from Texas what provision he makes for the future. What does he mean? Does he coöperate with those who seem to think that it is no matter whether this law be executed or not? I appeal to him as to the nature and character of the argument upon this floor, when that provision of law was first ingrafted on our legislation. I had a hand in it, I remember; and when it was objected that this might lead to a very extravagant expenditure, on the ground that the revenues of the Post Office Department in the West would not pay sufficiently, I appealed to the Senate in regard to it. I had not proceeded more than ten minutes in expressing my views, when the honorable Senator from Texas, and other honorable Senators around me, agreed that what was said was sufficient. I appealed to the Senate to look at the vast amount of money expended for the maintenance of postal communications between this country and Europe, and between the Atlantic and Pacific coasts. I appealed to them to consider the state of the western country particularly, it being a planting and farming region, with very few great commercial establishments, with a population so sparse in many sections in which this great line will pass, and yet there was a commerce of some $200,000,000 or $300,000,000 passing down the Mississippi annually. With these views the Senate concurred in the proposition. Now, I appeal to the Senator from Texas whether he still proposes that this law shall stand on the statute-book unrepealed or unmodified, or what provision he proposes to make?

Mr. RUSK. My opinion, at the time Congress undertook to pass that law, was that it was improper for Congress to act as the head of one of the Departments. I think it is improper now, because if we undertake to require that the Postmaster General shall put mail service upon every route that we establish here, the Treasury will pay the damages.

Mr. BELL. I have no doubt of it. I suppose it is very likely, because we may establish some routes which would be very improper, and require an extraordinary expenditure; but here is a provision of law made as long ago as four years. The question was then considered, whether the amount of expenditure should be incurred for the purpose of establishing this line of communication between such vast sections of the country. I understand now, from the declaration of the honorable Senator from Texas, that he did not think it expedient that this law should be passed. It ought to be repealed, or so modified that it will be brought within the limits of the discretion, and the ideas of economy prevailing in the Post Office Department of the Government, and in the minds of those who have charge of this subject; one or the other ought to take place.

Mr. President, I have stated already that I do not mean to impugn the motives of the Postmaster General. In his convefsations with me, the allegation has been made that the Central railroad between Chicago and Cairo is only being made, and about coming to a conclusion; and that it would be inexpedient and improper, in his view, to make a contract of this description till that line was established and put in operation; but that is now in operation, and I ask the Senator from Texas what he proposes to do? The Postmaster General went into a statement and estimate of the difference in the cost of carrying the mail on the Mississippi and Ohio rivers between Louisville and New Orleans and St. Louis and New Orleans, in the way he now manages it, and the bids that have been made are for carrying a regular line. I do not doubt that there would be a great difference; but what is that difference to be considered when we look at the interests of the country and the system of carrying the mail? The one brings you certainty and regularity; the other neither one nor the other. Without this regular system there is no reliability. Men who have tens of thousands and hundreds of thousands at stake, want regular communication. What they want is regularity, certainty, and a communication on which they can depend; a speedy communication; that is the difference; and although for less than $300,000, or less than $180,000, the Department can blunder along, sending the mail, if you please, in some way, yet it is not carried in such a way as to accommodate the country.

The advantages of carrying a regular daily mail would be very great, and they would justify the entering into a contract. We ought to have a contract to give us regularity. I know it is very possible sometimes, by the prevalence of dense fogs on the Mississippi, and sometimes by the accidents that happen to the steamboats, that the mail would be delayed, but that would be only occasionally. In the main the mail would be carried with certainty and due dispatch, according to the provisions of the contract and of the law. Why, then, should we stickle about $300,000 for carrying the mail from Cairo to New Orleans on such a line of communication as that which could be carried with reasonable certainty and dispatch? I cannot comprehend, when we come to consider the importance of that consideration, why we should do so, and when we know, as has been said over and over again in this body, that in the winter and spring seasons, when the great bulk of our produce is carried off to New Orleans, that the mails cannot be carried in the ordinary mail travel. Our railroad communication will remedy it by-and-by. That was one of the things to which I alluded the other day, when I stated that our railroad communications with the northwest from the southwest and south are incomplete, and it may be very long before they will be completed. Why should we halt at the expenditure of 300,000 to carry the mail regularly between New Orleans and Cairo, and the intermediate points, where such great public interests are at stake? The difference between that and what is paid for the present carrying, is nothing in comparison with the benefits which will be produced.

That is the view in which the question presents itself to my mind, but this Congress or the Department may say that this is inexpedient. Why should we expend $300,000 for establishing such a route? It may be said that, when you get to Cairo, you have not a direct communication to St. Louis and Louisville, but you will soon have it, because we shall soon have a railroad communication, and that will make a speedy and sure communication. The Postmaster General has also suspended the carrying of the mail between St. Louis and Louisville, a most important and convenient object for the great commerce on the line of the rivers between those two points and Cincinnati. When I find that, without meaning, as I state again, to impugn the perfect honesty of his motives, I think his views are rather too narrow in reference to questions of economy. They are very far removed from true economy. When any public object is proposed to be established which promises to pay a hundred or a thousandfold to the people of the country, or to the great sections of the country, what the Government gives out of its Treasury for the support or establishment of such a work is well given.

I desire to state that I know my colleague [Mr. Jones] had it in view to move some proposition to this bill. He told me so. I suppose I could not at this stage of the session ask that it should be laid over on account of his absence. I presume he is sick, although I have had no communication from him to-day. He is not in his seat, and I regret it very much. I do not know what his proposition was.

Mr. BRODHEAD. This debate is very much aside of the real question. These gentlemen entered into a contract to carry the mail for a certain sum on this route. They prepared themselves to do so; they laid out a very large sum of money, but did not proceed. Now, one fact was clearly established before the Committee on the Post Office and Post Roads, of which I am a member. It is the prominent and controlling fact, that these gentlemen could not have carried the mail on the boats for the sum designated in the contract, without carrying the freight; that is a fact admitted on all hands. They could not carry the mail according to the specified terms of the contract, without carrying freight. They are not forbidden, in the contract, from carrying freight; they expected to carry it, as I firmly believe; they honestly expected to do it. There is, therefore, clearly a loss; that is admitted. There is a large loss; that is admitted. The two facts are admitted; first, that they could not carry the mail without carrying freight; and, secondly, that there has been a large loss. What do we propose to do? To refer the case to a very competent and impartial officer to ascertain, not the consequential damages, but the real damages; and the question is, whether we shall do that? I think we ought to do it; the Committee on the Post Office and Post Roads have so decided.

Mr. MORTON. As a member of the Committee on the Post Office and Post Roads, it is proper that I should make a remark or two in relation to this amendment. Most of the discussion upon it has been irrelevant, and I am glad that the honorable Senator from Pennsylvania has drawn the attention of the Senate to the true question before us.

The facts of the case lie in a nut-shell. Congress authorized the Postmaster General to contract for mail service on the Ohio and Mississippi rivers, from Louisville to New Orleans. After some delay, a contract for that service was made with Mr. Glover and his associates. They were, under that contract, bound to furnish suitable and proper boats for the transportation of the mails. The Postmaster General, acting with great caution, as I understand, appointed an agent to repair to Louisville, and there inspect and examine the boats presented by these contractors. The agent did so, and reported to the Department that the contractors had presented proper boats for the transportation of the mail, complying with all the requirements of the contract under the law. There was no requirement that freight should not be

carried, but simply that they should furnish suitable and proper boats for the transportation of the mail. This provision of the contract was complied with, and the boats of the contractors were reported to the Department to be fit for the service; but when they made application to the post office agent at Louisville for the mail, it was refused to them, on the ground that they were about to carry freight on their boats. There was no provision in the contract prohibiting the carriage of freight, and I presume there is no such provision in any mail contract throughout the Union. Every one conversant with the trade of the Mississippi must know that it would be the height of folly for contractors for a daily mail on that river, requiring twenty or thirty boats, to employ them simply in transporting the mails and passengers; and that to carry out such a provision must result disastrously to the parties concerned. They made formal application for the mail for fifteen days, and each day it was refused to them. After a full examination of the papers, I have come to the conclusion that the contractors fully and completely complied with every provision of the contract, and that the Postmaster General refused to deliver them the mail on a ground not recognized by the law, or by the contract.

As I presume the Senate is always glad to conform its action to precedent, I desire to recall to its recollection a similar case in which we granted relief at the last session of Congress. The circumstances of that case were these: A Mr. Kelly made a contract for the transportation of the mail from Bainbridge, in Georgia, to Appalachicola, in Florida. A few months after he entered upon the service, under representations made to the Post Office Department, the contract was taken from him on the allegation that he was not prepared with suitable boats for the transportation of the mail. He petitioned Congress for remuneration for this violation of his contract by the Department. The fact was established to the satisfaction of Congress, that the Postmaster General had improperly withheld from him the transportation of the mail, according to his contract? What relief did Congress afford to him? Although he did not transport the mail, they passed a law allowing him the full amount of his contract price from the time when the service was stopped until the period when the contract expired. In order to do full and complete justice to these contractors, I think we should provide, in like manner, to pay them the full amount of their contract price from the time when the Postmaster General withheld the mail from them until the expiration of their contract. The act to which I have alluded, for the relief of Mr. Kelly, is in these words:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Postmaster General be, and he is hereby, authorized and directed to have the accounts of John W. Kelly, late contractor on route No. 3540, from Bainbridge, Georgia, to Appalachicola, Florida, audited and settled by the proper accounting officers, and to allow said Kelly the contract price stipulated to be paid to him, to wit, the sum of $2,4.0 per annum, from the 1st of September, 1852, to the 13th of June, 1855, the day on which his contract would have expired."

Congress, in that case, allowed the contract price up to the day on which the contract would have expired, although the services were not performed, it appearing, to the satisfaction of Congress, that the whole service would have been performed if the Post Office Department had not attempted to annul the contract on the same principle. I am inclined, in this case, to go further than this amendment does. I think that, in justice and equity, these contractors are entitled to their full contract price up to the very day on which their contract would have expired. I shall, of course, support the amendment, although it does not carry out my own ideas of justice.

Mr. SEWARD. Mr. President, the state of this case seems to me to be about this: Congress authorized a contract to be made for a certain service on the Mississippi river in a certain way. The Postmaster General issued advertisements specifying the terms, manner, and form of service; proposals were received, and the proposition of these parties was accepted. The contract with them was reduced to writing and executed. The parties went on in good faith and prepared themselves at very great expense for the performance of their duties under the contract. When they were ready to perform it and demanded the mails for the purpose of carrying them, the Postmaster General refused to allow them, insisting that they should convey the mails in boats not carrying freight—a provision which was not contained in the contract which he had executed. They insisted upon carrying freight, as the contract which they had with him, or with the Government, allowed them to do. He refused to permit them to carry the mails at all, unless they would, in addition to the terms of the contract which had been agreed upon, also adopt another condition which would be ruinous to the whole enterprise—a condition, which, if required in the original contract, would have prevented them from accepting it—a condition which would impose on them an expense double the amount of all the advantages which they were to derive from the contract itself.

There was a difference between the contract, as the Postmaster General thought he ought to have made it and as he actually did make it; but there was not the least suspicion of evasion, duplicity, misconduct, or misrepresentation on the part of the contractors. They came forward and made in good faith the contract which was required. Afterwards the Postmaster General thought he ought to have made a very different contract. I repeat again, that, if the condition which he sought to impose had been insisted upon, it would have been impossible for these men to accept the contract unless by receiving a sum double or treble the amount which the Government actually agreed to pay.

Now, then, the Postmaster General has brought the matter into this dilemma: The contractors built several vessels; they sacrificed those vessels; they have been ruined, or nearly so, in the attempt to execute the contract as they made it. The Postmaster General, without any reservation in contract authorizing him to do so, refused to allow them to perform it. It seems to me that it would be a very convenient, though not a just, thing to have a Postmaster General to break contracts, a Postmaster General to refuse to award damages for their violation, and a Congress to refuse to review the action of a Postmaster General so acting, and to have the Government justify its blunders on the one side, and the individual citizen bear its consequences on the other.

Mr. HUNTER. Mr. President, this amendment, in the first place, affirms that the Postmaster General has violated a contract. Now, we have neither the time nor the means to enter into an inquiry in order to satisfy ourselves that he has done so. It next proposes that the First Comptroller shall ascertain the damages, and that whatever he may say ought to be paid shall be paid. It does not leave it to him, or any other officer of the Government, to say whether or not the contract has been violated; but it is to leave it to the First Comptroller to say what ought to be paid in the shape of damages. Now, if there ever can be a case properly belonging to the court of claims which we have established, this is the case. That will be a tribunal before which these men can go and have their claims examined and adjudicated. It seems to me that there could be no more unsafe tribunal than this body, with such means of information as we have before us to pass upon such a claim.

The other issue which was raised by the gentleman from Louisiana [Mr. BENJAMIN] does not belong, it seems to me, to this amendment, and I am not disposed to enter into it. Clearly this amendment ought not to be put upon an appropriation bill. It is to provide for a private claim, which legitimately belongs to the court which we have established.

Mr. GEYER. Mr. President, when this amendment was first offered, I was disposed to vote against it, because I thought it was out of place, and properly belonged to the jurisdiction of the new court of claims which we have agreed to establish; but, on reflection, I am convinced that I ought to vote for the amendment. I have no doubt, and never have had that this contract was violated by the Postmaster General; I have no doubt, and never have had, that, on the very first opportunity, we ought to administer a rebuke to him.

Objection is made to this amendment as out of place. I have heretofore almost uniformly voted against the introduction of any claim upon an appropriation bill. I voted, but a few days ago, against my wishes and feelings in regard to a private claimant, whose claim was urged as an amendment to the Indian appropriation bill. I have acted on the principle that the appropriation bills ought not to be made the vehicle for carrying private claims, or making provision in regard to the general laws of the land. But we have fallen into the habit in the Senate, and the example is being followed by the House of Representatives, of converting the appropriation bills into an omnibus to carry every measure which can receive a majority. We find now in the civil and diplomatic appropriation bill, which will be before us in a few days, provisions regulating the tariff, a complicated and intricate subject, interesting to the people of the United States. Those provisions have been inserted in that bill by the House of Representatives, and I suppose, judging from the nature of the vote in the House, they are to be carried here. If an amendment of that description is to be placed on the civil and diplomatic bill, I can see no reason why we may not as well make the appropriation bills carry every measure which can meet the approbation of Congress.

I shall, however, vote for this amendment, principally because I wish to put on record my vote of disapprobation of the conduct of the Postmaster General in reference to this transaction. I desire to say nothing about his disobedience of the mandate of Congress at the last session, because I think that does not belong to the occasion. Nor do I think that it needs reënforcement at our hands. The Postmaster General appears to have few, if any, friends upon this floor, and I therefore decline the invitation given by the Senator from Louisiana to join in the discussion of his conduct.

Mr. RUSK. I think the honorable Senator from Missouri is mistaken in the assertion that the Postmaster General has no friends on this floor. I believe I fairly stated in the outset, in answer to a question from some honorable Senator, the general grounds on which this claim is based; but the record was immediately traveled out of to make an assault on the Postmaster General. As the honorable Senator from Missouri says he will vote for the amendment to mark his disapprobation of the conduct of that officer, I send to the Secretary's desk, and ask to have read, a letter from the Postmaster General, in answer to one from me, in reference to this case.

The Secretary read the letter, as follows:

POST OFFICE DEPARTMENT, *February* 20, 1855.

SIR: I have the honor to acknowledge the receipt of your letter of 25th ultimo, inclosing "a copy of the memorial of William R. Glover and T. W. Mather, asking for compensation for the refusal of the agent of the Department to furnish them with the mails under a contract with the Post Office Department," and asking me to "furnish such information as will throw light upon the subject."

It must be supposed that the design of the eleventh section of the act of Congress, approved August 31, 1852, directing the Postmaster General to make a contract to convey mails on the Ohio and Mississippi rivers, was to meet the demands of that section of country for a new and better mail arrangement than then existed, under the plan of shipment by the trip on transient steamboats, running between Louisville, St. Louis, and New Orleans. The Postmaster General accordingly issued an advertisement on the 31st of December, 1852, in which was set forth the precise character of the required service. After specifying the frequency of the trips, and hours of departure and arrival at the termini of the several routes, the first requirement was that "the service must be performed in suitable and safe steamboats, of the very best class, constructed for the conveyance of mails and passengers only." Bidders were further distinctly notified that "the object of Congress in enacting the law, and of the Department in executing it, is to obtain regular and reliable lines of mail packets." The result is given in detail in my report, made on the 9th February, 1854, in answer to a resolution of the Senate of 24th January, 1854, to which I beg leave to refer. See Senate Document, 33d Congress, 1st session, No. 31.

The contract of Messrs. Glover & Mather demanded that the service should be performed in "suitable and safe steamboats;" that is, boats *suitable* for the service required by the advertisement, constituting a regular and reliable line of mail packets, arriving and departing at fixed hours at the principal points, and not subject to the delays consequent upon the reception and discharge of freight.

Some time after the execution of the contract, I was first informed that the proper class of boats for its fulfillment could not be immediately provided, and being anxious that the service should commence at the earliest day, I permitted the contractors to report for the line such boats as could be obtained, for temporary service, until they might be able to complete the regular line of mail packets of the class described by the advertisement.

Messrs Glover & Mather then presented a list of boats, all of which, except two they were having constructed, were found to be already engaged in conveying mails on the old plan, by the trip. They were pursuing the usual freighting business, and no change in this respect was proposed. Had they been accepted as regular mail boats, under the contract, the design of the law would have been defeated, and the just expectations of the public disappointed, because the service would have remained practically unchanged.

The shipment of mails by Messrs. Glover & Mather would have differed from the existing service only in this: that the Department could levy and collect fines from them for failures to arrive in time, or to ship a mail on a given day, without effecting any improvement in the mail facilities.

In the correspondence and negotiations between the contractors and myself, the feasibility of employing low pressure boats was considered, and the only point of doubtful legality in my mind, in connection with the advertisement, was as to the *excess* of service originally specified. The other requirements of the advertisement, as to the construction of boats for mails and passengers only, were never discussed. Being satisfied that high pressure boats should be allowed, and that the wants of the public would be sufficiently met with a reduction in the amount of service, contemplated by the acceptance of 1st March, 1853, I ordered the modifications expressed in the letter of my second assistant, (Mr. Dundas,) to Messrs. Glover & Mather, on the 23d May, 1853. No new contract was contemplated. The acceptance of 1st March, 1853, according to the advertisement, was simply changed, so as to dispense with the restriction to low pressure boats, and reduce the service and pay. In every other respect it remained as binding as if no modification had been made.

It must have been designed by Congress to provide new and improved mail service, different from that which had been tested for many years, and found inadequate to the public wants. The Department demanded such service. Messrs. Glover & Mather unconditionally bid to carry the mails, "agreeably to the advertisement of 31st December, 1853," in steamboats, "as required by the advertisement." Their bid was accepted, but failing to present suitable boats, or to run the boats presented in a proper manner, the mails were withheld from them.

There were other bidders who had, no doubt, fixed their prices, after duly considering all the requirements of the Department, and it would have been the grossest act of injustice to them to dispense with any of the published conditions and restrictions, in favor of the accepted bidders.

I am, sir, respectfully, &c., JAMES CAMPBELL.

HON. THOMAS J. RUSK, *Chairman of the Committee on the Post Office and Post Roads, United States Senate.*

Mr. ADAMS. I have an amendment to offer to the amendment. It is a provision which was unanimously agreed to by the Post Office Committee, but subsequently a majority changed their views. My amendment is to strike out all of the amendment of the Senator from Pennsylvania, after the word "enacted," and insert:

That the proper Comptroller of the Treasury, under the instructions of the Attorney General, inquire whether the contract made by the Postmaster General with William R. Glover and Thomas W. Mather, and their associates, for carrying the United States mail on route No. 5102 in the year 1853, was violated by the Postmaster General without legal and adequate cause, and if it was so violated, then to ascertain and allow such damages as they are entitled to in equity and justice by reason of such violation; and that such damages be paid to the said Glover & Mather and their associates, out of any money in the Treasury not otherwise appropriated.

The amendment to the amendment was rejected; and the question recurring on Mr. BRODHEAD's amendment,

Mr. ADAMS asked for the yeas and nays; which were ordered and taken, and are, as follows:

YEAS—Messrs. Allen, Badger, Bell, Benjamin, Bright, Brodhead, Brown, Clayton, Cooper, Dawson, Douglas, Foot, Geyer, Gillette, Gwin, James, Jones of Iowa, Morton, Seward, Sumner, Thompson of Kentucky, Wade, Weller, and Wilson—24.

NAYS—Messrs. Adams, Dodge of Wisconsin, Fitzpatrick, Hunter, Mallory, Pearce, Pettit, Rusk, Sebastian, Slidell, Stuart, Toombs, Wells, and Wright—14.

So the amendment was agreed to.

Mr. RUSK. I move to amend the clause appropriating $5,921,938 for the transportation of the mails, by striking out "twenty," and inserting "eighty," so as to make the sum $5,981,938. The additional sum of $60,000 is the amount estimated by the Department for the transportation of the mails in the Territories of Kansas and Nebraska. They were not included in the original bill, because there were no mail routes there established by law.

I have a letter from the Postmaster General inclosing the estimates. At all events no injury can be done by the appropriation, because it is left to his discretion.

The amendment was agreed to.

Mr. RUSK. I have another small amendment from the Committee on the Post Office and Post Roads:

SEC. —. *And be it further enacted*, That the Postmaster General be, and he is hereby authorized to pay Cranston Laurie, a reasonable compensation for performing the duties of two desks in the Post Office Department, not to exceed half-pay of a clerk for the time he was so employed.

The amendment was agreed to.

Mr. RUSK. I have another amendment to propose from the Committee on the Post Office and Post Roads:

SEC. —. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to pay Uriah P. Monroe, his representatives or assigns, his pay in full for extra mail service on the mail route from Sacramento to Shasta, in the State of California, commencing October 1, A. D. 1851, and ending July 15, 1852, the sum of $5,541 61.

Mr. HUNTER. Is not that a private claim?

Mr. RUSK. I have here a report of the Committee on the Post Office and Post Roads of the House of Representatives, explaining the matter, and showing that this is not a private claim within the exception of the rule; but it is to pay for services performed under the direction of the proper officer. I ask that the report be read.

The Secretary read, as follows:

"The Committee on the Post Office and Post Roads, to whom was referred the memorial of Uriah P. Monroe, asking compensation for extra mail service, report: That in the month of June, 1851, the memorialist contracted to transport the United States mail from Sacramento to Shasta, in the State of California, once in each week, for the annual compensation of $7,000. That on the 1st of October, 1851, the special agent of the Post Office Department for California, having full authority so to do, directed the memorialist to furnish a semi-weekly service over the same route. In compliance with such directions he performed semi-weekly service until July, 1852.

"These facts are clearly set forth in communications of the said special agent to the Post Office Department, which clearly showed the importance and extent of the service. It appears, further, that for much of the time the service was rendered particularly difficult on account of the overflow of the valley of Sacramento, which made it necessary for the memorialist to employ a steamboat on a portion of the route. The statements of the special agent are supported by several affidavits, and the committee can see no good reason why *pro rata* compensation should not be allowed. The memorialist claims $7,000, and the special agent recommends the payment of that amount. The committee, however, can see no sufficient cause for a departure from the rule of *pro rata* compensation, and report a bill accordingly."

Mr. HUNTER. This is a private claim. It is not a claim under any law of the United States, or under any contract. It appears to have been reported as a private bill in the House of Representatives. If we admit this, I do not see what limit there is, or where we shall stop. We might just as well put on this appropriation bill all the private claims which have been reported by the Committee on the Post Office and Post Roads. I know that the Senator from Missouri [Mr. GEYER] has advanced the theory, that because the House have put certain things on an appropriation bill, therefore everything should go on those bills; but I think he will find cause to review his opinion. If he acts on that theory for an hour longer, I think he will find ample reason for reviewing his opinion. There is more reason now for keeping the appropriation bills clear from such things than there ever was heretofore, because, as I have said, there is a court established to try such claims as these; and it can better try and determine them than we can.

Mr. RUSK. The report states that the additional service performed upon the route which was already in operation, and for which this gentleman was the contractor, was performed by the direction of the special agent of the Post Office Department in California. According to law, if that service had been performed by the special direction of the Postmaster General, a *pro rata* allowance would have been made for it; because the law provides that the Postmaster General may either diminish or increase the service on every contract, allowing *pro rata* compensation. Instead of the Postmaster General ordering the increased service on this route, it appears from the report that it was ordered by the special agent of the Department in California. The distance between the seat of Government and California renders it extremely necessary to have some person on the spot to take charge of this branch of the service. The Senate, on one or two occasions, have agreed to provisions giving extraordinary powers to the special agent in California in consequence of the distance from here to there, and the difficulties which might attend waiting for instructions from the Department in cases of emergency. Such enactments have been introduced at the request of former Postmasters General, and I believe the present head of the Deparment has recommended them, in consequence of the difficulty which I have stated.

If the service in this case had been ordered by the Postmaster General himself there would have been no necessity for coming to Congress for payment of this amount; but it was ordered by the special agent, when the Postmaster General could not be consulted, and, therefore, it seems to me that it is a case clearly admitted by the rule. It is in compliance with the spirit of the law. The service has been performed. It has not been repudiated by the Postmaster General. It was done under the direction of the special agent, and we only propose to give a *pro rata* compensation which would be allowed by law if it had been done under the personal direction of the head of the Department. According to the report it appears that the claimant asked for $7,000, but it was determined not to go beyond the *pro rata* compensation recognized by law.

Mr. GWIN. If the law was then as it is now, this money would have been paid without the necessity of coming to Congress. I hope there will be no objection to the amendment. The laws have been amended since the transaction occurred so as to give the special agent in California the power referred to by the Senator from Texas.

Mr. WELLER. I may be allowed to say that the papers in this case show that the reason given by the special agent for requiring this extraordinary service, was in order to break up the private expresses. Those expresses were carrying all the mails on the route, and in order to break down the expresses, the special agent of the Department directed this additional service; that is, he directed the mail on this route to be carried semi-weekly instead of weekly, as provided for by the original contract. The proof shows that the service was rendered at great sacrifice by the contractor; that he was compelled to put a steamboat on the route for the transportation of this mail, and the delivery of it at the different points on the Sacramento river. He performed the service for nine months, and all the amendment proposes is, that he shall receive a *pro rata* compensation for nine months service, according to the terms of the original contract.

The PRESIDING OFFICER, (Mr. FOOT.) The Chair feels compelled to entertain the amendment, both under the rule and the practice of the Senate.

Mr. CLAYTON. It seems, from the statements of gentlemen, and the evidence in the case, that here is a good claim. No objection is made to it on its merits, but the objection is made that it is a private claim which is proposed to be added to an appropriation bill; and it is said that we have agreed to constitute a court of claims to settle questions of that character. Sir, if the bill establishing a court of claims which we passed here had been signed by the President, and were now the law of the land, I should vote against the introduction of this claim, but I do not know what may happen. That bill is not yet a law, and until it does become a law, I must proceed to legislate precisely as if there were no such law. There is none such. I should have voted against one or two other propositions to-day if it had not been for that fact. I mean to vote for this claim.

But now let me say that if the bill which we did pass here, establishing a court of claims, shall be signed by the President, and become the law of the land, I do earnestly hope that the Senate of the United States, after constituting a tribunal to decide these questions, will entertain jurisdiction over them no longer. Sir, let me admonish gentlemen that if, at this session after that bill shall become a law, we entertain these claims, our decision will be quoted hereafter at every succeeding session, and we shall, by our action, completely nullify our own law. When that bill shall become a law let us adhere to it; let us stand by the decision of the tribunal which it establishes, and give that great scheme a full and fair trial. I anticipate immense good from it; but I should anticipate no good at all from it, if the Senate of the United States were to reverse its own decision, and proceed to take up private claims after we have constituted that court, and go on as we have heretofore done. Whenever that bill shall come here signed by the President, being a law of the

land, so far as my vote is concerned I shall go against all attempts to take away jurisdiction from the court we have established.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. RUSK. I now renew the following amendment, which I offered in Committee of the Whole, and which was then rejected:

SEC. —. *And be it further enacted*, That the proper Comptroller of the Treasury, under the instructions of the Attorney General, inquire whether the contract made by the Postmaster General with William L. Blanchard for carrying the United States mail on route No. 5066, in the year 1853, was violated by the Postmaster General without legal and adequate cause given by said Blanchard; and if it was so violated, then to ascertain and allow such damages as he is entitled to in equity and justice by reason of such violation; and that such damages be paid to the said Blanchard out of any money in the Treasury not otherwise appropriated.

Mr. COOPER. I voted against that amendment when we were acting as in Committee of the Whole, but I did so from a misapprehension of the question. I desire now to say that I shall vote for it. I deem this explanation due to the change of my vote.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time; and the bill, as amended, was accordingly read the third time, and passed.

THE TARIFF.

SPEECH OF HON. SAM. MAYALL,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. MAYALL said:

Mr. CHAIRMAN: I enter upon the discussion of the tariff bill with a great degree of reluctance; for I know it is a subject that has engrossed the attention of the wisest statesmen who have gone before us, and one on which they have been widely divided. It baffled their skill and judgment to reduce it to that perception in which it would have an equal and satisfactory bearing on the various sectional interests of our country. It has ever been a subject of strife and contention in this Hall; because there are various and conflicting interests represented on this floor; and it is morally impossible to fix upon any tariff that will be satisfactory to all parties. Hence it becomes us to meet it in a spirit of concession and compromise.

Sir, if I understand the policy of the Secretary, [Mr. Guthrie,] it is to reduce the revenue to meet the current expenses of our Government, and afford equal protection to the agricultural, commercial, and manufacturing interests of our country, and thus reduce taxation, ameliorate the condition of the poor, and meet the wants of the people. In this measure I concur with the Secretary in the recommendation of this principle, and shall cheerfully support him to this end.

Proposing, as the bill does, to revolutionize, to some extent, our tariff system, it becomes more directly interesting to the New England States, engaged, as they are, extensively in manufacturing business. Hence I have taken some pains to examine into the history of the legislation of our country on this subject, and to refer to the practical effect that the principal tariff acts produced upon the business of the country. From the history of the past, we shall be able to draw correct conclusions as to the effects of similar tariff acts in the future; from which we infer, that if a twenty per cent. tariff produced a certain effect at any past period in the history of our country, the same per cent. duty will produce the like effect again. So with a twenty-four per cent. duty, or any other that may be fixed on, whether it be in favor of an *ad valorem* or a specific duty—that is, a percentage upon the value of the article, or on the quantity, without regard to the value or cost of it. In my view of this matter, not professing to have examined it with great care, a duty *ad valorem*, or, in other words, a duty upon the value of an article, is more just and equitable than a fixed specific duty, without regard to its cost or value.

To illustrate my idea I will take the article of broadcloth. A specific duty would impose a certain sum upon every square yard or inch of it, without regard to cost or quality, and thus a man who is only to wear cloth worth two dollars per yard would pay as much money into the Treasury as a man who wears cloth worth ten dollars per yard. This is clearly unjust. On an article of cutlery, the cost of which varies as much, probably, as any other imported, the system of specific would impose as high a duty on a farmer's coarse jack-knife, costing only twenty-five cents, as on the Congressman's highly polished knife, costing five dollars. Whereas the *ad valorem* system would fix the duty in proportion to its value.

Sir, I am therefore in favor of a tariff of duties upon the *ad valorem* principle, so long as the expenses of maintaining the Government are paid from money raised by a tariff, it being a more just and equitable system than that of specific duties. These should be discriminating, leaving the highest percentage upon articles of luxury, and making as many of the indispensable articles of living free of all duty as possible. But my opinion has long been that money required for the support of the National Government should not be raised in this manner for several reasons.

In the first place, it is impossible to regulate a tariff of duties, so as to raise the exact sum—or anything approximating to it, required for the expenses of the Government. You either have a deficiency requiring a loan, or a surplus. Now, the money thus raised, comes as directly from the pockets of the people as any other tax, and far more unequally in its operation.

To explain my meaning, I will take one of my neighbors, who has an estate worth $100,000 and no children—perhaps a miser. He does not consume one tenth the amount of articles upon which duties are levied that is consumed by another neighbor, who, although not worth a thousand dollars, has ten children in his family. Now, sir, if I understand the object of Government, it is to protect the property and life of the governed; hence it is self-evident, that he who has the largest amount of property to be protected by the Government should pay the largest portion of the expenses of maintaining it. This cannot be done by levying duties upon imported goods, and therefore, I hope to see the day when this system shall be abandoned, and a more just and impartial one established in its place.

Mr. Chairman, on an examination of this subject, I have one proposition to make to the South. It is said on this floor that it is for the interest of the South to have free trade. Now, sir, I with them will abandon protection, and will vote to abolish our revenue laws for the collection of duties upon foreign articles of importation; and, if it be the pleasure of the South, I will vote to sell all our custom-houses to the highest bidders, and thus dispense with the excuse for making appropriations to the amount of three or four millions per annum, merely to adorn and beautify some growing city, to make the property in its locality more valuable at the expense of the General Government. Dispense with these custom-houses, and we should be relieved of a burden of officers who are now political paupers, who are ever ready to do the bidding of the party in power, and who are used successfully for political purposes. Dispense with the custom-houses and establish direct taxation instead, and you would vastly curtail the expenses and the patronage of the Executive. Let the revenue for the support of the General Government be raised in the same way as that for the support of each State government is raised, and the operations of the General Government would be greatly simplified. I say, *I will coöperate with the South to this end.* But, I am aware the first man from the South cannot be found who will adopt this course; and why? It is the object of the South, from what I can learn, to levy the duties in such a way as to make the cotton growing interests of that section as great as the manufacturing interests of the North; or, in other words, to make the same amount of slave-labor as valuable to them as our free mechanical labor is to us of the North. And again, it is because there is a constitutional provision to which they object. It is this:

"Representation and *direct taxes* shall be apportioned among the several States which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three fifths of all other persons.*"

Thus "direct taxes shall be apportioned among the several States," according to their population, including three fifths of the slave population, so that the South would have to pay direct taxes for three fifths of all their slaves. Hence, *when put to the test*, the South would universally object to direct taxation.

There is one possible effect of the clause of the Constitution to which I have just referred, that I have never seen noticed. It is this: suppose a planter in the South had acquired so much wealth as to possess two hundred thousand slaves. This would be a sufficient population to comprise one congressional district, for three fifths of this number would be one hundred and twenty thousand. This planter would thus be enabled to elect himself to Congress without receiving any other vote than his own. This feature of the Constitution, therefore, is neither democratic nor republican.

But to return to our subject. What I desire to show in this connection is, that the South ought either to abandon the tariff system, and resort to direct taxation, or harp no longer upon free trade. But the South will not adopt a system of direct taxation, for the reasons I have given; therefore, the great question to be solved is, how are the duties to be levied? I reply, in such a manner as will afford equal protection to agricultural, commercial, and manufacturing interests. I understand it has ever been one of the principal objects of our Government to afford protection to the manufacturing interests. The first tariff act ever passed in the United States, begins with these words:

"Whereas it is necessary, for the support of Government, for the discharge of the debt of the United States, and *the encouragement and protection of manufactures*, that duties be laid on goods, wares, and merchandise imported."

The messages of the Presidents of the United States, whether of Whig or Democratic Administrations, also prove most conclusively that it has ever been the policy of our Government to give encouragement to the manufactures of this country. Washington, in his first annual message, in 1789, thus refers to this subject:

"Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible. As a general rule, manufactures on the public account are inexpedient; but where the state of things in a country leaves little hope that certain branches of manufacture will, for a great length of time, obtain, when these are of a nature essential to the furnishing and equipping of the public force in time of war, are not establishments for procuring them, on public account, to the extent of the ordinary demand for the public service, recommended by strong considerations of national policy as an exception to the general rule."

Thus Washington regarded the encouragement of such manufactures as are required for equipments, including, of course, the woolen cotton, and leathern goods, as essential to the safety, as well as the prosperity of the nation. Jefferson did not withhold his sanction to a similar and even wider policy, for, in his fourth annual message, he says:

"Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of your constitutional powers, be aided in any of their relations; whether laws were provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public revenues; whether the organization of the public agents, or of the public force, is perfect in all its parts; in fine, whether anything can be done to advance the general good, are questions within the limits of your functions, which will necessarily occupy your attention. In these, and other matters which you, in your wisdom, may propose for the good of our country, you may count with assurance on my hearty coöperation and faithful execution."

And, in accordance with this recommendation of Jefferson, the act of March 4, 1804, was enacted, imposing import duties on certain manufactured articles therein specified. In his sixth annual message, Jefferson thus again refers to this subject:

"Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles

of more general and necessary use, the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid, are foreign luxuries, purchased by those only who are rich enough to afford themselves to use them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers."

Jefferson, therefore, was a most decided supporter of the protective policy in relation to such manufactured articles as he regarded as "foreign luxuries." Madison, in a special message sent to Congress, March 31, 1814, gave the following recommendation:

"I recommend, also, as a more effectual safeguard and encouragement to our growing manufactures, that the additional duties on imports, which are to expire at the end of one year after a peace with Great Britain, be prolonged to the end of two years after that event; and that, in favor of our moneyed institutions, the exportation of specie be prohibited throughout the same period."

And in his seventh annual message, Madison says:

"In adjusting the duties on imports to the object of revenue, the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies, of a reciprocal adoption by other nations, experience teaches that so many circumstances must occur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and, in some respects, even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry it has made among us a progress and exhibited an efficiency which justify the belief that, with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become, at an early day, not only safe against occasional competitions from abroad, but a source of domestic wealth, and even of external commerce."

A moderate protective tariff was regarded, therefore, by Madison as beneficial, not only to our domestic manufactures, but as likely, before long, to promote an exporting commerce. Monroe taught the same doctrine. In his first annual message, he says:

"Our manufactures will require the continual attention of Congress. The capital employed in them is considerable, and the knowledge required in the machinery and fabric of all the most useful manufactures is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the nation."

In his third annual message, Monroe says:

"It is deemed of great importance to give encouragement to our domestic manufactures. In what manner the evils adverted to may be remedied, and how far it may be practicable, in other respects, to afford to them further encouragement, paying due regard to all the other great interests of the nation, is submitted to the wisdom of Congress."

In his fifth annual message, Monroe predicts that, under the encouragement given by the then present duties, every branch of domestic industry would be carried on to an extent to "meet any demand which, under a fair competition, may be made upon it." And then Jackson, in his first annual message, makes the following admission on behalf of a protective tariff for the encouragement of manufactures:

"The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of Government."

Even Jackson, in his second annual message, contended strongly in favor of a protective tariff for the encouragement of manufactures, saying that, "while the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures" guided in the adjustment of such duties, of course by the general good, placing "the productions of our soil, our mines, and our workshops, essential to national defense," in the first rank of a protective tariff, and contending that whatever other species of domestic industry of public importance which might "be expected, after temporary protection, to compete with foreign labor on equal terms, would merit the same attention in a subordinate degree." He recommends that each particular interest which a tariff was proposed to protect, should be considered singly, "and, if after a due examination of its merits, unconnected with extraneous considerations, such a desire to sustain a general system, or to purchase support for a different interest, it should enlist in its favor a majority of the Representatives of the people, *there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect.*" And in this recommendation I fully concur.

Tyler, in his second annual message, after showing how important it was to the preservation of the Union that moderate tariff duties should be imposed, as promotive of all the interests of society, and none more than those of the manufacturer, says:

"It cannot be too often repeated that no system of legislation can be wise which is *fluctuating* and *uncertain*. No interest can thrive under it. The prudent capitalist will never adventure his capital in manufacturing establishments, or in any other leading pursuit of life, if there exists a state of uncertainty as to whether the Government will repeal to-morrow what it has enacted to-day. Fitful profits, however high, if threatened with a ruinous reduction by a vacillating policy on the part of Government, will scarcely tempt him to trust the money which he has acquired by a life of labor upon the uncertain adventure. I therefore, in the spirit of conciliation, and influenced by no other desire than to rescue the great interests of the country from the vortex of political contention, and in the discharge of the high and solemn duties, of the place which I now occupy, recommend moderate duties imposed with a wise discrimination as to their several objects, as being, not only most likely to be durable, but most advantageous to every interest of society."

This, Mr. Chairman, as I shall presently show, is *precisely* the line of policy which is most desirable at the present day, and which is demanded alike by the great manufacturing interests of the North, the safety and success of commercial enterprise, and inasmuch as agriculture depends for its prosperity on these two important interests, the three leading pursuits of this great nation may be said to demand this moderate and conservative policy at the hands of the Government.

Polk, in his inaugural address, advocated a similar line of policy. Although he made protection a secondary object of imposing tariff duties, he declared that "it is the duty of the Government to extend, as far as it may be practicable to do so; by its revenue laws, and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation."

Here then, sir, we see from the messages of the various Presidents of the United States, that it has been a Democratic doctrine, a Whig doctrine, and in fact I may say, the great "American doctrine," to afford protection and encouragement to the manufacturing interests of the country But, sir, on reading the message of the President, delivered at the opening of this session of Congress, I find that a new light has dawned upon the present Administration, a new-fangled Democracy has been thus promulgated by the President:

"The estimates presented to Congress from the different Executive Departments, at the last session, amounted to $38,403,581; and the appropriations made, to the sum of $58,116,958. Of this excess of appropriations over estimates, more than $20,000,000 was applicable to extraordinary objects, having no reference to the usual annual expenditures. Among these objects was embraced $10,000,000 to meet the third article of the treaty between the United States and Mexico; so that, in fact, for objects of ordinary expenditure, the appropriations were limited to considerably less than $40,000,000. I therefore renew my recommendation for a reduction of the duties on imports. The report of the Secretary of the Treasury presents a series of tables, showing the operation of the revenue system for several successive years, and as the general principle of reduction of duties with a view to revenue, and not protection, may now be regarded as the settled policy of the country, I trust that little difficulty will be encountered in settling the details of a measure to that effect."

So the President would have a tariff without regard to protection! I am almost inclined to think that the Administration considers this as its last chance—its last step in its career of madness; therefore, it is determined to break down our tariff system, destroy the prosperity of all the free States, and thus render its work of destruction complete.

Sir, the necessity of protecting manufactures by proper revenue laws, is not only founded on reason and principle, but is confirmed by universal experience. Manufacturing skill is a branch of education, and, like schools, must have the patronage of the Government to some extent It is better for some boys to throw away the last six or seven years of their minority in learning a trade, and come into manhood with nothing else, than to work out their entire minority on a farm, and be paid one hundred or two hundred dollars for their labor; and a nation that is merely agricultural, can afford to make some sacrifices for a few years, in order to learn the trade of manufacturing. But this can only be done by tariff laws, such as will exclude neither foreign nor domestic articles from the markets, but keep up a continued competition. No nation ever acquired the arts of manufacturing, but by such tariff laws.

During the wars of Napoleon, from 1800 to 1815, English fabrics were excluded or virtually excluded from the continent, and in consequence manufactures got established in spite of the wars in France, Germany, and most of the other countries of Europe, and rose to a condition nearly adequate to the domestic wants of those nations. On the treaty of 1815, which gave peace to all Europe, each of these nations on the continent, and particularly France and the German States, were immediately inundated with English manufactured goods, at low prices, and their own manufacturers frustrated. Distress and embarrassment prevailed in France for five or six years, and in the German States about double that time, until the Governments of those countries resorted to protective laws, which had the effect of rebuilding the French and German manufactures, and enabling them to undersell the British everywhere, in broadcloth, silks, and many other articles. And yet, sir, in all these countries their agricultural products were increased in the same proportion with the manufactures, and by means of them, because a part of the people in such cases will always produce more than the whole, if engaged only in agriculture, or in any single pursuit.

Now, sir, I propose to give my own views on this subject. The experience of my life in manufacturing has necessarily called my attention to the subject in a practical manner. Therefore, the plan which I am about to present is the result of mature deliberation, based on much familiar acquaintance with the operation of the tariff laws. I regard the tariff as the foundation on which every great American interest is based, and on it depends the prosperity of the American people. It is, as it were the life-blood of our country, giving pulsation to the great American heart. The agricultural and manufacturing interests of this country are inseparably connected. One cannot prosper without the other to aid it. So with every other interest, in a greater or less degree. The idea that has been advanced by gentlemen upon this floor, that if the tariff be reduced ten per cent. the manufacturer will have his profits reduced at the same rate, is perfectly preposterous. That is an old song, which has been so often sung in this Hall that it has become stale. It has lost its charm. The people know it is a humbug. The manufacturer will have his profit, or he will not continue his operations. The effect of reducing the tariff is simply this: that agricultural produce is reduced in a proportionate degree. If the prices of manufactured articles be reduced, by a reduction in the tariff, the manufacturer makes an immediate reduction in the wages of his work-people, and the amount he pays for raw material. He will have wool for from twelve to twenty cents a pound, and hides for from two to three cents a pound; and the articles for the sustenance of his work people he must have at corresponding low rates—butter for from six to ten, cheese from five to eight, beef from three to four, pork from four to five cents per pound; flour from four to five dollars per barrel, and corn from fifty to sixty cents per bushel, and every other agricultural production at similar prices. Thus it is not the capitalist, the mill-owner, who has to suffer, but the farmer and the farm laborer.

The plan I would propose is, to add to the free list such articles as are neither manufactured nor produced in this country—extending that list even beyond what is proposed by the Secretary of the Treasury, if the expenses of the Government will allow; and should a larger revenue be found necessary, I would raise it by taking articles from the free list and adding them to those on which the lowest rates of duties are imposed. Thus I would meet the varied conditions and requirements of the public Treasury, not by this continued alteration of the *rates of duty*, but by adding to or reducing the list of articles admitted duty free.

Now, sir, after the experience of the past six months, during which manufactures and commerce have been suffering severely in consequence, in a great degree, of the fluctuation caused by unsettled legislation in relation to the tariff, I ask, is the Administration and the Democratic party (for they are deeply responsible in this matter) prepared to adopt such a plan as I have just proposed? Do they desire to avert this devastating storm which is threatening to blight the fairest prospects of our nation as a commercial and manufacturing community? By doing this we shall not disturb the trade, commerce, agriculture, or manufacture of this country. Every interest which is followed for a livelihood will be encouraged to pursue the even tenor of its way, without fear of either heavy imposts on the one hand, or universal free trade on the other. Labor will be in more regular demand, and everything pertaining to American industry will be raised to permanent prosperity.

If, Mr. Chairman, you reduce the tariff to a uniform rate of twenty per cent *ad valorem*, you will have precisely the same tariff that you had from 1839 to 1842. The compromise act of 1832, as it is generally called, was the most unfortunate tariff that was ever passed by the Congress of the United States. According to the act of 1833, which was passed in connection with that of 1832, a tenth part was to come off in 1835, even on all articles paying above twenty per cent., one tenth part on the first of December, 1837, another tenth part in 1839, and another tenth part in 1841. The residue to come off to twenty per cent. *ad valorem*, the first of July, 1842. It is precisely to this tariff that the majority of the Committee of Ways and Means propose to bring us. As I before remarked, this was the worst tariff that could be passed for the producing and manufacturing interests of this country. Trade and commerce will regulate themselves under any rate of duty, and in this case the manufacturer had to buy his raw material under one rate of duty, and had to sell it, when manufactured, under another. It was a complete sliding scale. What we want is a permanent and fixed tariff on such articles as the interests of the country require to be protected in, and the changes in the requirements of the Treasury met by either removing from or laying on imposts on such articles as least affect the active trading and manufacturing interests. It is not under this zig-zag line of policy, one rate this year and another next, which can give stability to any of our great interests. It is uniformity of rate for a long succession of years, alone, that can do this—it is this which the exigencies of our country and the welfare of the whole community demand.

Sir, no man will pretend to doubt for a moment but that it was in consequence of a reduction of the tariff that the universal pecuniary distress throughout the country from 1839 to 1842 occurred. Was any agricultural production worth as much then as it is now, by one hundred per cent? Let me tell my Democratic friends, if they wish to witness the panic, and bring about the same political revolutions in 1856 that we had in 1840, they cannot do this more effectually than by passing this tariff bill of the Committee of Ways and Means, this twenty per cent. duty. The same causes which produced those changes then, will produce similar changes now. It is a true saying, "like causes produce like effects." Sir, the Secretary of the Treasury has made a report upon this subject, being a comparative statement of the working of the existing tariff, of the project of the Secretary of the Treasury, and of the bill of the Committee of Ways and Means, for the year ending June 30, 1853, and the annual average for the six years ending that date, with the percentage of each article.

This report does very well, but the evil which would result from the tariff proposed by the Secretary of the Treasury, is this: it will derange for a period of one or two years the commercial and mercantile interests of our country, and consequently effect, in some degree, all other interests, hence the financial interest of our country will be in a fluctuating and unsettled condition for one or two years, until trade has regulated itself under the new rate of duties. Now, sir, is it the part of wisdom thus to destroy all confidence in consequence of the unsettled and confused state of our financial system? I think not. No one desires to see it. Then, I repeat, is it not wisdom to avoid it in the manner I have proposed? I would not disturb our present tariff of thirty per cent. *ad valorem*; but add more extensively to the free list in order to reduce our revenue.

Sir, I would infinitely prefer to see the abolition of all duties, than to see the bill that is reported by the Committee of Ways and Means made a law. Let the manufacturing interest be crushed down—ruined for a season—rather than to have these continual alterations in the rates of tariff duties. The manufacturing interest would then commence on the foundation rock of free trade, and build itself up, with slower pace, perhaps, but with a permanency of endurance which can never be secured with a fluctuating tariff. I believe that the commerce and trade of this country would regulate itself with a free trade policy which would be a basis on which every interest could act with a positive certainty.

Mr. Chairman, I desire to call the attention of the committee to another feature of this subject. It is this: What has caused the present financial difficulties, and such universal distress throughout our country among the laboring population? I say, sir, it is attributable to two causes: First, the unequal manner in which the tariff of 1846 operates on the various interests of the country; and secondly, the cry of "down with the tariff and free trade," raised by the Administration eighteen months ago.

With regard to the first cause, the tariff of 1846 pressed unequally. For instance: wool is made to pay a duty of thirty per cent., whilst woolen manufactures of foreign countries are admitted into this country at a duty of from twenty to thirty per cent. This is manifestly unjust, and destructive to the agricultural, manufacturing, and mechanical interests, as well as all other kinds of labor connected with producing the raw material, and manufacturing the same. It is upon labor we ask for protection, and not upon capital. Those articles which are manufactured in this country, in which the largest amount of money invested is in labor, should be the most largely protected. The North will not consent to legislate in a manner to run down and destroy the demand for labor, and thus place every laboring man upon the same footing as the poor of England, who get from twenty-five to fifty cents per day for labor, or the miserable, starving population of Ireland, and the serfs of Russia; and yet this is just the state of things that would result if the tariff on those manufactured articles, which former Administrations, as I have shown, of both political parties, have striven to protect, was taken off.

With regard to the second cause, there can be no doubt but that the cry of free-trade raised by the Administration soon after coming into office, with such an overwhelming majority in Congress, led the people to expect that free-trade would be adopted. They naturally looked to Congress for the safety and the prosperity of the country, and trembled for our good behavior. But in this they were doomed to disappointment, as events have since proved. The agitation for the repeal of the duties destroyed all the confidence of those who were engaged in manufacturing pursuits, and hence a suspension in all descriptions of manufactures was the result, until more than one half of the woolen machinery in this country has been stopped, and a very large proportion of the cotton machinery is also unemployed. With these facts staring Congress in the face, who is there on this floor who is not prepared to legislate for the protection of American industry? Who will not raise his voice and give his vote to prevent American labor from being sacrificed to foreign labor, or to the fear of such foreign competition as renders home manufactures too risky for wise or prudent capitalists? Is it not the part of wisdom to supply our own wants, so far as the comforts of life, at least, are concerned, instead of having them supplied from abroad? Give our manufactures a fair chance; place them upon equal footing with the other great interests of the country, and, from my experience in the business I know it can be done by proper legislation, and you will see the prosperity of the country revive, the card engine and the loom will again be set in motion, the mills will present scenes of activity and industry in both the woolen and cotton districts, and the mechanics and operatives will again enjoy prosperity and domestic comforts while they are contributing to the prosperity and domestic comforts of the whole people of this country. But with a tariff favoring foreign labor, and a popular feeling in the community favoring foreign fabrics, together with this zig-zag movement in the tariff laws, it will be impossible to make our country independent of foreign manufactures, nor can we secure that prosperity to American industry which has been the object of the wisest legislators of the past to secure, and which the laudable ambition of the northern people demand, but we shall continue in bondage to Europe for many of the comforts and necessaries of life.

The various articles manufactured in this country, such as all descriptions of flannels, carpetings, shawls, delains, cassimeres, broadcloths, satinets, great-coatings, &c., also, hard-ware, plated-ware of every description, articles now manufactured here, prove conclusively that we can manufacture as well as the people of any other nation. I know it to be a fact, that many of these articles, in consequence of such an apeing after European fashions and fabrics, have to be disguised, and sold as foreign. With no other alteration in the tariff than what I have proposed, I know from my personal experience as a practical manufacturer, that we can become wholly supplied with these, and many other articles, from our own factories. Even silks are now beginning to be made, and can be produced of the best kinds, and in sufficient quantities to supply, in a good degree, the demand. Also, cordage, duck, and every other article for rigging and furnishing our vessels, and other manufactures, too numerous to mention, can all be furnished in sufficient quantities to meet the demand with a proper tariff. Now, sir, it is for this Congress to say whether it will legislate in a manner to protect American industry, labor, and manufacture, and thus render us independent of England, Germany, France, and Belgium, or whether they will legislate for continuing to send our gold and stocks abroad for the unprofitable importation of goods and results of labor—a system of legislation which has produced such universal distress throughout the United States. Shall we persist in a course which encourages the reception of hundreds of thousands of paupers, relieving the poor-houses of Europe, and at the same time the importation of millions of dollars worth of goods, comparatively cheap, it is true, but dear to the consumer at any price when pauperism is promoted thereby at home, by the breaking down of our native labor, and rendering it impossible to find suitable employment for the imported paupers. Is it wisdom to go on in this way until all our mills, factories, machine-shops, tanneries, hemp and cordage manufactories, &c., are closed, the owners thereof ruined, laborers depending upon charity, and universal bankruptcy throughout our country, while our hospitals, alms-houses, and asylums are being filled with the victims of this unsettled legislation? No; thank God! We behold the glimmering twilight of a brighter day dawning upon us. The people of the North are aroused, and are determined to protect themselves against slave labor, and foreign labor, by consuming the products of American industry, and if this Congress does not take the necessary step, the next Congress will certainly legislate for free soil, free men, and free American labor.

Sir, the next point to which I wish to call the attention of the committee, is the argument in the public journals of the country, that all foreign wools must be admitted free of duty, in order to give sufficient protection to the manufacturer.

This would be like "locking the stable after the horse is stolen." As a manufacturer, I rebel at the idea. Let the wool growing interest be protected as well as every other interest. What would be the effect of the repeal of all duties on wool? It would result in the destruction of the manufacturing business, as I shall presently show, as well as the wool growing interest of this country. It would be virtually giving to the manufacturing branch of woolens sixty per cent. protection, because we have thirty per cent. protection on woolen cloths, and thirty per cent. on wool, and import all grades of wool at the present rates of duty. Hence, it is self-evident that wool can be bought more than forty per cent. cheaper in

rope than what it can be bought at in this country; and if foreign wools are to be admitted free, our American wools will fall at once forty per cent. in the market, while there would be no alteration in the price of woolens. The conclusion to which we logically arrive is, that taking thirty per cent. off all wool is the same as adding thirty per cent. to woolens which would be sixty per cent. protection.

According to the following table, taken from the report of the Secretary of the Treasury, in 1854, we find that large quantities of wool, unmanufactured, were imported from the countries named:

	Pounds.	*Value.*
Russia	214,956	$ 28,245
Prussia	8	4
Danish West Indies	2,797	338
Bremen	29,128	7,077
Hamburg	25,675	8,797
Holland	2,454	1,339
Dutch West Indies	19,969	1,527
Belgium	6,380	1,595
England	1,396,514	261,327
Gibraltar	76,639	12,120
Malta	375,113	61,674
British East Indies	9,250	1,403
British West Indies	12,443	1,254
Cape of Good Hope	903,070	255,187
British American Colonies	16,775	3,343
Canada	325,574	65,737
Australia	3,400	665
France on the Atlantic	9,087	2,822
France on the Mediterranean	1,032,961	188,699
Spain on the Atlantic	145,500	29,613
Spain on the Mediterranean	20,282	3,385
Portugal	22,637	4,101
Cape de Verdes	1,175	60
Italy	11,429	1,853
Sicily	1,000	66
Tuscany	504 697	76,639
Trieste and other Austrian ports	828,273	56,167
Turkey, Levant, &c	4,360,326	460,285
Mexico	55,000	12,069
Venezuela	440,982	81,145
Brazil	194,814	12,118
Oriental Republic of Uruguay	347,825	42,385
Argentine Republic	6,255,698	854,232
Chili	1,857,447	161,068
Peru	434,489	75,387
China	47,500	14,196
Africa generally	82,896	5,967
South America generally	193.582	27,670
Sandwich Islands	4,365	598
Total	20.200,110	$2,822,185

Sir, from the above table, we find that there were twenty million two hundred thousand one hundred and ten pounds of wool imported in 1854, costing $2,822,185. On a more minute examination, I find the largest amount of it was long, coarse wool, the long fibers of which are generally separated from the short, the long staple being used for worsted, and the short and fine portion or fibers used for common, coarse, thick cloths and flannels. The fine portion of this wool comes into competition with our American wool. The price of the wool imported varies all the way from eight cents up to sixty cents per pound. Take off thirty per cent. duty, and it will reduce our American wool in the same ratio, so that which now brings forty cents per pound would bring only twenty-five, and wool worth thirty cents per pound would bring fifteen. Such a state of the wool market would exterminate the wool growing interest in this country, and that great branch of our national agriculture—wool growing—would be destroyed, The manufacturing interest would then have to depend on foreign markets to supply their factories; for it is a self-evident fact that the farmer will turn his attention to that branch of agriculture which pays him the largest profits. As soon as we become perfectly dependent upon foreign markets for our wool, it would then be the policy of foreign Governments to levy a duty on all wool exported from their respective countries. Then the result would be, our factories would have to stop operation at once, and we should have to depend on importation for all our woolens. This would be a most disastrous result, and just what the manufacturing interests of Europe would like to see accomplished. No, sir; let it not be done. The report of the Secretary of the Treasury goes far enough on this point, either for the interest of the manufacturer or the wool grower. That is, all wools costing over fifty cents per pound, and all less than twenty, free of duty. It is a fixed law of nature, and is true of nations and individuals, that our only safety is in self-protection. Let us legislate in such a manner that the protection will extend to every branch of industry alike. It would be unjust and impolitic to exclude the wool-grower and protect the manufacturer, especially when it would result alike disastrous to both.

Mr. Chairman, there has probably been no subject in the history of our country on which there has been so much legislation as that of the tariff. The following are the principal acts that have been passed and repealed in relation to the tariff:

1. July 4,	1789.	13. August 2,	1813.
2. August 4,	1790.	14. April 27,	1816.
3. July 5,	1794.	15. June 14,	1817.
4. January 25,	1795.	16. April 20,	1818.
5. March 3,	1797.	17. May 21,	1824.
6. May 13,	1800.	18. May 19,	1828.
7. March 29,	1804.	19. May 24,	1828.
8. June 7,	1794.	20. May 28,	1830.
9. July 8,	1797.	21. July 14,	1832.
10. May 7,	1800.	22. March 2,	1833.
11. July 1,	1812.	23. September 11,	1841.
12. February 25,	1813.	24. August 30,	1846.

Although prctection has ever been the policy of our Government, as I have before proved, it was not until 1816 that the system was adopted *for the sake of protection to manufactures and home industry*, which has been preserved and carried out ever since that period by the acts of 1824, 1828, 1842, and 1846. But now the policy of our Government must be reversed, every great interest broken down, and a new policy established, as the President says, "without regard to protection."

I cannot believe, sir, that this new policy of the Administration will be adopted. If any act pass it will be one in view of the great branches of home industry which need the fostering care of Government, and to produce a sufficient revenue. This is what the interests of the country require, and what I am prepared to support. If the plan I have proposed, and which I believe is best calculated to restore the country to a sound, healthy, and prosperous condition, be not adopted, I am then in favor of the plan recommended by the Secretary of the Treasury, [Mr. Guthrie,] because I believe it is the next best for several reasons: first, because it has a uniformity which neither the tariff of 1846 nor the plan proposed by the Committee of Ways and Means can lay claim to; adding largely to the free list, as the Secretary does, such articles as are neither manufactured nor produced in this country, thus injuring no interests or individuals, but benefiting a large number of manufacturers who are depending on foreign productions for their raw materials; and secondly, I approve of this plan of the Secretary of the Treasury because he proposes that all articles paying duty shall pay a uniform rate of twenty-five per centum *ad valorem*. This will make the collection of the customs duty much more convenient than at present. The schedule of five per centum is as much trouble, and costs the same amount of labor in our custom-houses as the schedule of twenty-five per centum. I am pleased to say that the Secretary has taken a practical, business-like view of the whole subject, and has fixed on a plan that is completely adapted to every interest of our great Confederacy, and I will cheerfully vote for it in preference to the plan of the committee; for I know it is infinitely better.

But, sir, the plan proposed by the committee is very imperfect. It has eight different schedules, with as many different rates of duty, in which very essential alterations should be made. Many of the articles in schedule C should be transferred to schedule E, and many in schedule F to schedule D. The article of wool should be transferred to schedule C. The bill of the committee has been reported to the House, but it has not been formed on a correct understanding of the requirements of the various sections of this Union. The representative from Alabama cannot be expected to understand the wants and interests of the people of Maine; neither does a representative from Maine understand the interests of the Northwest. Hence, it is very important that a tariff bill should be fully discussed, amended, and perfected in the Committee of the Whole, so as to meet the various sectional interests of our country as nearly as possible.

As a manufacturer of woolens, I do not propose to be so selfish as to tax the wool-grower for my own benefit. I am willing to give the wool-grower the same protection I claim for myself. Let the wool-grower have the same protection on his wool that the manufacturer has on his woolens, as I have before remarked. The fine wools that are not grown in this country, and the low priced coarse wools should be free, but the medium grades that are grown here should be protected. Sir, pass this bill, making all wools comparatively free, give the farmer on his wool the insignificant protection of eight per centum, and what will be the effect? Why, sir, it will cut the throat of every sheep in the United States, and thus exterminate the wool-growing interest. I will not vote for this bill in its present shape, much preferring, as I do, the plan recommended by the Secretary.

The point on which the friends of this bill and myself differ is this: they would approach free trade by reducing the percentage on all articles; I would come to the same point by letting the percentage remain where it is, and add such articles to the free list as are not manufactured nor produced in this country. In this way the revenue can be reduced sufficient to meet the current expenses of our Government.

Sir, in conclusion let me say, that I am told by gentlemen on this floor, that my plan, by adding to the free list, is the worst kind of protection. If it be so, then I am in favor of such protection. It is the manner in which the British Government approach free trade. I have their example for denominating it as such. In my opinion, it is the only way in which it ought to be accomplished. Hence I am in favor of all needful and proper alterations in the tariff system. The situation of our country; its condition as to revenue, and every surrounding circumstance is favorable to the reduction of duties paid upon imported goods. By adding largely to the free list, as recommended by the Secretary, it will accomplish the work, and be another step rightly taken in the direction of free trade, demanded alike by the interests of the country, and the growing convictions of the people in favor of that system, which proposes to remove the shackles from our commerce, and emancipate it from that bondage in which it has so long been confined by unwise legislative restriction. The policy of free trade has been adopted by the British Government within the past seven years, by making such articles free as will best subserve their interests. The good work will not stop there. It will go on until the circle is completed. It will spread, until the whole civilized world adopt the beneficent principle of free trade. This great *desideratum* of universal free trade must commence with Great Britain and this country—now the two greatest commercial nations of the world—from which it will gradually spread throughout the principal nations of the earth, including Japan, the Celestial Empire, and the islands of the sea.

THE SMITHSONIAN INSTITUTION.

SPEECH OF HON. W. H. ENGLISH,

OF INDIANA,

In the House of Representatives,

February 27, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. ENGLISH said:

Mr. Chairman: I propose occupying the attention of the committee for a short time in submitting some practical remarks in reference to the present condition and management of the Smithsonian Institution. It is not a subject, sir, the introduction of which into Congress has received any favor from me. I regretted to see it brought here; and when the gentleman from Vermont, [Mr. Meacham,] upon a late occasion, introduced a resolution to raise a special committee of inquiry, I felt it my duty to oppose its adoption. I knew that such an examination would be attended with expense, and a consumption of time which, at that late period of the session, could not well be spared from other and more important public business—that it would tend to irritate the feelings of gentlemen heretofore or now connected with the Institution, and, in a word, might do evil, but could not result in practical good. My knowledge of the subject satisfied me that nothing had occurred

to demand the raising of a special committee, clothed with power to send for persons and papers, thus giving to the disappointed and dissatisfied an opportunity of assailing the Institution or its officers at the public expense.

Sir, I felt conscious then, as I do now, that the management has been such in all material respects, as ought to elicit commendation. This I may say with the greater propriety and freedom, for the reason that the causes which led to this investigation originated and were fully developed before my connection with the Institution as a Regent; a position, I may add, supposed to be of some honor, but certainly one of considerable labor, much responsibility, and no pecuniary benefit whatever.

That the management of an institution having so large an endowment, and a design so comprehensive, should occasion difference of opinion and difficulty is not surprising in the least. It would be more surprising were it otherwise. Whilst all concur in desiring the accomplishment of the great object Smithson had in view—"The increase and diffusion of knowledge among men"—the wisest and best may well differ as to the proper means to be used to attain that end.

Although not entirely approving all that has been done, I must say, in view of the vastness of the subject, and that Congress was ten years in adopting even the outlines of a plan, that the present condition of the Institution is not only encouraging, but a subject of congratulation rather than of censure, to those charged with the management of its affairs. Sir, I ask where there has been any material departure from the act of Congress, or the will of Smithson? Have the funds been squandered or improperly applied? Is the institution in debt, or its income exhausted? Have the officers neglected their duty? Is there corruption or improper conduct in any quarter? Sir, it is an easy matter to criticise, to find fault, to indulge in loose statements, and undefined insinuations, but I have yet to hear alleged any just and definite cause of complaint. Look at the financial department, where corruption would most likely exist, if it existed at all, and you will find the gratifying fact, that it has been so judiciously managed that, after paying all the current expenses, *the funds and property are this day actually worth double the amount of the original bequest.* Where, sir, in this age of extravagant expenditure of public money, and deficiency bills, will you find a parallel to this?

The Regents are authorized to expend *all* the accruing interest, but, so far from doing this, they have, by husbanding the resources, and by constant watchfulness over the disbursements, actually saved the sum of $130,000, which they have now on hand to apply as a permanent addition to the principal. What, then, is the result? A magnificent building, of ample dimensions, has been erected at a cost of $300,000. Books, apparatus, and other articles, have been provided for the library, museum, laboratory, and gallery of art, worth $85,000. Lecturers have been employed, original researches made, many valuable scientific works published and distributed, the current expenses entirely paid, and yet the principal is increased $130,000. And of the interest expended, I have yet to hear where one dollar was devoted to an improper purpose. Does this look as if the Institution were badly managed?

If I am asked, Mr. Chairman, what the Institution has done to carry out the object for which it was designed, I reply that it has not had time to do much. It is in its infancy. The building is but just completed, and it is not to be expected that a great establishment, which is to exist as long as this Government itself, is to be built up in a day. The foundation is being laid deep and wide, and the noble work will gradually but surely advance.

But, sir, I think it can be shown that something has already been accomplished; that a good beginning, at least, has been made, especially in view of the limited annual income, which, from the original fund, is less than $31,000. Why, a single report of the Patent Office costs three times as much as the entire income of the Smithsonian fund for a year.

Sir, the official report, to be made at the present session of Congress, will show that "liberal provision has been made for a library, museum, and gallery of art, in the construction of a building, which has cost $300,000. A library has been commenced, and means devised for its extension, which, at present, is valued at $40,000.

"A museum, the most complete to be found in the United States, in the natural history of the North American continent, has been collected, which is valued at not less than $30,000.

"A cabinet of apparatus, consisting of instruments of illustration and research, which is worth more than $15,000, has been obtained.

"A beginning has been made of a gallery of art, consisting of a choice collection of a series of specimens of engravings of the old masters."

A correspondence has been opened, and friendly relations established, with most of the leading colleges and literary institutions, not only in this country, but throughout the world—thus securing scientific coöperation, and often an exchange of valuable researches and publications. Such relations exist with no less than three hundred and forty-two foreign institutions, scattered over Sweden, Norway, Iceland, Denmark, Russia, Holland, Germany, Switzerland, Belgium, France, Italy, Spain, Portugal, Great Britain, Ireland, South America, Mexico, and even Greece, Turkey, Africa, Asia, and Van Dieman's Land. Lectures upon popular and scientific subjects have been regularly delivered at the Institution during the sessions of Congress, and have been open to "all men," free of charge. Original researches have been stimulated, and many valuable memoirs upon scientific subjects published and distributed to all the principal libraries and learned societies in the world. To show conclusively what has already been done in this direction, I will give a list of some of the publications, premising, in the language of the Secretary of the Board, that "the Institution, up to this time, has scarcely published a single paper the production of which has not been stimulated and assisted, or whose character has not been improved by the agency of the Institution; and, as a whole, they are such as could not have been given to the world without the aid of the Smithsonian bequest." They are the products of American genius, and have reflected the highest honor on American science.

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Quarto Volumes.

Smithsonian Contributions to Knowledge. 1848. Vol. I., 4°, pp. 346, with 48 plates, and 207 woodcuts.

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Mathematics and Physics.

The Law of Deposit of the Flood Tide: its dynamical action and office: By Charles Henry Davis, Lieutenant United States Navy.

Observations on Terrestrial Magnetism: By John Locke, M. D., M. A. P. S.

Researches on Electrical Rheometry: By A. Secchi.

Astronomy.

Six Memoirs upon the Occultations Visible in the United States during the years from 1848 to 1853, inclusive. Computed under the direction of the Smithsonian Institution: By John Downes. 1848. 4°, pp. 12.

Researches Relative to the Planet Neptune: By Sears C. Walker, Esq.

Ephemeris of Neptune for the Opposition of 1848: By Sears C. Walker, Esq.

Ephemeris of the Planet Neptune for the Date of the Lalande Observations of May 8 and 10, 1795, and for the Oppositions of 1846, 1847, 1848, and 1849: By Sears C. Walker, Esq.

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Directions for Meteorological Observations, intended for the First Class of Observers: By Arnold Guyot.

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Chemistry and Technology.

Memoir on the Explosiveness of Nitre, with a view to elucidate its agency in the tremendous explosion of July, 1845, in New York: By Robert Hare, M. D.

On Recent Improvements in the Chemical Arts: By Professor James C. Booth and Campbell Morfit.

Geography, Ethnology, and Philology.

Ancient Monuments of the Mississippi Valley; comprising the results of extensive original surveys and explorations: By E. G. Squier, A. M., and E. H. Davis, M. D.; pp. 346, 48 plates, and 207 woodcuts.

Aboriginal Monuments of the State of New York; comprising the results of original surveys and explorations; with an illustrative appendix: By E. G. Squier, A. M. 1850; pp. 188, 14 plates, and 72 woodcuts.

Description of Ancient Works in Ohio: By Charles Whittlesey. 1851.

Catalogue of Portraits of North American Indians, with sketches of scenery, etc.

Contributions to the Physical Geography of the United States. Part I.—On the Physical Geography of the Mississippi Valley, with suggestions for the improvement of the navigation of the Ohio and other rivers: By Charles Ellet, Jr., Civil Engineer.

On the Vocal Sounds of Laura Bridgeman, the Blind Deaf Mute at Boston; compared with the elements of phonetic language: By Dr. Francis Lieber.

A Grammar and Dictionary of the Dakotah language: Collected by the members of the Dakotah Mission; edited by Rev. S. R. Riggs, A. M., Missionary of the American Board of Commissioners for Foreign Missions.

Vocabulary of the Jargon or Trade Language of Oregon: By Dr. B. Rush Mitchell, U. S. N.; with additions by Professor W. W. Turner.

Microscopical Science.

Microscopical Examination of Soundings made by the United States Coast Survey, off the Atlantic coast of the United States: By Professor J. W. Bailey.

Microscopical Observations made in South Carolina, Georgia, and Florida: By Professor J. W. Bailey.

Notes on New Species and Localities of Microscopical Organisms: By Professor J. W. Bailey.

A Flora and Fauna within Living Animals: By Joseph Leidy, M. D., April, 1853.

Zoology and Physiology.

The Classification of Insects from Embryological Data: By Professor Louis Agassiz. 1850.

Catalogue of the Described Coleoptera of the United States: By Frederick Ernst Melsheimer, M. D. Revised by S. S. Haldeman and J. L. Le Conte.

Synopsis of the Marine Invertebrata of Grand Manan, or the Region about the mouth of the Bay of Fundy, New Brunswick: By W. Stimpson.

Contributions to the Natural History of the Fresh Water Fishes of North America: By Charles Girard.

Anatomy of the Nervous System of *Rana pipiens*, L.: By Jeffries Wyman, M. D.

Catalogue of North American Reptiles, in the museum of the Smithsonian Institution. Part I.—Serpents: By S. F. Baird and C. Girard.

Botany.

Plantæ Wrightianæ Texano-Neo-Mexicanæ: By Asa Gray, M. D. Part I—pp. 146, and 10 plates.

Plantæ Wrightianæ Texano Neo-Mexicanæ. Part II.—An account of a collection of plants, made by Charles Wright, in western Texas, New Mexico, and Sonora, in the years 1851 and 1852: By Asa Gray, M. D.—pp. 120, and 4 plates.

Nereis Boreali-Americana, or Contributions to a History of the Marine Algæ of North America. Part I.—Melanospermeæ: By William Henry Harvey, M. D., M. R. I. A; pp. 152, and 18 colored plates.

Nereis Boreali Americana, or Contributions to a History of the Marine Algæ of North America. Part II.—Rhodospermeæ: By William H. Harvey, M. D., M. R. I. A; pp. 262, and 24 plates, colored.

Plantæ Fréuontianæ; or, descriptions of plants collected by Colonel J. C. Frémont in California: By John Torrey, F. L. S. 1853; pp. 24, and 10 plates.

Observations on the *Batis Maritima* of Linnæus: By John Torrey, F. L. S.

On the *Darlingtonia Californica:* a new pitcher plant from Northern California: By John Torrey, F. L. S.

Palæontology.

A memoir on *Mosasaurus*, and the three allied new genera, *Holcodus*, *Conosaurus*, and *Amphorosteus*: By Robert W. Gibbes, M. D.

Memoir upon the Extinct Species of Fossil Ox: By Joseph Leidy, M. D.

The Ancient Fauna of Nebraska; or, a description of remains of extinct Mamalia and Chelonia from the Mauvaises Terres of Nebraska: By Joseph Leidy, M. D.; pp. 124, and 25 plates.

Bibliography.

Bibliography of American Natural History, for the year 1851: By Charles Girard.

Notices of Public Libraries in the United States: By Professor C. C. Jewett.

Directions for Collecting, Preserving, and Transporting Specimens of Natural History. Prepared for the use of the Smithsonian Institution. Two editions.

These works are distributed gratuitously to most of the incorporated Colleges and Libraries in the United States, and to the leading literary institutions of other countries. They are not copyrighted, and are sold by the trade at a low rate.

It may be contended that researches and publications of a character so purely scientific are not calculated directly to diffuse knowledge among the great mass of mankind.

This is, no doubt, to a certain extent, true, and I shall be glad to see the operations of the Institution made as plain and practical as the nature of the subjects will admit; but it should not be forgotten that the grand object of the Institution is to add to the sum total of the knowledge *now* existing in the world, and to diffuse it "among

men," rather than to scatter that more widely which is already accessible, in a greater or less degree, to all.

"Scientific researches," say a committee of the Board of Regents, "are often supposed by the uninformed to be of little or no real importance, and, indeed, are frequently ridiculed as barren of all practical utility. But nothing is more mistaken than this. The most valuable and productive of the arts of life, the most important and wonder-working inventions of modern times, owe their being and value to scientific investigations. By these have been discovered physical truths and laws, the intelligent application of which to practical inventions has given immense benefits to the world. The germs of these valuable improvements and inventions have been found and developed by scientific research, the original forms of which have often seemed to the many to be as idle and useless as they were curious. A proposition relating to the pendulum, which for many years remained only a curious theoretical relation, ultimately furnished a unit for the standard measures of states and nations. The discovery that a magnetic needle could be moved by a galvanic current, seemed for a long time more curious than useful, and yet it contained the germ of all that was afterwards developed in the telegraph. It has been well remarked that numerous applications and inventions always result from the discovery of a scientific principle; so that there are many Fultons for every Franklin."

Besides this, it must be recollected that Smithson restricted his bequest to no particular branch of knowledge. He considered all intimately connected with the improvement and happiness of the human family, and as an answer to whatever may be said against the character of the publications of the Institution, it may be stated that they relate to precisely the same subjects as those which occupied the life of Smithson himself.

Now, sir, I will proceed to state what I conceive to be the true origin of all the difficulties that have existed in the Institution. They have grown out of the question whether the income should be used to build up a library, as the paramount object, or whether they should be applied not only for a library, but for such other purposes "to increase and diffuse knowledge" as would, in the judgment of the Regents, best accord with the will of Smithson, and the law of Congress organizing the Institution.

This is the starting point of the whole controversy. It is not pretended by any one that the funds have not been expended in an honest effort to increase and diffuse knowledge, but that they have not been chiefly devoted to a library as *the* proper instrument to effect the desired end.

Now, as this Government is only the trustee to carry out the will of the gentleman whose money supports the Institution, it becomes important to examine into the nature of that instrument, for the law declares its true intent to be to carry out "the will of the liberal and enlightened donor." Sir, what is that will? I ask gentlemen to read it, and answer whether there is anything indicating that a library was regarded as the paramount object, which, like the rod of Aaron, was to swallow up everything else? The bequest, in the language of the testator, is, "*to found at Washington an establishment under the name of the Smithsonian Institution, for the increase and diffusion of knowledge* AMONG MEN." I submit that to devote the money of Smithson to the building up of a library as a paramount object would neither carry out the letter nor the spirit of his will. The benefit to be derived from such an expenditure would necessarily be local in its character, and, instead of being useful to "*men*" in the comprehensive sense used by Smithson, would enure to the benefit of citizens of Washington, and the privileged and fortunate few who might from time to time visit the capital. Such an expenditure, in my judgment, neither accords with the evident intent of the will, or the character and sentiments of the man who made it. He did not bequeath his fortune to found a library alone, or to increase and diffuse knowledge among the citizens of the United States, much less among the residents and visitors of Washington, but "among men,"—men of all classes and everywhere, and to increase and diffuse every species of human knowledge.

James Smithson, Mr. Chairman, was a foreigner—the natural son of the Duke of Northumberland and of Elizabeth, the niece of the Duke of Somerset,—but he was not possessed of that intolerant spirit—that species of religious fanaticism and sectional prejudice which, I regret to see, is entertained by many of our own nation. A truly wise and enlightened people should not arrogate to themselves a superiority in all things over every other part of the world, and wrap themselves in a rigid exclusiveness like the Japanese, but should rather pursue that policy which would gather from other nations their best and most valuable citizens, arts, and inventions. A Chinese map of the world consists of *China;* other countries, if indicated at all, occupying no larger space than that usually allotted to the smaller class of islands. The wild Indians, and the roving Tartars, consider the customs of their respective tribes, or clans, the perfection of human life, and regard with savage suspicion all who do not judge of perfection by their standard; and, in fact, every savage, and most all half civilized people, think that within the boundaries of their own country are to be found all virtue, intelligence, heroism, and happiness. They are ever jealous of strangers, (*foreigners,*) deny them all political rights, and sometimes persecute them to the death.

Sir, I have some place read an account of a visit paid by the officers of a French vessel to an African chief in the wilds of his native country. His sable majesty, plentifully besmeared with grease, seated on a log for a throne, and wonderfully impressed with the vast superiority of everything and everybody within his own dominions, eagerly inquired of the officers *whether he was much talked about in France.* I have met some men in this country—even the sons of foreigners—equally puffed up in self-imporance with the idea that America is the world, and they the chief instruments in "governing America." No man can have a more exalted opinion of this Republic than I, for it is my native land, but I shall not, therefore, be blinded to the merit of those whose destiny it happened to be to come into the world elsewhere, and especially those who, from choice, have selected this as their permanent home—neither shall I forget how much our own career of greatness and glory has been facilitated by emigration. Most sincerely do I trust that narrow bigotry, sectional prejudice, and barbarian exclusiveness will never control the destinies of the United States!

Mr. Chairman, James Smithson was elevated far above all selfish, narrow-contracted, sectional views. He is believed never to have set his foot on our soil, and yet he passes the splendid monarchies of the Old World, and intrusts, with confidence unqualified, to the honor of republican America, the dispensation of his bequest for the good of all men. Of noble descent himself, and of ample fortune, his sympathies were not alone with those of his own class, or his own country, but with "MEN," without limit or restriction. He declares in exalted language, which deserves to be written in letters of gold, that "the man of science is of no country; the world is his country, and all men his countrymen." Though he could boast that the best blood of England flowed in his veins, yet he said that availed him not, for his name would live in the memory of men when the titles of the Northumberlands and Percies were extinct or forgotten.

Sir, the language used in the bequest corresponds with what might naturally be expected from one possessing the enlarged views of Smithson:

"The great ideas of the will are those of *increase* and *universal benefit.* The benefit is not for one nation, but for 'men'—who make up all nations. It is for mankind—for humanity. The truths of science admit of universal application. A truth that tends to enlarge and to elevate the mind; a discovery that furnishes a new power, or makes a new application of an old one, to administer in a greater degree to the wants of men; a fact that opens to the analytic mind a new source of evidence, to determine what before was doubtful, are blessings for a world."

Mr. Chairman, it is contended by some that the act of Congress organizing the Institution contemplated a library as the leading and paramount object of the plan. Sir, I do not so understand the law. I am unable to find anything in it which conflicts with the will of Smithson. The object of the law is declared to be to carry out his wishes as expressed in the will. It provides a general outline for the execution of the trust, but necessarily leaves much to the judgment of the Regents, who are intrusted with the general management of the Institution. It mentions a library, museum, &c., as objects to be regarded, but does not require that all the income shall be applied to the objects specially mentioned, or a particular amount to any one of them; and the ninth section expressly authorizes the Regents to make such disposition of the income, not required to carry out the provisions specified elsewhere in the act, "as they shall deem best suited for the promotion of the purpose of the testator," which purpose is declared, in the title of the act, to be "to establish the Smithsonian *Institution,* (not *Library,*) for the increase and diffusion of knowledge among men."

The law does not specify the sum that shall be expended upon the museum, or any of the objects mentioned. No amount is required to be annually applied to a library, but there is a limitation that it shall not exceed a certain sum. It may be less, much less, but in no event more. Pains seem to have been taken to secure, for all time, the services of gentlemen of talent and standing upon the Board of Regents, and they are wisely and necessarily intrusted with some discretion in the expenditure of the income, and the general management of the affairs of the Institution. Take, as an example, the item of books. They are an article of trade, and their prices fluctuate in the market as other articles of merchandise; one year it might be expedient to make large purchases, and another less. Who is to determine? Surely the Board of Regents would best know what to buy, when, and in what quantities, and the law very properly confers upon them such discretion. It does not require the rapid accumulation of a library; but, on the contrary, expressly provides, in the eighth section, "for the *gradual* formation of a library, composed of *valuable* works;" and that, sir, is exactly what I understand to be the wish and design of a majority of the present Board. Why, sir, the Institution has already, by purchase and through the medium of exchanges, collected fourteen thousand volumes, and eleven thousand parts of volumes, estimated to be worth $40,000; and if any regent or officer contemplates the abandonment of the *gradual* formation of a library of *valuable* works, as prescribed in the act of Congress, I am ignorant of the fact, and believe no such disposition is entertained.

Whilst I am opposed to making the library the *principal and controlling* feature of the Institution, I regard it as *one* of the important instruments to be used in accomplishing the desired end, and hold that it ought neither to be abandoned nor neglected. This was my opinion in the beginning. It is my decided opinion now.

But, sir, I do not understand that even the distinguished Secretary of the Institution, Professor Henry, who is generally supposed to be hostile to what is commonly called the library plan—especially favored by Mr. Choate and Professor Jewett—to differ essentially, or even materially, from my position upon this subject.

Professor Henry, in a late communication, solemnly assures the Board that, so long as the present law of Congress remains unchanged, and until other means can be afforded for their support, he has no idea of proposing to dispense with a library, museum, or gallery of art. He expressly says, "A library such as the Institution may collect by its exchanges, and judicious purchases, and a museum of special objects of research, though not absolutely necessary to carry on the active operations, would form one harmonious system, and could be properly supported by the present income."

I repeat, Mr. Chairman, that there is no disposition to destroy the plan of a library such as the law contemplates, but there is a disposition to prevent a library from overtopping and destroying other measures of equal or greater importance to the success of the Institution—*and this is the whole issue.* Sir, I am sure it is the sincere wish of those charged with the management of this Institution, to conduct its affairs in such manner as will

further the interests of science, and be productive of the greatest amount of good. It is their chief desire to carry out, in good faith, the design of the noble and generous Smithson, and the act of Congress made in furtherance of his *will*. Where that law is clear, it is implicitly followed; where doubts exist, that mode of action is adopted best calculated, in the judgment of the Regents, "to carry out the design of the liberal and enlightened donor;" which design, in the clearest language, is declared to be, "the increase and diffusion of knowledge among men." Is it at all likely that such a high trust would be abused by a Board of Regents presided over by the Chief Justice of the United States, and composed of such men as Mr. RUSH, Mr. BERRIEN, Mr. HAWLEY, Mr. PEARCE, Mr. DOUGLAS, Mr. MASON, Professor BACHE, General TOTTEN, and others of much less name but of equally good intentions?

It may be that the operations of the Smithsonian Institution have not attracted the public eye, or made a favorable impression upon the minds of the popular masses; but I have confidence in their judgment, and believe the reverse to be true. Be that as it may, it is certain that wherever science and literature are cultivated, the Institution is becoming favorably known, and it is receiving the warmest commendations of gentlemen of the highest standing, and most exalted scholastic attainments.

I might adduce much evidence to sustain this assertion, but believe the following will be considered ample and conclusive. The first extract I shall read, is from a memorial recently presented to this House from the American Philosophical Society. "It appears to them," say the memorialists, "that the Institution has been, since its establishment, ever honestly and wisely administered, and the funds expended to the best advantage in the fulfillment of the purposes of the trust. Your memorialists believe that, by diverting the funds of the said institution to the formation of a public library, its power of diffusing knowledge among men will be materially diminished, and that of increasing knowledge entirely destroyed. Our country abounds in men with intellects adequate to the discovery of new truths, and with tastes and education which fit them for the development and beneficial application of all discoveries; but is, on the other hand, deficient in the means of encouraging such men to devote their time and energies to such pursuits, and of publishing their results to the world, and on this account much useful knowledge, for which we ought to have the credit, is published in foreign countries, and inures to the honor and advantage of other nations.

"Your memorialists, therefore, sincerely believing that many disinterested men throughout our country, who are, by education and position, qualified to form an opinion as to what is most useful for the increase and diffusion of knowledge among men, concur in the opinions herein expressed, respectfully ask your honorable body to leave to the Smithsonian Institution its present efficient constitution and administration, and to refuse any legislation tending to impair its usefulness, by converting it into a library, or otherwise."

The following interesting letter from Mr. Felton, the distinguished professor of languages at Harvard University, will show the estimation in which the Institution is held in Europe:

CAMBRIDGE, (MASSACHUSETTS,) *June* 30, 1854.

MY DEAR PROFESSOR: I have but recently returned from Europe, and I now desire to acknowledge the service you did me by your circular letter of introduction to the libraries of the European establishments, which are in correspondence with the Smithsonian Institution. Wherever I presented it I was received with great kindness and attention, and had the opportunity of seeing whatever was curious, interesting, and valuable in the libraries and collections.

It gave me pleasure to notice the high estimation in which the Smithsonian Institution, under its present management, is held everywhere in Europe. The volumes published under its auspices, have done the highest honor to American science, and are considered most valuable contributions to the stock of knowledge among men. They are shown to visitors as among the most creditable publications of the age, and as highly interesting illustrations of the progress of science and arts in the United States; and the eagerness to possess them is very great among the savans of the Old World. They were shown to me wherever I went, and the commendations bestowed on the civilization of America, as evinced by the excellence of these works, both in matter and form, was deeply gratifying to me. The last time I had an opportunity of seeing them was in the University Library, at Athens. The librarian pointed them out to me, and expressed the greatest anxiety to complete the set, one or two volumes of which were wanting. I have a memorandum somewhere which I will forward to you.

I promised a gentleman, with whom I became acquainted on my voyage from England, that I would write to inquire whether it is possible to purchase an entire set. He was desirous of adding them to his library. Will you oblige me by answering this question at your convenience.

C. C. FELTON.

Professor Agassiz—well known to the literary and scientific world—has recently written a letter upon this subject, in which he says:

"Every scientific man in the country has been watching, with intense interest, the proceedings of the Smithsonian Institution ever since its foundation, satisfied, as all must be, that upon its prosperity, the progress of science in America depends in a very great measure.

"The controversies which have lately been carried on respecting the management of the Institution, have increased the solicitude of its friends, with regard to its future prospects, in a degree which can hardly be realized by those who are not immediately connected with the great cause of science." * * * * * *

"The votaries of science may differ in their views about the best means of advancing science, according to the progress they have themselves made in its prosecution; but there is one standard of appreciation which cannot fail to guide rightly those who would form a candid opinion about it. I mean the life of those who have most extensively contributed in enlarging the boundaries of knowledge. There are two individuals who may, without qualification, be considered as the most prominent scientific men of the nineteenth century, Cuvier and Humboldt. By what means have they given such a powerful impulse to science? How have they succeeded, not only in increasing the amount of knowledge of their age, but also in founding new branches of science? It is by their own publications and by aiding in the publications of others; by making large collections of specimens and other scientific apparatus, and not by the accumulation of large libraries. Humboldt never owned a book, *not even a copy of his own works*, as I know from his own lips. 'He was too poor,' he once said to me, 'to secure a copy of them,' and all the works he receives constantly from his scientific friends and admirers, are distributed by him to needy students. Again, there is hardly a scientific man living on the continent of Europe, who is not indebted to him for some recommendation in the proper quarters for assistance in the publication of their works. I mention, more particularly, these details about Humboldt, because he is happily still among the living, and his testimony may be asked in a matter of such deep importance to the real progress of science. But the same is equally true of the part Cuvier took, in his day, in promoting science. All his efforts were constantly turned towards increasing the collections of the *Jardin des Plantes* and supporting the publication of original researches, giving himself the example of the most untiring activity in publishing his own. In this connection I ought not to omit mentioning a circumstance to which the United States owe the legacy of Smithson, which I happen accidentally to know, and which is much to the point in reference to the controversy concerning the management of the Smithsonian Institution. Smithson had already made his will, and had left his fortune to the Royal Society of London, when certain scientific papers were offered to that learned body for publication. Notwithstanding his efforts to have them published in their Transactions, they were refused, upon which he changed his will, and made his bequest to the United States. It would be easy to collect in London more minute information upon this occurrence, and should it appear desirable, I think I can put the committee in the way of learning all the circumstances. Nothing seems to indicate more plainly what were the testator's views respecting the best means of promoting science than this fact.

"I will not deny the great importance of libraries; and no one has felt more keenly the want of an extensive scientific library, than I have since I have been in the United States; but, after all, libraries are only tools of a secondary value to those who are really endowed by nature with the power of making original researches, and thus increasing knowledge among men. And though the absence or deficiencies of libraries is nowhere so deeply felt as in America, the application of the funds of the Smithsonian Institution to the formation of a library *beyond the requirements of the daily progress of science*, would only be, in my humble opinion, a perversion of the real object of the trust, inasmuch as it would tend to secure facilities only to the comparatively small number of American students who may have the time and the means to visit Washington whenever they need to consult a library. Such an application of the funds would, indeed, lessen the ability of the Institution to accomplish its great object, which is declared by its founder to be, to increase and diffuse knowledge among men, to the full extent to which they may be spent unduly to increase the library. Moreover, American students have a just claim upon their own country for such local facilities as the accumulation of books affords.

"If I am allowed to state, in conclusion, my personal impression respecting the management of the Institution thus far, I would only express my concurrence with the plan of active operations adopted by the Regents, which has led to the publication of a series of volumes equal, in scientific value, to any productions of the same kind issued by learned societies anywhere. The distribution of *the Smithsonian Contributions to Knowledge* has already carried the name of the institution to all parts of the civilized world, and conveyed with them such evidence of the intellectual activity of America as challenges everywhere admiration; a result which could hardly be obtained by applying a large part of the resources of the Institution to other purposes."

Mr. Chairman, with the following letter from Professor Benjamin Pierce, I shall yield the floor, satisfied to submit the question, whether the Smithsonian Institution is being properly managed, to the judgment of Congress and the scientific world:

"Of all men, none can be more sensible of the value of the great store-houses of the wisdom of past ages than they who are obliged to resort to them in the development of their own researches. The knowledge which has already been given to the world, and which is accumulated in the library, stimulates and invigorates the mind for original thought, and supplies important materials for investigation. It is to the author what the collection of models in the Patent Office is to the inventor; but, nevertheless, the increase of knowledge depends chiefly upon the native vigor of intellect, and its diffusion is performed by the press. To the strong mind the collections of the Vatican are a golden opportunity, richer than the mineral harvest of California; but not richer than the hills and streams which abound within every man's sight; not richer than the stone beneath our feet on which is written the history of the world; than the leaf of the forest, on which is inscribed the thought of its Creator; or than the cloud in the lightnings of which the laws and the glory of God are as distinctly revealed to the faithful of the present generation as they were upon Mount Sinai.

"The valuable contributions to knowledge which have already been made by the Smithsonian Institution, are a living proof that vast libraries are not necessary to the development of new thoughts. If you will compare these memoirs with the scientific productions of the same period in Europe, you may find them, perchance, inferior in erudition, but not in profoundness and orginality of thought. Do you believe that Smithson, who was himself engaged in chemical investigations, could have intended a *library* by his words, 'an institution for the increase and diffusion of knowledge among men?' If you will examine his nine memoirs to the Royal Society, of which he was an active member, and his eighteen other contributions to science, you will not find one of them which required a library for its production. Each was the natural growth of a deeply thinking mind. Smithson was emphatically a maker and not a collector of books; and in the scientific circle to which he belonged, the ordinary use of language would have totally precluded the interpretation which some men of quite a different cast of mind have presumed to impose upon his words. Expand his largeness of expression to its utmost extent, include in it all that a generous mind like his own would desire it to embrace; but let it not be cramped and twisted out of shape, and so forced from its original design that it shall wholly fail to accomplish the object of the munificent testator.

"Most earnestly, then, in the name of science, and especially of American science, do I protest against such a gross perversion of this important trust. I assure you, sir, that the great body of scientific men throughout the country warmly approve Professor Henry's plan of conducting the Smithsonian Institution, and regard it as a faithful exponent of the almost undivided opinion of scientific and learned men as to the proper execution of Smithson's will and of the law of Congress."

MAIL STEAMER APPROPRIATION BILL.

DEBATE IN THE SENATE.

TUESDAY, *February* 27, 1855.

On motion by Mr. WELLER, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives making appropriations for the transportation of the United States mail, by ocean steamers and otherwise, during the fiscal years ending the 30th of June, 1855, and the 30th of June, 1856.

The bill was reported from the Committee on Finance, with two amendments. The first was to reduce the appropriation for the transportation of the mails by the Collins line of steamers from $858,000 to $819,500, and to strike out the following words:

"And that the proviso contained in the first section of the act entitled 'An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852,' approved the 21st day of July, 1852, be, and the same is hereby, repealed: *Provided*, That Edward K. Collins and his associates shall proceed, with all due diligence, to build another steamship, in accordance with the terms of their contract, and have the same ready for the mail service in two years from and after the passage of this act; and if the said steamship is not ready within the time above mentioned, by reason of any neglect or want of diligence on their part, then the said Edward K. Collins and his associates shall carry the United States mails between New York and Liverpool from the expiration of the said two years, every fortnight, free of any charge to the Government, until the new steamship shall have commenced the said mail service."

Mr. HUNTER. I think, on a reëxamination, that there is a mistake in the figures of the amendment reported by the Committee on Finance. The committee reported the first portion of the amendment in order to reserve the ten per cent. provided for in the contract to be reserved. I believe that is a mistake. The appropriation in the bill should be for the whole amount, leaving the ten per cent. to be reserved at the Department. I ask permis-

sion, therefore, to modify the amendment by leaving the appropriation as it stands, and simply to strike out the provision taking away the power to give notice.

There being no objection the amendment was so modified.

The PRESIDING OFFICER, (Mr. FOOT.) The question is on the amendment of the Committee as modified, to strike out the words which have been read.

Mr. HUNTER. Mr. President, the amendment of the Committee on Finance is designed to preserve to the Government the power to give notice to Mr. Collins and his company for the purpose of putting an end, whenever Congress shall think proper, to the extra allowance. It is designed to keep this power in the hands of Congress. For myself, I think we ought to go further. Individually I should be for giving the notice; but the committee only reported an amendment which was designed to keep it within the power of Congress hereafter to give the notice whenever they shall think proper to do so. It seems to me so eminently proper, that I need say nothing in reference to it.

Mr. BADGER. Mr. President, I am, for one, not for concurring in the amendment proposed by the Committee on Finance. I am not for retaining in the Government this power of giving notice to which my friend from Virginia has referred. To me the propriety of what the Committee on Finance propose is not so clear as it seems to be to him. If I understand the provision sent to us from the House, it is to continue this contract to the end of the time for which it was originally made, at the increased rate of allowance which was carried through both Houses of Congress two or three years ago. I am in favor of the provision as it came to us from the House. I was in favor, at the time when the increased rate of compensation was given, of that increased rate of compensation; and I was then opposed to the provision incorporated into the bill in virtue of which that increased rate of compensation was to be subject to discontinuance upon a subsequent notice by Congress. I have seen nothing since that time to change my opinions in relation to any part of the subject. I do not wish to keep this matter always recurring at every succeeding session of Congress, with applications made for giving the notice and putting an end to the contract, stirring up the question from time to time and from year to year, and keeping it always a matter uncertain in the public estimation whether this great enterprise is to be supported and carried through by the Government. My opinion is, that the House of Representatives have acted wisely. The additional compensation having been shown to be reasonable, the enterprise concerning at once the interest and the honor of the country, I think the House have acted wisely in proposing to take it out of future contest in Congress, and to save both the country and the persons who are engaged in the prosecution of this enterprise from this perpetually recurring agitation with regard to the termination of the contract. I am, therefore, for one, in favor of holding on to the provision of the bill as it comes to us from the House, and I hope the Senate will not concur in the amendment moved by the Committee on Finance.

Mr. BAYARD. Mr. President, I agree entirely with the views stated by the honorable Senator from North Carolina; and I will mention, in addition to what he has said, that the effect of the amendment proposed by the committee could only reach the three last years of the contract. The contract has now about five years to run. If you reserve the power to give notice, what will be the result? You cannot act on any appropriation bill of this kind so as to give the notice, probably before July of next year, and no notice to be effective, would go into operation before the ensuing January. There would, then, be but three years of the contract remaining. It seems to me, therefore, that by retaining this power you cripple the efficiency of the line, because you leave things in an uncertain state. You will not diminish the cost to the Government, for, against the cost of the contract on the one side, you must take the expense of prolonged discussion, and the consequent consumption of time involved by bringing the question before Congress at each session. To avoid these difficulties, I think the provision of the bill as it comes from the House is proper, and I trust it will not be stricken out.

Mr. HUNTER called for the yeas and nays on the amendment; and they were ordered.

Mr. GEYER. Mr. President, those gentlemen who were here in 1852 will remember that I was then opposed to any change in the contract for the transportation of the mail by this line of steamers. I saw nothing in the representations which were then made, giving to these parties any claim for increased compensation, under the contract which they had entered into. The Senate, however, inserted in the deficiency bill of that year a clause allowing them a compensation at the rate of $33,000 a trip, instead of $19,250. Against that I voted. They also inserted a proviso, without which, let me say, the extra compensation never could have passed either House of Congress, reserving to Congress the right, at any time after the 31st day of December, 1854, to terminate the contract upon six months' notice. Regarding that as a new stipulation between the United States and those parties, I am disposed to adhere to it. I look upon that as a contract which we are to construe favorably towards the other party, but not in such wise as to surrender the only guaranty we have that the contract will be performed. I understood it to mean, when we put in that proviso, that, in the event of the contingency of a non-compliance on the part of these contractors with their high promises, in consideration of which the increased compensation was granted, we might terminate it; and not otherwise. Therefore, when, at the last session, a proposition was made to give the notice, I voted against it, because I did not think the event had happened which, under a fair construction of their new contract, authorized us to put an end to the additional compensation; and there I am disposed to rest it.

The original contract was for twenty trips per annum at $19,250 each. You have stipulations in that contract which require a performance; and in the event of a breach of the contract, you have your remedy; but I submit to honorable Senators, if we adopt the proviso of the House, what security shall we have that they will perform the twenty-six trips which were provided for in the act of 1852? Is not the power to give the notice the only security which we have to insure the performance of that contract on their part? Now we pay $16,000 a trip for the speed of these vessels; that is to say, we pay $16,000 a trip more than would be required to be paid to them if they made no greater speed than the Cunard steamers. I have before me a speech of an honorable member in the other House, giving the testimony of these parties themselves, by which it appears that we pay $9,000 discrimination in favor of this line, because it enters the port of New York. We pay $16,000 on account of the increased speed, for they themselves inform us that they could perform their trips with as great a speed as the Cunard line for $16,000 a trip less than it now costs them. Now, I repeat the inquiry—repeal the clause which authorizes us to give the notice, and where is your security? With the temptation of $16,000 multiplied twenty-six times in the course of the year, have we any security that we shall receive what we are paying for?

Mr. President, I have no doubt that the owners of this line have rendered essential service to the country; and I am disposed to continue the compensation which we agreed to allow them upon the terms contained in the act of 1852. I have no doubt they will make every effort to accomplish what that act requires should be accomplished, in order to entitle them to the compensation; but, sir, I am not contracting for myself; and I do not feel at liberty to vote away the difference between $385,000 and $858,000 a year, with no better security for the performance of the contract than will then be afforded.

It is true the House of Representatives propose to provide for the building of another ship; but that is to make a new contract; and, as I said on a former occasion, I now repeat, I do not believe in the policy of this attempt to build up, under the name of a military marine, a commercial marine for the benefit of the commerce between one city of this Union, and another across the Atlantic. I should be disposed to secure the transportation of the mails across the Atlantic by another, and a very different arrangement. When a contract has been entered into; when we have once changed that contract, and given increased compensation, and have given it upon terms and upon conditions without which it could never have passed the Senate and House of Representatives, I am unwilling to go further. Once more, I ask Senators what security have they, other than the honor of these contractors, if we repeal this clause in the act of 1852? It may be said that we must trust something to them. Have they no trust, let me ask also, in Congress, contracting on the part of the United States, that they will forbear to give notice unless occasion occurs, when there shall be a failure to perform the service contemplated by the act of 1852? Can they not (the proposition to give notice having been once made, and voted down by the Senate) rely with as much confidence on the fidelity of Congress to their contract, as we can rely on the fidelity of the contractors when we are about to present to them the temptation to diminish the speed of their vessels, by reducing the cost at the rate of $16,000 a trip.

Mr. JONES, of Tennessee. I move to amend the amendment of the Committee on Finance by inserting in lieu of it:

That the Secretary of the Navy is hereby directed to give the notice provided in the first section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," approved the 21st day of July, 1852, to terminate the arrangement of the additional allowance for the transportation of the United States mail between New York and Liverpool in the Collins line of steamers as therein provided."

I offer this amendment at this time, Mr. President, in order that the issue may fairly be brought before the Senate. It has to come to this at last. The amendment offered by the Committee on Finance does not meet the issue, and hence I propose this amendment, which brings us directly to the main contest before us. It will be remembered that at an early day of the session I announced to the Senate that if no other Senator would offer this proposition I should feel myself constrained to do so. I endeavor to-day to perform that duty and redeem that pledge, and I may be permitted to express my regret that I am in a condition so poorly to perform a service which is so very important.

In offering the amendment, I am actuated by no spirit of unkindness to Mr. Collins or his company. On the contrary, I have abundant reason to cherish feelings of great personal kindness and respect, not only for Mr. Collins, but for many members of the association at the head of which he stands. I have received testimonials of personal kindness and respect from them. In addition to that disinclination which I feel to interfere on this occasion, I might superadd, that a personal relationship with some of the parties renders it exceedingly painful to me to be found differing from them, for among them I find some of my warmest and most sincere personal and political friends. I confess to you, sir, and to the Senate, that I have arrived at a determination to offer the amendment, and advocate its passage, not without some conflict with my own feelings. If I had yielded to the suggestions of my personal feelings, if I had looked to the especial interest which many of my personal friends have in the passage of the provision as it comes from the House, I should be content simply to give a silent vote; but I have not been able to satisfy myself that my personal feelings are to be regarded when they come in conflict with the discharge of public duty. Actuated, therefore, as I hope and believe, if I know myself, only by a desire to subserve the public service, and discharge a public duty, I have felt myself constrained to offer this amendment.

I have been met by arguments after arguments, many of them entitled to consideration, many of them persuasive, many of them addressed to the kindlier and more generous sensibilities of our nature. I have been reminded of the sad and melancholy catastrophe of the ill-fated Arctic. Sir, no man in America deplores that catastrophe more than I do. No man would more willingly repair it, if within the compass of human power, than I would. If this appropriation were intended to repair that accident, I should gladly vote it. If it were within the compass of human power, by the exercise of human agency, even to the pouring

out of the last dollar in the national Treasury, to rescue from a watery grave the sleeping victims of that ill-fated vessel, I would vote the last dollar in the Treasury to accomplish it. Yes, sir, I would go further than that; and if we had power to bring to life a single victim of that fatal catastrophe, even if it should exhaust every dollar in the national Treasury to bring up from his sleeping on the coral beds of the deep blue sea the lamented son of an officer of this body, I would willingly agree to vote the last dollar for the purpose. [The allusion was to young Holland, son of the assistant Sergeant-at-Arms and Doorkeeper, who is memorable for the fidelity with which he stood to the signal gun until the Arctic went down.] Sir, amidst all the events of life which have come under my knowledge, I have seen no picture that strikes so fully at the heart as the picture of that unfortunate young man, and it will constitute a theme for the pen of the poet, and the pencil of the painter, when you and I shall have passed away.

But, Mr. President, what have all these sympathies to do with this question? It is not proposed to take this money which you are asked to appropriate, and divide it between the victims of that catastrophe; but it is to go into the coffers of a company under a contract made with the Government of the United States, and it is to that contract that I propose to address myself.

Two years and a half ago we had a long, able, and interesting debate upon this question. In reviewing that debate, which I have done with a great deal of care and industry, I find an address delivered by the distinguished Senator from New York, [Mr. Seward,] an address characterized by that ability which usually characterizes his speeches; for, sir, however much my prejudices and passions may incline me against the doctrines and opinions of that distinguished Senator, I hope never to be so lost to truth, and candor, and frankness, as to deny to him ability of the highest order. My only regret is, that such eminent ability should be so ill-directed, according, at least, to my humble judgment. In the address of that distinguished Senator, he propounded two questions to the American Senate. The opening of his remarks was: "What will Congress do?—what has Congress done?—for the Collins steamers."

The first interrogatory, pretending to no prescience, I shall not attempt to answer. If there is anything Omniscience itself does not know, it is what Congress will do. After what Congress has done, I shall not be astonished at any thing that Congress may do. The second interrogatory of the honorable Senator, I think I can answer, and, with the indulgence of the Senate, I shall endeavor briefly to answer it from the law and the testimony. What has Congress done for the Collins line of steamers?

On the 6th day of March, 1846, Mr. Collins and his friends submitted to the Congress of the United States a proposition to carry the mail from New York to Liverpool—Congress entertained that proposition. There is one thing that Congress has done for the Collins line of steamers. On the 1st day of November, 1847, under the direction of Congress, a contract was entered into with Mr. Collins and his associates, to carry a mail from New York to Liverpool, twenty times per annum. There is another thing that Congress has done for the Collins steamers. What was that contract entered into between the Government of the United States and Mr. Collins on the 1st of November, 1847? Mr. Collins contracted to build five vessels, of given dimensions and power. He agreed that four of them should be built within eighteen or twenty months from the signing of the contract, and the fifth vessel as soon thereafter as practicable. Further, it was provided that the Government of the United States should be allowed to place upon each vessel four midshipmen of the United States Navy. There were other powers conferred, mutually, on the part of Mr. Collins and the Government of the United States, which are immaterial.

Congress, then, did these things for the Collins steamers. What follows? Mr. Collins failed to perform his contract. He was to put the line in operation in eighteen months after the signing of the agreement; but he failed to accomplish that part of the contract. What followed? He came to the Congress of the United States, and asked Congress to amend the contract and extend the time. Congress amended the contract, and extended the time. That, too, Congress has done for the Collins steamers.

But, Mr. President, Mr. Collins, after binding himself to build the vessels in a specified time, failed to execute his contract, and came here to get it changed. What did he then ask? He said it was impossible to finish the vessels within the specified time, and he asked that the contract should be changed in that particular, and that there should be advanced from the Treasury $25,000 a month upon each of the vessels, from the time they were launched up to the time they were ready to sail, until the sum thus advanced should reach $385,000. Congress assented to this third amendment of the contract, and advanced to Mr. Collins $25,000 upon each of the vessels, until the amount reached $385,000, equal to one year's compensation. This is another thing which Congress has done for Collins & Co.

After that, Mr. Collins came back to Congress, and asked them to change the contract the fourth time. For what? I suppose Mr. Collins found it inconvenient, or not according to his conceptions of the dignity of the position which the officers of his vessels were expected to hold, to have midshipmen there under the auspices and direction of the Government. Although the contract required him to find accommodations for four midshipmen, he asked to be relieved from that provision, and again Congress yielded to the solicitations of Mr. Collins, and repealed the provision. There is another thing which Congress has done for the Collins steamers.

Mr. President, this is not all. After this line proceeded to discharge the duty of carrying the mail, again, in 1852, for the fifth time, we find Mr. Collins standing at the portals of the Capitol and asking for another revision of his contract. He had contracted to carry the mails for $19,250 a trip, but he said that he could not do it without a loss to himself and his friends, and he therefore asked for a change of the contract. That change was in raising the compensation from $19,250 a trip to $33,000 a trip. Now, I put the question to every Senator who will divest himself of his fancies or his prejudices, whether that was not one of the most extraordinary demands ever made upon an assembly of enlightened gentlemen. A man who is said to have more experience and wisdom in navigation than any one who lives, made a proposition to Congress, which was accepted; but when he attempted to perform it, he found he was mistaken, and that instead of $19,250 a trip, which he originally asked, he should have $33,000. Congress then changed the contract for the fifth time, and increased the compensation of Mr. Collins according to his request. His original contract was $385,000 per annum for twenty trips. Under the act of 1852, the trips were increased to twenty-six, and the pay was raised from $385,000 for twenty trips to $858,000 for twenty-six trips.

There is something very substantial which Congress has done for the Collins line of steamers. What is now asked? Not only that we shall continue that increased pay, but shall deny to Congress the power hereafter to annul that contract. Are we prepared to do this? That is the question which we have to decide. I have some facts and figures on this point that I propose to offer for the consideration of the Senate, and upon them I ask them to decide whether they will grant this last request of Mr. Collins and his friends. If they agree to it, after the presentation of these facts and figures, I, for one, shall not open my mouth; but for the rest of my life I shall feel that any company or association of this kind can accomplish whatever they may deem expedient for themselves.

In 1852 we increased the annual compensation of the Collins line $473,000—nearly $500,000 a year. Was there ever such an astounding result seen before? Here was an increase of pay upon one steam line of $13,750 a trip, or $473,000 a year. Notwithstanding this fact, it is said, and may be true, that this is a losing business, and I am pointed to the fact—which is alleged to exist; I am impugning the integrity of nobody—that they have never been able to declare a dollar in dividends, and this is urged as a reason why it is an unprofitable business. Why have they not declared dividends? Is it because they have not earned them? I intend to prove that they have earned them; and I think I shall do so before I have done with the figures. We are told, however, that no dividends have been declared, and that it therefore follows that the business is unprofitable, and that we must continue our large payment to them. I propose to examine how this is.

I understand that the whole cost of the four vessels which have been built was $2,944,142 76. I understand that of this sum there were only $1,200,000 as the amount of stock actually paid in. The balance, $1,744,142 76, was borrowed capital; and I have heard—though, of course, I do not vouch for its correctness—that the profits which have been made, have been applied to the extinguishment of this borrowed capital, and that is the reason why no dividends have been declared.

Another question which has given rise to a good deal of controversy, is on the profit and loss account of this line. You will remember, sir, that, in order to arrive at something like a fair and just conclusion, I submitted to the Senate some weeks ago, a resolution asking the Committee on the Post Office and Post Roads to ascertain, as far as possible, what were the amounts of money received by this line of steamers from freights and passengers.

I hold in my hand a communication from the Post Office Department on that subject, and also a letter from Mr. Bell, an officer of the Government, to the Postmaster General, to which I desire to call attention. I shall not weary the Senate by reading the documents, but shall simply state the conclusions. According to the best information which the Post Office Department could obtain and furnish to the Senate, it appears that there is a total yearly profit from freights and passengers on the Collins line of $1,601,600. Here are all the facts on which that conclusion is predicated. I admit it cannot be relied on as entirely perfect, for Mr. Bell had not access to the books of the company, and had to avail himself of the best information he could. He went to the registry of the port of New York to ascertain how many passengers left that port by this line of steamers. He assumed that as many came in as went out, and he went further, and he obtained the best evidence he could, and the result of his conclusion is, that the profit from mails and passengers amounted to $1,601,600. I had an interview with Mr. Collins on the subject, for if I know myself I do not wish to do anybody injustice. My only object is to prevent injustice being done to the country. I told Mr. Collins that if he had any testimony which would rebut this statement, I should cheerfully bring it before the Senate. He has done so, and I shall redeem the pledge with great pleasure. He has given me an affidavit which I hold in my hand, sworn to by William L. Youle, the secretary of the company, and here is the result of his estimates:

Total receipts for passengers and freights	$4,460,857 38
Mail pay received from the United States	3,413,966 00
Total receipts	7,874,733 38
Total disbursements	7,207,291 91
Surplus in the way of profits	$667,481 47

Mr. SEWARD. When was that statement made?

Mr. JONES, of Tennessee. On the 17th of February, 1855, a few weeks ago. Now, I wish to know what became of this $667,000 of profits? In this statement he asks to be accredited with what?

Loss of the ill-fated Arctic	$255,000
Depreciation of investment	258,000
Interest upon the whole capital at seven per cent. per annum	408,000
Total	$921,000

He then takes his profits and applies them to these losses on his vessels, and makes out a total loss of $253,924. This is a very fair calculation as between Mr. Collins and his friends, but what have we, as a party contracting with them for a specific service, to do with that? He shows that

he has received for frieghts and passengers, and for the Government mails, $667,000 more than he has paid out in running his vessels; but when you deduct from that sum the interest and depreciation account and the loss of the Arctic, he brings us in debt, according to his statement, $253,924.

Mr. COOPER. I wish to ask the honorable Senator a question for information. Does a portion of the $7,000,000 of expenses embrace money paid to relieve the original loan made for the purchase?

Mr. JONES, of Tennessee. I have given the statement precisely as it has been presented by his own officer.

Mr. COOPER. I apprehend that is included.

Mr. JONES, of Tennessee. In the statement sworn to by his own officer he gives the receipts of each vessel of the line, and then puts down the disbursements for each voyage and each vessel, and winds up by a recapitulation which I have already stated. Then, by his own showing, he has already got back all that he has paid out, and interest on his capital, and loss upon his vessels, and depreciation upon his vessels, except $253,000. Now I have redeemed my pledge to Mr. Collins. I have given his own statement. I shall not assail it. I shall not attack the veracity of the officer who has sworn to it. I dare say it is perfectly true; but whether true or false, it has nothing to do with the contract between the Government of the United States and Mr. Collins, and it is to that contract that I propose to address myself.

Now let me ask what has been paid by the Government to Mr. Collins? According to his own showing the Government of the United States paid him, up to the 17th February, 1855, $3,413,916 57. Thus in five years, the Government alone has paid $469,733 81 more than the whole amount of the cost of the vessels, or what may be assumed to be the capital invested by Mr. Collins and his associates in the enterprise. When did mortal man ever hear of a better contract? Mr. Collins received from Congress a contract, and in the first five years of this contract the Government alone, by way of stipend, paid him all his capital which he invested, and $469,733 over and above that capital. Where is the man who would not stipulate for a contract of that sort? Where is the man who would not be willing to embark in an enterprise where such success was guarantied to him. Who would not take a contract, the result of which, in five years, would be to reimburse him all his capital and give him a surplus of $669 000 in addition to his capital, with all the chances of profit from the trade and transportation of persons and property? This amount of profit, it seems to me, ought to be sufficient to satisfy anybody, but these gentlemen are not satisfied with what they have received, and they are again knocking at the portals of the capital, and asking for a continuation of the contract on these terms for five years. Suppose you do continue it for five years, what will be the result? How much will you be required to pay for the next five years in addition to what you have already paid? You have already paid $3,413,916 57; and if you comply with this last demand you will pay, before the termination of the contract, $4 385,000 more. If the contract be continued to 1860, at the present rates, what will you have to pay to Mr. Collins by the end of that time? I hope not to astonish gentlemen, or drive them from their propriety by the statement of the amount, but I confess that until I looked into the figures I should have been profoundly astonished at the result. At the end of the contract, if it be continued as we are now asked to do, this Government will have paid Mr. Collins and his associates $7,785,565 70.

In the name of reason and common sense and common honesty, where does the history of legislation show such benefits as these, conferred on one individual or company? In ten years you will have paid $7,785,000—almost three times the amount of the original investment, and during the whole time Mr. Collins enjoying the benefits arising from the transportation of persons and property on his line. We have heard talk about the enormity of the tariff of 1828, but here is a tariff beyond all precedent. Here is protection with a vengeance—protection amounting to absolute prohibition of competition. Who can compete with Mr. Collins in running steamships across the ocean, with the Government paying him in ten years nearly $8,000,000? Where is the man rash enough, insane enough to attempt to navigate the ocean by the side of Mr. Collins, when the Government stands at his back with $8,000,000, and the other American citizen has to rely on his own energies? I am in favor of protection, but this is rather too strong for me. I cannot approve of it.

I have not yet done with the figures. I have already stated that the original vessels built by Mr. Collins cost $2,944,000. He has now three vessels on hand, and those vessels cost, originally, $2,208,107. That is the amount of capital now invested. The company received the insurance upon the Arctic, and I apprehend that the loss could not have been very great, for the insurance was for $600,000; but I have nothing to do with that. I have said that the Collins line have now three steamers which cost $2,208,107. According to the statement furnished in 1852 by Mr. Collins, the annual depreciation of the vessels is seven per cent. I have inquired of other persons familiar with steamships, and they say from seven to ten per cent. Desiring, however, to be as fair as possible, I put the depreciation down at only five per cent., and then you will find that it amounts to $552,026. Take that from the aggregate original cost, and the vessels now owned by Collins & Co. are worth $1,655,981. That, then, is the capital now invested. Upon this head I have a proposition to make to the Senate, which I will state. I suppose nobody doubts that we have a right to end the contract by giving six months' notice. Then why may we not do it! We are asked, Will you do it, and leave Mr. Collins with his vessels on hand? For myself, rather than pay Mr. Collins $4,385,000 for the next five years, in order to sustain a capital of $1.655,981, I would buy his three vessels and pay him the full cash value for them, $1.655,981. Suppose you were to buy the vessels, and take them out into New York bay and set them on fire; you would have sunk $1,655,981, but in the end it would be a saving to the Government. If you deduct the amount the vessels would cost from the amount which he asks you to pay him for the next five years, that is, $4,385,000, you will have remaining $2,729,019 of saving. After buying the vessels and putting them in your Navy, or burning them, if you please, you will have saved $2,729,019 to the Treasury. Suppose we should do that, and then let out a contract to carry the mail for twenty-six trips on the terms proposed by Mr. Vanderbilt, amounting to $15,000 a trip, or $390,000 a year, or $1,959,000 in five years. Then, after you have burnt your Collins vessels, and paid Vanderbilt all that he asks for carrying the mail as often as Collins carries it, you will have saved $779,019.

If any Senator can controvert these figures let him rise and do so now. I assert their truth, and they are so striking that I beg leave to repeat them briefly. The amount which you are asked to pay for the next five years to Mr. Collins is $4,385,000. The value of his vessels now on hand is $1,655,981. Mr. Vanderbilt asks $1,950,000 to carry the mail for the same length of time, and in the same number of trips. Pay for the vessels and deduct their value from the amount which you are asked to allow to Collins, and you have left $2,729 019.

Then pay Mr. Vanderbilt all that he asks for carrying the mail for the same length of time and you will have in your Treasury, at the end of the contract, $779,019 more than you will have under the Collins contract, and in addition to that you will have the vessels.

Mr. BAYARD. Will the honorable gentleman allow me to interrupt him at this point?

Mr. JONES, of Tennessee. Certainly, sir.

Mr. BAYARD. Of course these statements and calculations of the honorable Senator from Tennessee come on me unprepared; but I think a very obvious answer may be made to the point upon which he is now treating to show that the statements which he makes are not altogether satisfactory. He assumes that the cost for carrying the mails will be a certain sum according to the proposition of Captain Vanderbilt.

Mr. JONES, of Tennessee. I believe I have stated correctly, but if not, I, of course, wish to be set right.

Mr. BAYARD. The Senator, taking the entire cost according to what he says is Vanderbilt's proposition for the same period of time that the Collins contract has yet to run, says the Government would save $779,000 in the difference of price between the two. Is that the statement?

Mr. JONES, of Tennessee. Yes, sir.

Mr. BAYARD. Now, sir, that will depend upon one fact which the honorable Senator throws entirely out of his calculations. Mr. Vanderbilt offers to run a line for so much, but he makes no stipulations in that offer as to the speed of the vessels which he is to run. If he establishes a line which will run in sixteen or eighteen days, the entire amount of postage which you now receive will pass into the hands of the faster line of the British Government. This is an item which must be taken into the calculation of your loss in order to get at the result. I have not the materials before me to make an exact calculation; but I am perfectly satisfied that the loss of the amount of the postage which you now receive by the ai l of the Collins line would be far more than equivalent to the sum which the gentleman assumes to be the gain.

Now there can be no doubt that Mr. Vanderbilt, who understands thoroughly the business in which he is engaged, takes great care in his proposition which has been printed and laid on our tables to make no stipulations either as to the character of his vessels, or the speed at which they are to run; and yet the question of speed or velocity is an element of cost, which goes to an extent which is hard to be estimated without calculation. I do not mean to enter into it; it is too late in the session to go into all the details connected with the matter, even if I were sufficiently conversant with them to do so. I have no interest in this question, except the national feeling which I have for the success of this line as a great improvement, and probably a feeling of pride in regard to its superiority over the rival line of Great Britain.

I have had several conversations with the chief engineer of your Navy on this subject, and I ascertain that there is a rule by which they estimate the expense of running a vessel in proportion to speed applied to the same tonnage. I think he stated to me that the rule was, that, for the increased speed, the power necessary, and the consumption of fuel incident to it, would be as the cube of the increased distance. That is the statement of Mr. Martin, the chief engineer of your Navy. He showed me the rule in an English treatise, which gave the average calculations for all distances at so many knots per hour; and he stated to me that his own experience in steam vessels had verified the rule by practice. Take the case of one of the Collins steamers, running at a speed of thirteen knots an hour between New York and Liverpool, with smooth seas and no gales, and she can make the distance in nine days and nineteen hours. In order to make that speed, the steamer consumes nine hundred tons of coal. If, however, you permit the same steamer to run at an average speed of nine knots an hour, which would take her to Liverpool in fourteen days and fourteen hours, the consumption of coal would be four hundred and sixty tons. I am speaking entirely from memory, but I think I am very nearly, if not entirely, accurate. Any one can easily see the difference in expense which this difference in speed would make. In the one case—in the fast trip—the vessel would consume nine hundred tons of coal on the trip from New York to Liverpool, and would displace freight to the amount of the difference between four hundred and sixty tons and nine hundred tons. If any gentleman will take the trouble to make the calculation, he will see that the difference necessarily incurred by steamers complying with a contract of great speed (the speed at which these vessels run in order to make their quick passage) is something equivalent to the difference in cost. Their speed is equivalent to thirteen knots an hour, taking the average of head seas and gales which they have to encounter.

The result is, that the proposition which the Senator says is made to the Government by Captain Vanderbilt to carry the mails between New York and Liverpool, might be well made under those circumstances, in which the time was not specified, and could be easily accomplished with-

out any great loss to the parties; but the loss would fall upon the Government in the diminution of its postages, because, beyond all question, the mass of the letters will always go in the fastest line. For these reasons, I do not think that this proposition is any evidence of loss that will result to the Government arising under the calculation of the honorable Senator from Tennessee.

Mr. JONES, of Tennessee. It always gives me pleasure to have any honorable Senator interrupt me for the purpose of correction, but I do not like to have a speech of the length of that which has just been delivered by the honorable Senator from Delaware interlarded upon mine, it may be to break its strength. But, sir, I have a few words to say on the point raised by the honorable Senator from Delaware. I stated that Mr. Vanderbilt proposed to carry this mail for a certain sum. I have his printed proposition in my hand. That proposition is, that he will carry a mail twice a month, or twenty-six trips per annum, from New York to Liverpool and back. The honorable Senator asks what guarantee have we that Mr. Vanderbilt intends to carry it in the same time that Collins carries it. Now let me inform the honorable Senator that there is not a solitary word in the contract of Mr. Collins compelling him to do anything more than is contained in Mr. Vanderbilt's proposition.

Mr. BAYARD. I made no such intimation. I was comparing what might be done. The fact that Mr. Collins has done it is evidence of good faith. The fact that he has expended his money to do what his contract did not call on him to do, is an argument in his favor.

Mr. JONES, of Tennessee. I will take that statement; I will take the history of Mr. Collins as conclusive evidence that if we continue the contract on the terms proposed by the House of Representatives—which deny to Congress all power hereafter over the subject—that his integrity may be relied upon, that he will continue to carry the mail in the time he has done it—and assuming all that, I ask upon what hypothesis will you deny to Mr. Vanderbilt the same presumption? The contract of Mr. Collins simply provides for carrying a mail twice a month. Mr. Vanderbilt comes and makes the same proposition. Both propositions are identically the same upon the points of time and speed.

But, Mr. President, I do not mean to cavil about that matter. There are some other facts which I think of more importance. I neither know nor care anything about Mr. Vanderbilt. I know him when I see him. I know him by reputation as a man connected with the ship-building interests of the country. I know that he is indorsed by the members of Congress from New York as one of the ablest navigators the world has ever seen, and we all know that he has the ability, and we know that he has the means to do what he proposes. How, then, can we arrive at the conclusion that all the pride, all the patriotism, all the nationality connected with the steam navigation of the country, reside in Mr. Collins? I would do him no wrong; I am ready to render to him all honor for what he has done; but I cannot believe that if, in the dispensations of Heaven, he should be called from this earth, all the skill, all the national pride of our steam navigators would be buried with him. I accord to him all that can be claimed for him, but I ask for others as much as you accord to Mr. Collins. So far as the history of the two men goes, Mr. Vanderbilt will compare favorably with Mr. Collins, or any other man living. As there is no difference between the propositions of the two men, the argument of the Senator from Delaware on that point amounts to nothing.

But in the next place, suppose that Mr. Vanderbilt should not carry the mail within ten or twelve, or fifteen hours of the time in which Mr. Collins carries it, are you willing, for that difference of time, to pay to Mr. Collins $468,000 per annum for five years? I undertake to say that the proposition of Mr. Vanderbilt is the same with that of Mr. Collins, and contains everything that Collins's contains, and I undertake to say more, that for the $15,000 per trip for which Mr. Vanderbilt proposes to carry this mail, he will, if you require it, bind himself to run up to the time of the Cunarders. You may say that is not the Collins time. I grant it, and why is it that I limit it to the Cunarder's time? Because two years ago the argument used for the increased pay was, that it was necessary to enable the Collins line to compete with the Cunarders. Now, I take the responsibility of saying that, if you will give Mr. Vanderbilt the contract to carry the mail for $15,000 a trip for five years, he will run up to the time of the Cunarders, or he will forfeit $1,000,000. I say further that, if you are anxious to come up to the Collins time, Mr. Vanderbilt will bind himself in a bond of $2,000,000 to run up to the Collins time for $19,250 a trip.

There is the proposition fairly presented to us, and it cannot be got around. It must be met. Here is the Government proposing a public service. If it were to be performed in any part of the interior of the Union, advertisement would be made, and all American freemen would be permitted to come in and compete on equal terms. You and I are permitted to compete for all contracts now, and the Government makes the best bargain it can. Here is a contract to be made, and the question is, how will you make it? for I contend, that this occupies precisely the same position as if we were now making a new contract. How are we making it? The advocates of Mr. Collins tell us to make it with him. Well, sir, I am willing to make the contract with Mr. Collins, provided he will do what is fair, according to my judgment. He tells us that he will carry this mail for $33,000 a trip in a specified time, according to the argument of the honorable Senator from Delaware. Mr. Vanderbilt tells us that he will agree to carry it in the same time as Mr. Collins, for $19,250 a trip. To which of the two will you give it? You are letting out a contract for the country. The money to pay for it is to come out of the public Treasury. When such a contract is made in my State, and in every State, you let it out to the lowest and best bidder. Here are two men competing for the same mail service, one proposing to do it for $33,000 a trip, and the other willing to do it in the same time for $19,250 a trip, and you say you will give it to the man who proposes to do it for $33,000 a trip!

But, sir, I wish to present the question now in a somewhat different attitude. Mr. Vanderbilt proposes just as Mr. Collins did, to carry the mail twice a month, twenty-six trips a year, for $390,000, and yet you are paying Mr. Collins $858,000 for the same service, making a difference of $468,000 per annum. Why should you give one man $33,000 a trip for a certain service, and deny it to another who is willing to do it for $15,000? Why will you pay one man $858,000 a year, and refuse to give the same service to another man for $390,000? The two propositions make a difference of $467,000 to the Treasury.

Now, Mr. President, I wish to call the attention of the Senate to the further history of this subject, for the question constantly recurs on my mind what has Congress done, and I am trying to answer that. As I have already stated, in 1852 Congress increased the compensation for this service. What was the argument used at the time for that course? We were told then that the Collins line had been unfortunate, that the Atlantic had broken her shaft, and had got aground, and that it cost $100,000 to repair the accident. We were told also that the running of the line was an experiment, and that for the first two years until they got the "hang" of things, according to a common saying, or until they got their machinery all right, they were necessarily forced to incur extraordinary expenses, and had lost a large amount of money. Yielding to that argument, the Congress of the United States agreed to increase the pay as provided for in the act of 1852. My friend from North Carolina, [Mr. BADGER,] whom it always gives me much pleasure to follow, spoke a great deal on that subject, and, as he always does, spoke much good sense. I understand him to-day to protest against striking out that provision of the bill of the House of Representatives which declares that the contract shall be perpetual up to the year 1860, or in other words that Congress shall withdraw the power to give notice. I propose to read from some of the remarks of that Senator on that occasion. I expect that I shall get into difficulty by doing so, but I intend to bring forward the record, and to stand by that. In the debate in 1852 let us see what was said by the honorable Senator from North Carolina:

"Mr. BADGER. I intimated a short time ago that I had an amendment which I would propose, if the Senate should adopt this provision for the increase of compensation. I have been requested, by some of my friends, to read it, in order that the Senate may understand what it is. It is this:

"*Provided*, That the contracts for the transportation of said mails be, and are hereby, transferred from the Navy to the Post Office Department; and the Postmaster General is hereby directed to contract with said steamship company to carry said mail in their present steamers, at the rates aforesaid, payable out of the Treasury, for the unexpired term of the original contract, reserving, nevertheless, to Congress the right to direct the Postmaster General to put an end to the contract at any time after the 1st day of December, 1854, upon giving six months' notice to said company."

There is where we get the power over this contract. We are indebted to the distinguished, and learned, and honorable Senator from North Carolina, for the provision that Congress should retain power to end the contract after the 31st of December, 1854, upon giving six months' notice. That is just what the committee propose now to retain.

Mr. BADGER. Will the Senator allow me to interrupt him for a moment?

Mr. JONES, of Tennessee. With a great deal of pleasure.

Mr. BADGER. The amendment which I proposed has no resemblance at all to the power which was reserved under the act which was actually passed in 1852. The amendment which I offered to the bill was, in the first place, for transferring the contract to the Post Office Department, and then to authorize the Postmaster General, upon the direction of Congress at any time after December, 1854, to make an end of the contract, the effect of which would have been that the Government would have taken from the Collins line of steamers the vessels, according to the terms of the original agreement, at a valuation, and paid for them. That amendment was not adopted; but the provision incorporated into the bill was to make an increase of the compensation to $33,000 a trip, reserving to Congress not the power of making an end of the whole contract, and taking the ships at a valuation, but reserving to Congress the power of putting an end to the increased compensation, and leave the company under the obligations of the contract to continue the mail service at the original sum of $19,250 a trip. The proposition which I moved, and that which was agreed to, are totally different and unlike each other.

Mr. JONES, of Tennessee. I know they are different, and unlike in some respects, but certainly not unlike in the main feature, and what is that? A reservation to Congress of the power to end the contract after December, 1854. That is the point.

Mr. BADGER. That is not the point actually reserved in the act which was passed. The power really reserved was to end the additional compensation, leaving the contract in full force at the original rate of compensation. The two propositions are totally different and distinct.

Mr. JONES, of Tennessee. Take it on that ground, and the honorable Senator simply occupies this position: that, while he was then in favor of ending the whole contract in 1852, according to the provisions of the amendment which he then suggested to the Senate, while he was then in favor of concluding the whole matter, he is now opposed to Congress having the power of concluding the extra pay allowed under the act of 1852.

Mr. BADGER. Keeping on the contract at the old rate? Certainly.

Mr. JONES, of Tennessee. I do not see that there is any difference in principle, but I know very well that the honorable Senator can see it. I have never yet seen the honorable Senator in such a position that he was not able to make it perfectly indisputable to himself, and often to me, that he was right.

Mr. BADGER. I will make every Senator see the difference, the Senator from Tennessee himself included, when he gets through.

Mr. JONES, of Tennessee. No doubt the Senator thinks he can do it. I appeal to every Senator who was on this floor in 1852, if we were not then importuned to grant this additional compensation with the power to conclude it at the end of 1854, upon the ground which I have alleged, that it was

an experiment, that the Collins line had lost money by it, and that in two years they could redeem themselves, and that, after that, they would be willing to submit to the decision of Congress as to whether they should fall back upon the original contract or not? I think I shall prove that from the record before I have done. By reference to th record, I find that my honorable colleague, [Mr Bell,] who was then, as now, a member of this body, offered the following amendment:

"*Provided*, That after the 30th of June, 1854, the rate of compensation to said line of steamships shall not exceed $19,250 per trip, unless Congress, in the mean time, shall otherwise direct."

How stood the vote of the Senate upon this proposition, not to reserve power, but to conclude the contract and to make fair compensation? The vote was yeas 20, nays 22. After that my distinguished friend from Georgia, [Mr. Dawson,] who has been an original Collins line man, and voted for the additional compensation, offered an amendment, which I shall read. If I were disposed to do so, I could appeal to him to verify the statement which I make, that these gentlemen were then asking for additional compensation for the two years, and no longer. He offered an amendment to strike out of the proposition the power of giving notice, and to insert in the place of it:

"*Provided*, That after the 31st day of December, 1854, the rate of compensation to said line of steamers shall not exceed $19,250 per trip, unless Congress, in the mean time, shall otherwise provide."

On this proviso the vote was, yeas 18, nays 23. This shows that some, at least, of the friends of the measure at that time were willing to make the conclusion of the contract positive and absolute at the end of two years. Now, we have arrived at the end of those two years, and we are told that we should not stop the contract, but should withdraw the power to annul it, and continue to pay $858,000 a year for five years to come. That we have a right to conclude the contract nobody doubts. Why shall we not do it? Do you do wrong to Collins & Co. by concluding it? I think not. Are you practising any fraud on them by ending the contract? I think not. I desire, myself, to be liberal. If you believe the sworn statement of the officer of Mr. Collins that he is now behindhand $253,000, present a bill for the payment of that sum to him as a gratuity, and I shall be willing to vote for it. Present a bill to provide for buying his vessels, and I shall vote for it. Then, when you have done that, put out the contract to the lowest bidder to carry the mails, and in the end you will have saved more than half a million of dollars. I shall be as liberal, I think, as any man ought to be. I do not desire to drive Mr. Collins to an extremity, but I do protest against making any man the favored recipient of the benefits of this Government to the exclusion of every other. I admit the power, but I deny that it is a proper exercise of that power to say that one company shall have the monopoly of this mail, and that all other companies shall be denied any participation in or competition with it.

At the last session of Congress, a proposition was made in the House of Representatives to serve upon Mr. Collins the six months' notice required by the act of 1852, to discontinue the extra pay allowed by that act. In that House, seven months ago, on the naked, isolated, abstract proposition of discontinuing the extra pay of Mr. Collins, the vote stood ayes 85, noes 47; nearly two to one voting to conclude the extra pay. When that proposition came into the Senate, what occurred here? After that overwhelming vote of the House of Representatives, a motion was here made to strike out the clause giving the notice to Mr. Collins of the discontinuance of the extra pay. How did the vote stand here on the motion to strike out? Yeas 17, nays 15; exactly a quorum voting, and thirty Senators absent.

Mr. BAYARD. May I ask the honorable Senator what was the vote in the House?

Mr. JONES, of Tennessee. Eighty-five for giving the notice, and forty-seven against it.

Mr. BAYARD. There were only one hundred and thirty-two members voting—one hundred absent.

Mr. JONES, of Tennessee. That was the vote in Committee of the Whole, and when they got into the House they did not even take the yeas and nays upon it. So decided, so unmistakable was the determination of the House to discontinue the contract that not even were the yeas and nays called. In the Senate the yeas and nays were taken on striking out the clause providing for the discontinuance of the extra pay, and the vote was yeas 17, nays 15, just a quorum. By this vote the Senate struck out the clause. A committee of conference was appointed. The House committee adhered to their proposition. The Senate committee adhered to the striking out. The committee of conference came back to the Senate, and a motion was made to recede. What followed? Upon a motion to recede the honorable Senator from New York [Mr. Seward] obtained the floor, and announced his purpose to speak until the last legislative moment of the session should expire, rather than allow the Senate to recede from the vote to strike out. My friend from Georgia [Mr. Dawson] rose in his place and propounded a question to him as to how long he wished to speak. He said that he thought it would take him at least two hours to deliver his views on the subject; and there were just two hours of legislative time left. The Senator from California, [Mr. Weller,] upon that announcement, rose in his seat and said that it was very obvious that the determination of the Senator from New York was that no vote should be taken, and he therefore moved that the Senate adjourn. The motion was agreed to, and thereupon the whole bill was lost. The friends of the Collins steamers preferred to lose the bill rather than give the Senate a chance to recede from their amendments.

Now, sir, what do we perceive? After that unmistakable expression of legislative opinion upon the part of the House, and I think upon the part of the Senate, at the last session, what do we see now? Seven months have rolled around and what new developments have we? What new testimony have we? What new feature presents itself? None; and yet we find the same House of Representatives, by a majority of seventeen on the yeas and nays, now not only refusing to give the notice, but actually repealing the power of Congress to give it for five years to come. That proposition is before the Senate, and we are asked to concur in it. The Senate may do it; they have a right to do it if they choose. All I have to say is, that, according to my convictions of propriety, I cannot consent to do it. I impute motives to nobody. I assail the action and purposes of no man. I do say, however, that this is a strange and extraordinary revolution in legislative and congressional sentiment. As for the rumors about influences outside or inside, I neither know nor care. I will never degrade myself by supposing that any man who is honored with a seat on this floor or in the other House will so far forget what is due to the dignity of his own character and the species to which he belongs, as to sell himself. I allude to the change of opinion as a strange circumstance, simply to prove that men, by influences proper and laudable, may be induced to change their opinion and action. Arguments, entreaties, appeals, and sympathy may, and doubtless have, performed their office.

Mr. President, I have now discharged myself of what I regard as a public duty in opposing this proposition. I am willing that every other Senator shall vote according as he thinks to be his duty. He, doubtless, will be content with so doing. I am content with this discharge of my duty.

Mr. BADGER. Mr. President, I avail myself of the privilege which my friend from Tennessee says he is willing to accord to every member of this body, of discharging a duty which belongs to us according to our own judgment. I shall vote, in regard to the pending proposition before the Senate, in accordance with the opinions I entertained on this subject in 1852, which I then took occasion to express to the Senate, and which I am not going now to weary the body by recapitulating. I rise, not for the purpose of prosecuting any discussion in respect to the various matters to which the Senator from Tennessee has alluded. I wish, however, to make one or two preliminary remarks before I advert to the particular purpose for which I have risen.

The honorable Senator from Tennessee speaks of this matter as if we were now called upon in the Senate to move in relation to the Collins line of steamers at the instance of the owners of that line. That, sir, is not the state of the case. We have received an appropriation bill from the House, containing a certain provision, which the Committee on Finance recommend to us to strike out; and in that way this question comes before us. Now, sir, I am opposed to striking out that provision, because I am satisfied, for one, that striking it out will produce no beneficial result to the country. I see no propriety in striking out the provision, because, in 1852, if I could have regulated the legislation of Congress, the particular provision which the Committee on Finance seek to retain would never have been on our statutes. But now, to understand the particular question to which I wish to call the attention of the Senate, and to which I wish to call it solely on account of the reference which the Senator from Tennessee has done me the honor to make to some remarks which I then submitted, or at least to an amendment which I then offered, it is necessary to recall the attention of the Senate to the state of this question.

In the first place, a contract had been entered into before the year 1852 with the owners of this line for a certain mail service, to be continued for a certain length of time, at a certain rate of compensation, with a power reserved to the Government to put an end to that contract by taking the ships at valuation. It was an agreement for a certain term, obligatory upon both parties during the continuance of the term. Previous to the legislation which took place here in the year 1852, an arrangement was entered into, by the proprietors of the line on the one side, and the Postmaster General and the Secretary of the Navy, in behalf of the Government, on the other, for putting in operation certain extra trips not contemplated by the original agreement—the original agreement being for twenty trips a year, and the arrangement with those public functionaries being for adding six trips a year to the original number, with the understanding between them that it was to be referred to Congress to determine if any, and what, additional compensation should be made. It was upon that state of the transaction that the question came before Congress which resulted in the legislation of 1852.

The amendment to which the honorable Senator refers, which I moved to the bill then pending, and which he seems to think is, in some respects, similar to the provision which was ultimately adopted, will be seen, upon a very brief statement, to be utterly unlike, in each and every particular, the provision which was actually incorporated into the bill. What was the state of the case? The Senate believed, upon the showing then made, that the prosecution of the contract, at the rate of $19,250 a trip, was being ruinous to the company engaged in it; that the company could not be held to execute that agreement on those terms without involving the utter ruin of the whole property invested in the enterprise. It was recommended by the Committee on Naval Affairs that an increase should be made in the compensation—to raise it from $19,250 to $33,000 a trip—an addition of $13,750.

It was proposed, and it was ultimately agreed, that there should be appended to that increase a proviso authorizing Congress, after a certain time, and upon a certain notice, to discontinue the provision for the increase of compensation; the effect of which would be that Congress, by discontinuing the agreement for that increase of extra compensation, would leave the original contract in full force for the whole term of years, binding the proprietors of the line to transport the mails at the compensation of $19,250 a trip, obliging them to retain the ships, obliging them to render the service, and, according to the information we then had, and according to the information that we now have, or at least that I have, obliging them to render a service to the Government by the ruin of themselves. To that measure, I, for one, was opposed; and I proposed the amendment to which the honorable Senator has referred, and which was perfectly just, fair, and equal, honorable to the Government, and not in the slightest degree injurious to the persons who were engaged in the contract. It was that Congress might, at any time, put an end to the entire contract, but that the Collins line in the mean time should be authorized to prosecute their

enterprise with the steamers which they then owned.

Now let us see the first effect of that. The proprietors of the Collins line, under the original agreement, were bound to furnish five steamers. They had but four. The first effect of the amendment I proposed would have been to discharge the Collins line from the necessity of furnishing the additional steamer, an immense saving in point of money to them. In the next place, if the contract were altogether put an end to, they would be discharged from the necessity of further prosecuting their engagement with the Government; and, in the third place, the Government would have the steamers at a valuation, according to the original terms of the agreement between the Government and these contractors.

Mr. JONES, of Tennessee. Suppose that I was wrong. Now I understand the Senator to say that his proposition was that Congress should reserve to itself the power to close or discontinue the original contract—do I rightly understand him?

Mr. BADGER. Certainly.

Mr. JONES, of Tennessee. Then I ask the honorable Senator to offer that provision as an amendment to mine, and I will accept it. I should prefer it now to my own.

Mr. BADGER. The honorable Senator will excuse me. We are at present discussing the pending amendment. I am now speaking of the amendment which the honorable Senator brought up so triumphantly, with such an array of anticipating successful demolition, as showing that I was now opposed to what I then supported. I wish to show the honorable Senator that I supported then nothing which is at all inconsistent with what I support now. I proposed then that the Government should put an end to the whole contract; the company in the mean time receiving the increased compensation; the company in the mean time, while the contract continued, being released from the obligation of building the five steamers; and when the contract was ended, having their vessels disposed of to the Government of the United States at a valuation.

Now, sir, what is the proposal about giving notice? Why, it is this: They are to be held to finish the five steamers; they are to be held to carry on and prosecute the enterprise at $19,250 a trip; and if they fail to do it, they are to be liable to the Government in the consequences resulting from a violation of their contract; and if they escape, after suffering the consequences of that violation, they have upon their hands five steamers—five mighty steamers—five steamers the wonder of the world, as to strength and speed—deprived of any means of occupying them, for the prosecution successfully of the enterprise for their individual benefit, those steamers having been constructed under contract with the Government, expressly with a view to this enterprise.

Mr. President, the one proposition or the other may have been right or wrong. I am not discussing that; all I wish to show by the statement is, that they are radically different; that the proposition which I presented has no resemblance to the one which was finally adopted; and that I might, therefore, with great propriety, be in favor of annexing to the increased compensation the condition which my amendment proposed; while, at the same time, I should be opposed to reserving to the Government the right of discontinuing the increased compensation, and holding these persons to the discharge of the contract at a rate ruinous to themselves.

Now, Mr. President, I look upon this subject in a different view from the honorable Senator from Tennessee. He tells us about Mr. Vanderbilt, and what Mr. Vanderbilt would do, which I know nothing about. I care nothing about Mr. Vanderbilt. I do know, however, what has been done by the Collins line. I have reason to know the character of the ships they have furnished. I have reason to be satisfied that with those ships this enterprise has been sucessfully prosecuted. I have reason to be satisfied that, in this rival contest with Great Britain, these ships will achieve to us the victory. For my own part, independently of any other consideration, though there are many, I am not disposed, for the sake of saving the amount of money involved in this inquiry, to yield the advantage or success to our great commercial rival. I am, therefore, in the first place, opposed to the proposition of the Senator from Tennessee; and in the next place, I am opposed to the proposal moved at the instance of the Committee on Finance, and wish to retain the bill precisely in the shape in which it came to us from the House.

Mr. BUTLER. Mr. President, I had occasion, when this subject was before the Senate some years ago, to deliver my views upon it. I shall not now repeat them. I desire to say a few words, not on the general topics which have been brought into this debate, because there is no time for that, but specifically upon the amendment which has been offered by the Committee on Finance.

It seems to me to be the strangest view which can be taken of this subject—one which is unaccountable to me—that we are required by the bill as it comes from the House of Representatives, to delegate to the Collins line a very important influence over our marine, and the interests connected with it. If I understand the proposition of the Committee on Finance—I hope my friend from Virginia will correct me if I state it erroneously—it is that Congress shall retain the power to give the notice. On the other hand, it is contended by the gentleman from North Carolina, and those who act with him on this question, that the power of giving the notice shall be parted with, as provided for by the provision of the House. Here is a proposition that the Collins line of steamers shall be an agency to regulate this channel of commerce, under an irrevocable power of attorney, and not only an irrevocable power of attorney for the five years for which the contract is to subsist, but an irrevocable power of attorney with a vested interest. I do not know when I have been more surprised than I was when I heard such a proposition coming from the House of Representatives and advocated here. What is it? That the Congress of the United States shall part with all its control over this interest, whatever it may be, and delegate it to the gentlemen who form the company of Collins and his associates.

Now, sir, I do not care very much about the public Treasury. I am ready to bestow it upon almost any worthy object that will deprive Congress of the temptation of using it wrongfully. But, sir, I have no idea of making Mr. Collins's line, not a favorite pet child—that is not the expression, for it does not approach to that—but placing it in such a situation as to have all the rights of primogeniture. It is not that the Collins line shall share with the other children, but that she shall have exclusive favor, and the vested right of primogeniture, not dependent upon the discretion of the parent, if Congress be viewed as the representative of that parent, but vested by law in this company, with the right to do what? To take control of this mail communication for five years in a matter, as all acknowledge, connected with the public interests of the country. The proposition is, that those who compose this company shall have the delegated agency of taking from Congress the only responsible power to regulate this mail service. This is proposed under a contract procured—how? I make the broad declaration that the Collins line have never asked for anything which has not been granted; and they have increased in their demands every time. The whole of this policy has been *crescit eundo*. They have never come here when they have not come stronger and stronger. As to getting rid of them under any of the terms suggested, you might as well expect that they would give up feeding on the Treasury. Do they not regard the Treasury of the United States as a policy of insurance to them? Is it not to be their insurance office? Let gentlemen disguise the proposition as they please, it is nothing in the world but to convert the Treasury into an insurance office for the Collins line. If their funds depreciate, if a ship is lost, or any other catastrophe is suffered, you are called on to indemnify them. You are not only asked to indemnify them for the past, but I make a broader assertion and say that I have seen money voted here in this Congress in advance, without any estimates having been presented. I have seen money voted out of the public Treasury without an estimate, not to indemnify them for the past, but to secure them against probable loss in the future. When losses have occurred they have come here, and, not content with former contracts, have required new contracts, and they came stronger every time, until now the outrageous proposition is made to the Congress of the United States that we shall give up all jurisdiction over this interest, and delegate it to these gentlemen; that is to say, they are to have an irrevocable delegation of the power to control this interest for five years, under the assumption that they can do it better than anybody else.

Sir, allow me to say here, that, in my opinion, there is nothing so delusive, nothing so fearful in their temptations, as congressional contracts. I do not care where the remark hits. Congressional contracts are made with an intelligence that is remarkable, and they are enforced with all the energy of interest. I have hardly ever known a case where they have been successfully resisted. In this case, I have no hope that we can go beyond the amendment proposed by the Committee on Finance. It would be in vain to expect more. It would be striking against a fixed majority here. But, sir, when I am required to yield so far as to say, that these gentlemen are to have an irrevocable, delegated interest, not merely an agency, and that Congress cannot interfere with it without, in some measure, I suppose, jeoparding the great interests of the country, I cannot consent to it. If the Collins line had never been put into operation at all, I think we should have had, by this time, a competition in the mail service with Europe that would have been more certain and less dangerous to the country. I say, if you had not had this exclusive aristocratic monopoly, such would have been the result. I am told that the rooms of these vessels are splendid, and the hospitality of the owners of the line remarkable. I have nothing to say against that; but, sir, this is not only a monopoly fostered by this Government, but it is an aristocratic monopoly, and their vessels are fitted up most luxuriously. I said, on a former occasion, when it was remarked by some gentleman that these vessels could be converted into war vessels, that they would be much more like the barge of Cleopatra, carrying women and children across the ocean, in splendid style, than like the attributes of Minerva. I have no doubt these are good ships to run away with. No doubt, they might be very good ships to carry provisions, but I have no idea that they could engage successfully in battle. I have heard it said by a distinguished gentleman, that the ships of the Collins line in battle would be very much like a gallant, dashing horse, that could run into a fight, and run away again without trouble. Now, I want a ship that will stand and fight. This being always prepared for running, I do not think is one of the attributes of war. [Laughter.] If you tell me that you have a horse which can carry me quickly into the battle, and run away speedily, I say I would not have much reliance upon him. When I speak of a war ship, I mean a ship that can stand, and fight the battles of the country, not one that is ready to run away. [Laughter.]

Mr. President, I have already stated that all I struggle for on this occasion is the amendment proposed by the Committee on Finance. That is all I expect to gain; but I cannot consent, under any circumstances, to part with the power which we have, and give to these gentlemen a delegated agency with an interest, to have an *imperium in imperio*. I am ready to vote for the amendment of the Senator from Tennessee to give the notice; but so far as there is a contract, I will adhere to it, though it is a congressional contract.

Mr. RUSK. Mr. President, I do not mean to enter into this discussion at length; but I wish to say a word in answer to the honorable Senator from South Carolina. He deprecates the outside influences which are brought to bear in relation to contracts with the Government; and yet, sir, he votes directly for an advertisement to bring those outside influences to operate so far as they will be able to operate on Congress and on contractors with the Government; for, notwithstanding all that has been so eloquently said by the honorable Senator from Tennessee, I thought, when this power was reserved originally, that you were then presenting an inducement for the outside influences to which allusion has been made to come here. Here is the authority for Congress to give the notice, and there is an attempt every year to provide that

the notice shall be given. Now, what is to be gained by keeping that question open? I understand the Senator from South Carolina to say that he despairs of giving the notice although he votes for it, but still he desires to reserve the right to Congress to give it.

Mr. BUTLER. It is as much as I expect to attain, but I would go further myself.

Mr. RUSK. Reserving that right is reserving a right to discuss the question over and over again, and it will be likely to bring here the outside influences, which are so much deprecated. The honorable Senator from South Carolina has chosen to say that the steamships of this line are gala ships, such as Cleopatra's barge, to run in and out of a fight at pleasure. Well, sir, he differs very widely from an English captain, and from the practice of the English Government, which has entered four times as largely as we have into contracts for ocean mail service.

Mr. BUTLER. Did any of them ever fight?

Mr. RUSK. Yes, sir; several of them. I have seen as much necessity for speed in getting up to a fight at the right time, as I have ever seen to get away from it.

Mr. BUTLER. My friend knows so much about fighting that I am afraid he will have the advantage of me in that argument. [Laughter.]

Mr. RUSK. Well, then, sir, I will stop that branch of the argument. [Laughter.] The honorable Senator says this is a monopoly to one individual, and that he has no doubt that, if this contract had not been made, private enterprise would have covered the ocean with mail steamers much better than these, which would have run off the British.

Mr. BUTLER. I do not say that. I said that the other steamers ran fast enough for me. I do not see why you want to go so often.

Mr. RUSK. I will tell the honorable Senator why we want to go so often, and I know he will appreciate it. If ever this country gets into a war, our main reliance must be on our merchant marine. Our commerce is extending all over the world. Does the honorable Senator propose to protect that commerce by such an extensive naval armament as has loaded the British Treasury with an untold debt? Does he desire to put officers in commission to do nothing, add nothing to the trade and prosperity of the country, and to maintain them as a separate naval establishment? Does he not think it better to rely at sea upon the merchant marine, as on land you rely on volunteers and militia?

Mr. BUTLER. Will the honorable Senator allow me a word at this point?

Mr. RUSK. Certainly.

Mr. BUTLER. I deliberately say that, so far as regards war on land, though it may not be exactly the sentiment which accommodates itself to the popular taste, I would never wish to see troops sent into battle who were not under intelligent officers, well trained, and with a discipline that could be controlled with almost the certainty of horses and harness. As to your merchant marine going on the ocean, I tell you already, that I see that the very spirit, and the gallant spirit of our Navy, which fought our battles in the last war, has been brought down by the influence of commerce.

Mr. RUSK. Who, sir, were your gallant spirits that fought the last war? Who were the most of them? Not the men who wore epaulets, but the hardy sailor upon the merchant vessel; the man who had served before the mast, who knew the dangers of the sea, and whose sinews were made strong like iron by actual service; not those who went to your naval schools, and wore epaulets, and spent the most of their time on land on leave of absence. Sir, your merchant marine is what you have to look to in case of a naval war. It is covering every sea. It is the greatest protection you have, and the strongest bond at this moment for peace, especially with all the large commercial Powers. Why, sir, it is but a very short time ago since a proposition was made by a leading maritime and commercial Power to this country to do away with privateers in case there should be war. This shows the estimation in which our commercial marine is held by other Powers.

But, sir, to pursue the argument: the honorable Senator says this is a monopoly given to a particular individual. I say it is an encouragement given against the British monopoly. Is he ignorant of the fact that, prior to the establishment of our ocean mail lines, the British Government had fourteen or fifteen ocean steamers visiting every port of your whole country, and swarming upon the southern coast, covering the Caribbean Sea and the Gulf of Mexico. They were patronized out of the British Treasury. Could private American enterprise successfully compete with a merchant marine, a steam marine, fostered by the British Government? The introduction of steam into naval warfare will, in my judgment, produce wonders when there shall be another maritime war. Is it reasonable to suppose that private enterprise could successfully compete with a ship receiving from $16,000 to $20,000 a trip out of the British Treasury? No, sir; no such thing would have happened. The British vessels were not only taking all the carrying trade, and passenger trade, and the mails, between this country and Great Britain, but they were making a large amount of money from the immense compensation voted to them out of the British Treasury. They were making a large return to the British Post Office. Since your line has been established, they have used every effort to drive it off; and now withdraw the support which you have given to this part of your merchant marine, and very soon the monopoly will be in the hands of the British ship-builders and sailors, with all the consequences of a transfer of a large amount of capital and skill to the other side of the ocean, to be put into ocean mail steamers to depredate on your commerce whenever it may become necessary to the purposes of Great Britain for her to declare war on you.

The honorable Senator from South Carolina talked about not sustaining our own merchant marine. Will he vote to repeal the navigation laws? What are they but keeping British ships out of your coasting trade? Who opposes that monopoly? The honorable Senator from Tennessee says we are now voting a large tax out of the public Treasury. Well, sir, the navigation laws are voting a very large tax, not out of the public Treasury, but out of the pockets of his constituents, and of mine; and yet he does not propose to repeal them. They give a monopoly, just as this measure does, to American ships against British ships. In such a contest, I am for American ships.

But, sir, I shall not, at the present time, go into any argument in answer to the honorable Senator from Tennessee. My only object in rising was to answer the remarks made by the Senator from South Carolina. I shall lay before the Senate a few facts, and then I shall conclude what I have to say, for the present, at least. It is said that the owners of this line are making large profits. How that may be I am not fully informed. One thing, however, I take to be very certain, and that is, that they are incurring heavy expenditures. They receive from the Government $33,000 per voyage, and I find this statement of their average expenses per voyage for the last six months:

NEW YORK, *February* 22, 1855.

The expenses per voyage, of the steamers of this line, from New York to Liverpool and back, including repairs and insurance, for the past six months, average $65,347 79.

W. L. YOULE, *Secretary.*

Sworn to before me, the 22d day of February, 1855.

DANIEL SEIXAS, Notary Public.

It has been argued throughout as if the pay received by this line was a clear loss to the Government, when such is not the fact. I have a statement from the Post Office Department which shows that, for a voyage made in December, the gross amount of letter and newspaper postage received by the Department was $31,891 51. Everybody knows that the receipts to the Government from this line have greatly increased within the last year. My opinion is, they will continue to increase; and if so, the Government, in place of losing, will be largely the gainer.

Mr. HUNTER. I hope the honorable Senator from Tennessee will withdraw his amendment, and suffer the question to be first taken on the amendment of the Committee on Finance. He can renew his proposition afterwards.

Mr. JONES, of Tennessee. I acquiesce in that suggestion, and withdraw my amendment.

The PRESIDING OFFICER. The question is, then, on the amendment recommended by the Committee on Finance, to strike out the proviso which has been read.

Mr. STUART. On that question I desire to ask the attention of the Senate for a few minutes. I confess, sir, that I rise to the discussion of the question with a great deal of hesitancy, and I think that, perhaps, an apology is due from me to the Senate for the manner in which I shall be able to treat it in the short time the Senate will be content to consider it.

Sir, I hope the Senate will pardon me for saying that I find myself embarrassed very much in the business of the body from the fact that my distinguished colleague, [Mr. CASS,] with great propriety, as I think, is relieved from all service on any committees. The consequence is, that additional labor is thrown on me to a very great extent, thus depriving me of the power of investigation, which I might otherwise possess. But, sir, there is a consequence which I regret still more than that: it compels me to appear in the discussions before the Senate much oftener than I should like to do. I make the statement now lest it might be thought that I was unnecessarily obtrusive.

Mr. President, I regard this question very differently from the opinion entertained by the Senator from Tennessee. I regard it as one of the most important questions that has been, or will be presented to Congress, in a national point of view. I think there are elements, purely national in their character, embraced in the contemplation of this subject; which should induce the Senate and the Congress of the United States to rise above all considerations resting on mere dollars and cents. I hope to show, during the few minutes I shall devote to that branch of the subject, that even in a pecuniary point of view, this arrangement with the Collins line, instead of being justly obnoxious to the censure which the Senator from Tennessee has dealt out upon it, has been one of the most beneficial arrangements that the Government ever entered into, and I shall seek to show that, both with reference to its effect on the Navy, and upon the postal service of the country.

Sir, I can very readily see that many Senators entertain a different opinion. I may fail entirely in the attempt. It may be, if I do, that it will be because the facts do not justify my opinion. It may also be on account of my incapability in presenting those facts properly to the Senate.

Now, sir, in the first place allow me to correct what seemed to be a misapprehension on the part of the Senator from Tennessee. Let me tell him that the Collins line never courted this arrangement. When the law was first passed asking for proposals for this service, this line made no offer; and it was not until all other sources had failed, and upon the especial invitation of the then Postmaster General, that this line made an offer at all. We have then one fact, that the commercial interests of this country desired intercourse between this continent and the other. They desired, of course, the best arrangement which was possible. There is the foundation of the proposition. The first arrangement which was entered into has been stated by the honorable Senator from Tennessee, with its terms and emoluments. I am not going to review it. In 1852 there was an increase of pay and an increase of trips.

The Senator's argument on that branch of the subject struck me as most remarkable. We find that the great commercial interests of the country were dissatisfied with the number of trips provided for in the original contract. They required more, and in order to have them additional compensation was necessary, and Congress gave it.

Mr. President, I have been always inclined to think that a review of the history of congressional legislation for the purposes of censure was, at all times, a task, not only difficult of performance, but, perhaps, of very doubtful propriety. Believing that, I shall not enter upon it. I say the additional compensation was given by Congress, and the number of trips increased. Now, let us see with what propriety that was done. Has the Government lost by the transaction? I shall seek to show you that the Government has been a gainer; and when I speak of the Government, I mean the people—those interested in the transmission of the mails across the Atlantic and back.

Before, however, I go into that question, I wish to refer to a position which the Senator from Tennessee occupies, and, I think, he will admit that the inconsistency which he has sought to charge on the Senate, and on Congress generally, and upon the Senator from North Carolina in particular, may be brought to bear very strongly upon himself.

Sir, it is but a few days since that honorable Senator, with others, enchained the attention of the Senate—and, it was repeated, again yesterday—with respect to the mail service on the Mississippi. It was objected at the Department to the proposals received for that service, that the price asked was enormous, that it was altogether beyond what the exigencies of the service would justify. The answer of the Senator and others, was that the service ought to be performed, no matter what the cost. That was the argument of the Senator from Tennessee, and of those honorable Senators who agreed with him in opinion on that question. I present it here at this time, not to dispute it, but to show its emphatic application to the question before us. The Senator from Tennessee says, however, that Mr. Vanderbilt will carry these mails at a very greatly reduced price, although he may be four or five days longer in doing it.

Mr. JONES, of Tennessee. I did not say that; I said ten or twelve hours longer.

Mr. STUART. I understood the Senator to take the difference between twelve and seventeen days.

Mr. JONES, of Tennessee. Not at all.

Mr. STUART. No matter; the argument is the same. Will the commercial community be satisfied with anything except the fastest time? It is shown, it is capable of demonstration by figures, that the difference of time between the trips of the Cunarders and the Collins line makes a difference of $10,000,000 annually on the commercial transactions between England and America. Those transactions are $250,000,000. The difference of time between the two lines is one hundred and four days a year. The interest upon $250,000,000 for that time has to be paid by the commercial community, in the first instance, and in the second by the community at large. What, then, is the position of the Senator? To undertake, at this day, to make an arrangement which should lose only the difference of time between the Cunarders and the Collins time, we should sink to the great commercial interests of this country vastly more money than we are paying for the service. Is not that a consideration for the amount we pay for this rapid service?

Has anybody ever known anywhere where the internal arrangements in respect to the transmission of the mails have been tolerated by any portion of the community at a slow pace? Why, sir, it is an argument which meets us every day when we undertake to complain of the exorbitant demands made by railroad companies for the transportation of the mail, that there is nothing in competition with them, and that the community will consent to no slower transmission of the mails. If they ask $100,000, or $200,000, a mile, more than is a fair compensation, such is the force of the influence of the community at large upon the Department, that you are obliged to pay it. That ought to be a sufficient consideration for securing the fastest time, even at an apparent sacrifice, so far as the income from the mails is concerned. I show you that the saving of interest—only one item—to the commercial community on $250,000,000 each way, being the transactions between the two countries annually, is $10,000,000.

Sir, I may be mistaken, but the question seems to me to resolve itself into this: not whether the original contract was a good one, not whether the additional allowance was a wise one, but what is it wise for Congress to do to-day? I apprehend that if this were a power to give notice at the next presidential election by a vote of the people, it would not be considered a power of any great value; and, I think, I may assert, without any fear of contradiction, that it could be as well exercised in that case as it can by Congress. I assert, with all diffidence in respect to my opinions so far as they conflict with others, that just so long as this line performs its contract and its trips in a manner satisfactory to the public at large, and to the Post Office Department, you can never pass a law through both Houses of Congress to give the notice for discontinuing the extra compensation. The reason why you cannot do it is twofold. In the first place, it is a violation of the implied obligation of the Government. The power reserved in Congress to give the notice was not a power to be arbitrarily exercised without reason, because that would have prevented the making of the additional compensation at all. If Congress intended that they would give additional compensation for the additional trips, and would arbitrarily then repeal the law, it would be a reason for not passing that law, but none for giving the notice. This power, then, was reserved for this purpose, to be exercised by Congress whenever there should be ground of complaint against the performance of the contract on the part of the company. Whenever the company fails in such a performance of the contract as Congress had the right to expect, they are to give the notice. That is one reason why I say that under present circumstances Congress would not pass a law to give the notice. But there is another reason, and it is the fact that the enterprising interests of this country will brook no delay in the transmission of the mails anywhere.

Gentlemen seem to be surprised that there should be a feeling in the country against discontinuing this line, against crippling it in any degree, against doing anything which shall lessen the number of trips, or lessen the speed. Why, sir, it is the most natural feeling in the world. Not only has it been well said to-day that this line is the pride of the country; that it is the only thing now in operation which creates competition between this Government and that of England in a fair, civil race, and, therefore, enlists the heart of every patriotic American, but it addresses itself to the pockets of the country, and, in the point of view to which I have alluded, saves millions of dollars by the speed with which it performs its trips. Then, sir, you may well ascertain the reason why you find the country awake, and the Representatives of the country awake, to a continuance of this line, which presents at one view the admiration of the world while it largely increases the commercial income of the country.

Now, Mr. President, it is for that reason that I hold the power to give the notice utterly useless for good. If the company fails to comply with this contract in any essential particular, you can stop the pay without the notice, upon those principles of law which govern contracts between individuals. There cannot be a dollar of money drawn from the Treasury in the support of this line, after the appropriations are made, unless on the certificate of the Postmaster General. The money is drawn from the Treasury upon his certificate, and whenever the company fails to comply with its contract, he has the power to stop the pay. Of what use, then, is a power retained in Congress to give the notice? Why, sir, if you have the right to exercise it arbitrarily, without assigning any reason at all only because you choose to exercise it, that power could only be effective by placing it in the hands of an individual officer of the Government. If the law had named the Postmaster General, the Secretary of the Navy, or any other Executive officer, and given him the power to act, whenever his inclination should dictate, much as I should believe it was a right not within the purview of the contract, I should not vote to repeal it, because, in that case, it could be exercised; but in the present case it cannot be exercised in any instance where it is required, for, as I said, on a failure to comply with the contract, you can end it without giving this notice by Congress.

But, Mr. President, seeing that this power is not valuable for any purpose of good, let us see what are its capacities for injury to the public. It is for that reason that I shall vote to repeal it. What are they? In the first place, it pevents the proper performance of the duties of the line itself under existing circumstances; for who will come forward and expend $800,000 in building a ship when there is suspended over their heads this sword of Damocles to put an end to the contract, at any time so far as the additional compensation is concerned? We are told that Mr. Vanderbilt, or somebody else, will do this service. I consider that a mere effort to put an end to the contract, by making a subterranean offer to do it at a cheaper price, but capitalists will not invest their money in a business that is certain to lose. I say then that the consequence of retaining this power is to cripple the line. What is its effect upon Congress, upon the United States? What has been the experience of Congress so far?

Here I wish to call the attention of the Senate to a most remarkable argument of the Senator from Tennessee. He told us that at the last session of Congress the House voted, in Committee of the Whole—ayes 85, noes 47—to give this notice; and that that proposition was only rejected in the Senate by a vote of seventeen to fifteen. But when the very same Senate came together at this session, during the early weeks of the session, with the same bill standing over, there was not a single man in the Senate to demand the yeas and nays on postponing it indefinitely. The vote and the feeling on that point were unanimous. The honorable Senator from Virginia [Mr. MASON] made an argument to show that that bill contained a plain violation of the contract made with one of the companies; and yet, sir, it is argued here to-day against this measure that the House passed that by a vote of, ayes 85, noes 46, plainly violating what the honorable Senator from Virginia demonstrated was the contract with another company and arbitrarily giving the notice in this case. As I said before, when the Senate came together at this session, on fully and calmly reviewing the subject, that bill went by the board without a single objection. Now, is it not well to consider that the country was saved from such results—saved by the pertinacity of individual Senators here, suffering at the time, perhaps, somewhat in the opinion of their colleagues on this floor in resisting such a violatiation? What has now happened? The same House of Representatives has reconsidered the question, and the Senator thinks it most extraordinary that that House has, by seventeen majority, passed this bill, not only refusing to give the notice, but absolutely doing away with the power of Congress to give it without a reason. To my mind, the inference to be drawn from that is very different from what the Senator from Tennessee seemed to indicate. I say "seemed" to indicate, because he said he did not propose to inquire into the motives of anybody. Now I regard it as a careful review by the House of Representatives, and a change, radical and total, from an unathorized and unwise act, to a sound and sensible conclusion.

Sir, there has not been a measure before Congress which has not been—and I feel myself authorized to state from what I have seen here, that there will never be a measure before Congress which will not be—in some way affected by this power to give notice. It is impossible that it should be otherwise in the nature of things. Such is the feeling of the country, and that feeling is carried into both Houses of Congress, that when this line is attacked by outsiders, as it is, and undue influences are brought to bear on members of Congress, that attack is resisted. The consequence is, that parties are organized in Congress, they are thoroughly organized, for and against this arbitrary act. To gather strength, they do what everybody always does in Congress, that is, to make one question operate upon another, to rally just as much strength as you can. It turns out, therefore, that the whole legislation of the country is affected by the question of whether this notice shall be given or not. I wish to see it put out of the way. I have had too many measures crushed by it—measures in which my State was largely interested; I have seen, too, many other measures crushed by it. Sir, this power, which, as I said, is useless for good, which never can be exercised, is only kept here for the purpose of mischief. Then, on this point, we find that the Government of the United States is as much interested as the company is in doing away with this useless reservation.

Now, sir, I wish to say a few words in this connection as to the effect of this contract upon the Navy, because I think it the most important branch of the subject; and I thought so at the time when I voted for this increased compensation in 1852. What were the facts? Why, sir, every naval vessel which we had afloat on the waters was, for

sion, therefore, to modify the amendment by leaving the appropriation as it stands, and simply to strike out the provision taking away the power to give notice.

There being no objection the amendment was so modified.

The PRESIDING OFFICER, (Mr. FOOT.) The question is on the amendment of the Committee as modified, to strike out the words which have been read.

Mr. HUNTER. Mr. President, the amendment of the Committee on Finance is designed to preserve to the Government the power to give notice to Mr. Collins and his company for the purpose of putting an end, whenever Congress shall think proper, to the extra allowance. It is designed to keep this power in the hands of Congress. For myself, I think we ought to go further. Individually I should be for giving the notice; but the committee only reported an amendment which was designed to keep it within the power of Congress hereafter to give the notice whenever they shall think proper to do so. It seems to me so eminently proper, that I need say nothing in reference to it.

Mr. BADGER. Mr. President, I am, for one, not for concurring in the amendment proposed by the Committee on Finance. I am not for retaining in the Government this power of giving notice to which my friend from Virginia has referred. To me the propriety of what the Committee on Finance propose is not so clear as it seems to be to him. If I understand the provision sent to us from the House, it is to continue this contract to the end of the time for which it was originally made, at the increased rate of allowance which was carried through both Houses of Congress two or three years ago. I am in favor of the provision as it came to us from the House. I was in favor, at the time when the increased rate of compensation was given, of that increased rate of compensation; and I was then opposed to the provision incorporated into the bill in virtue of which that increased rate of compensation was to be subject to discontinuance upon a subsequent notice by Congress. I have seen nothing since that time to change my opinions in relation to any part of the subject. I do not wish to keep this matter always recurring at every succeeding session of Congress, with applications made for giving the notice and putting an end to the contract, stirring up the question from time to time and from year to year, and keeping it always a matter uncertain in the public estimation whether this great enterprise is to be supported and carried through by the Government. My opinion is, that the House of Representatives have acted wisely. The additional compensation having been shown to be reasonable, the enterprise concerning at once the interest and the honor of the country, I think the House have acted wisely in proposing to take it out of future contest in Congress, and to save both the country and the persons who are engaged in the prosecution of this enterprise from this perpetually recurring agitation with regard to the termination of the contract. I am, therefore, for one, in favor of holding on to the provision of the bill as it comes to us from the House, and I hope the Senate will not concur in the amendment moved by the Committee on Finance.

Mr. BAYARD. Mr. President, I agree entirely with the views stated by the honorable Senator from North Carolina; and I will mention, in addition to what he has said, that the effect of the amendment proposed by the committee could only reach the three last years of the contract. The contract has now about five years to run. If you reserve the power to give notice, what will be the result? You cannot act on any appropriation bill of this kind so as to give the notice, probably before July of next year, and no notice to be effective, would go into operation before the ensuing January. There would, then, be but three years of the contract remaining. It seems to me, therefore, that by retaining this power you cripple the efficiency of the line, because you leave things in an uncertain state. You will not diminish the cost to the Government, for, against the cost of the contract on the one side, you must take the expense of prolonged discussion, and the consequent consumption of time involved by bringing the question before Congress at each session. To avoid these difficulties, I think the provision of the bill as it comes from the House is proper, and I trust it will not be stricken out.

Mr. HUNTER called for the yeas and nays on the amendment; and they were ordered.

Mr. GEYER. Mr. President, those gentlemen who were here in 1852 will remember that I was then opposed to any change in the contract for the transportation of the mail by this line of steamers. I saw nothing in the representations which were then made, giving to these parties any claim for increased compensation, under the contract which they had entered into. The Senate, however, inserted in the deficiency bill of that year a clause allowing them a compensation at the rate of $33,000 a trip, instead of $19,250. Against that I voted. They also inserted a proviso, without which, let me say, the extra compensation never could have passed either House of Congress, reserving to Congress the right, at any time after the 31st day of December, 1854, to terminate the contract upon six months' notice. Regarding that as a new stipulation between the United States and those parties, I am disposed to adhere to it. I look upon that as a contract which we are to construe favorably towards the other party, but not in such wise as to surrender the only guaranty we have that the contract will be performed. I understood it to mean, when we put in that proviso, that, in the event of the contingency of a non-compliance on the part of these contractors with their high promises, in consideration of which the increased compensation was granted, we might terminate it; and not otherwise. Therefore, when, at the last session, a proposition was made to give the notice, I voted against it, because I did not think the event had happened which, under a fair construction of their new contract, authorized us to put an end to the additional compensation; and there I am disposed to rest it.

The original contract was for twenty trips per annum at $19,250 each. You have stipulations in that contract which require a performance; and in the event of a breach of the contract, you have your remedy; but I submit to honorable Senators, if we adopt the proviso of the House, what security shall we have that they will perform the twenty-six trips which were provided for in the act of 1852? Is not the power to give the notice the only security which we have to insure the performance of that contract on their part? Now we pay $16,000 a trip for the speed of these vessels; that is to say, we pay $16,000 a trip more than would be required to be paid to them if they made no greater speed than the Cunard steamers. I have before me a speech of an honorable member in the other House, giving the testimony of these parties themselves, by which it appears that we pay $9,000 discrimination in favor of this line, because it enters the port of New York. We pay $16,000 on account of the increased speed, for they themselves inform us that they could perform their trips with as great a speed as the Cunard line for $16,000 a trip less than it now costs them. Now, I repeat the inquiry—repeal the clause which authorizes us to give the notice, and where is your security? With the temptation of $16,000 multiplied twenty-six times in the course of the year, have we any security that we shall receive what we are paying for?

Mr. President, I have no doubt that the owners of this line have rendered essential service to the country; and I am disposed to continue the compensation which we agreed to allow them upon the terms contained in the act of 1852. I have no doubt they will make every effort to accomplish what that act requires should be accomplished, in order to entitle them to the compensation; but, sir, I am not contracting for myself; and I do not feel at liberty to vote away the difference between $385,000 and $858,000 a year, with no better security for the performance of the contract than will then be afforded.

It is true the House of Representatives propose to provide for the building of another ship; but that is to make a new contract; and, as I said on a former occasion, I now repeat, I do not believe in the policy of this attempt to build up, under the name of a military marine, a commercial marine for the benefit of the commerce between one city of this Union, and another across the Atlantic. I should be disposed to secure the transportation of the mails across the Atlantic by another, and a very different arrangement. When a contract has been entered into; when we have once changed that contract, and given increased compensation, and have given it upon terms and upon conditions without which it could never have passed the Senate and House of Representatives, I am unwilling to go further. Once more, I ask Senators what security have they, other than the honor of these contractors, if we repeal this clause in the act of 1852? It may be said that we must trust something to them. Have they no trust, let me ask also, in Congress, contracting on the part of the United States, that they will forbear to give notice unless occasion occurs, when there shall be a failure to perform the service contemplated by the act of 1852? Can they not (the proposition to give notice having been once made, and voted down by the Senate) rely with as much confidence on the fidelity of Congress to their contract, as we can rely on the fidelity of the contractors when we are about to present to them the temptation to diminish the speed of their vessels, by reducing the cost at the rate of $16,000 a trip.

Mr. JONES, of Tennessee. I move to amend the amendment of the Committee on Finance by inserting in lieu of it:

That the Secretary of the Navy is hereby directed to give the notice provided in the first section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," approved the 21st day of July, 1852, to terminate the arrangement of the additional allowance for the transportation of the United States mail between New York and Liverpool in the Collins line of steamers as therein provided."

I offer this amendment at this time, Mr. President, in order that the issue may fairly be brought before the Senate. It has to come to this at last. The amendment offered by the Committee on Finance does not meet the issue, and hence I propose this amendment, which brings us directly to the main contest before us. It will be remembered that at an early day of the session I announced to the Senate that if no other Senator would offer this proposition I should feel myself constrained to do so. I endeavor to-day to perform that duty and redeem that pledge, and I may be permitted to express my regret that I am in a condition so poorly to perform a service which is so very important.

In offering the amendment, I am actuated by no spirit of unkindness to Mr. Collins or his company. On the contrary, I have abundant reason to cherish feelings of great personal kindness and respect, not only for Mr. Collins, but for many members of the association at the head of which he stands. I have received testimonials of personal kindness and respect from them. In addition to that disinclination which I feel to interfere on this occasion, I might superadd, that a personal relationship with some of the parties renders it exceedingly painful to me to be found differing from them, for among them I find some of my warmest and most sincere personal and political friends. I confess to you, sir, and to the Senate, that I have arrived at a determination to offer the amendment, and advocate its passage, not without some conflict with my own feelings. If I had yielded to the suggestions of my personal feelings, if I had looked to the especial interest which many of my personal friends have in the passage of the provision as it comes from the House, I should be content simply to give a silent vote; but I have not been able to satisfy myself that my personal feelings are to be regarded when they come in conflict with the discharge of public duty. Actuated, therefore, as I hope and believe, if I know myself, only by a desire to subserve the public service, and discharge a public duty, I have felt myself constrained to offer this amendment.

I have been met by arguments after arguments, many of them entitled to consideration, many of them persuasive, many of them addressed to the kindlier and more generous sensibilities of our nature. I have been reminded of the sad and melancholy catastrophe of the ill-fated Arctic. Sir, no man in America deplores that catastrophe more than I do. No man would more willingly repair it, if within the compass of human power, than I would. If this appropriation were intended to repair that accident, I should gladly vote it. If it were within the compass of human power, by the exercise of human agency, even to the pouring

out of the last dollar in the national Treasury, to rescue from a watery grave the sleeping victims of that ill-fated vessel, I would vote the last dollar in the Treasury to accomplish it. Yes, sir, I would go further than that; and if we had power to bring to life a single victim of that fatal catastrophe, even if it should exhaust every dollar in the national Treasury to bring up from his sleeping on the coral beds of the deep blue sea the lamented son of an officer of this body, I would willingly agree to vote the last dollar for the purpose. [The allusion was to young Holland, son of the assistant Sergeant-at-Arms and Doorkeeper, who is memorable for the fidelity with which he stood to the signal gun until the Arctic went down.] Sir, amidst all the events of life which have come under my knowledge, I have seen no picture that strikes so fully at the heart as the picture of that unfortunate young man, and it will constitute a theme for the pen of the poet, and the pencil of the painter, when you and I shall have passed away.

But, Mr. President, what have all these sympathies to do with this question? It is not proposed to take this money which you are asked to appropriate, and divide it between the victims of that catastrophe; but it is to go into the coffers of a company under a contract made with the Government of the United States, and it is to that contract that I propose to address myself.

Two years and a half ago we had a long, able, and interesting debate upon this question. In reviewing that debate, which I have done with a great deal of care and industry, I find an address delivered by the distinguished Senator from New York, [Mr. SEWARD,] an address characterized by that ability which usually characterizes his speeches; for, sir, however much my prejudices and passions may incline me against the doctrines and opinions of that distinguished Senator, I hope never to be so lost to truth, and candor, and frankness, as to deny to him ability of the highest order. My only regret is, that such eminent ability should be so ill-directed, according, at least, to my humble judgment. In the address of that distinguished Senator, he propounded two questions to the American Senate. The opening of his remarks was: "What will Congress do?—what has Congress done?—for the Collins steamers."

The first interrogatory, pretending to no prescience, I shall not attempt to answer. If there is anything Omniscience itself does not know, it is what Congress will do. After what Congress has done, I shall not be astonished at any thing that Congress may do. The second interrogatory of the honorable Senator, I think I can answer, and, with the indulgence of the Senate, I shall endeavor briefly to answer it from the law and the testimony. What has Congress done for the Collins line of steamers?

On the 6th day of March, 1846, Mr. Collins and his friends submitted to the Congress of the United States a proposition to carry the mail from New York to Liverpool—Congress entertained that proposition. There is one thing that Congress has done for the Collins line of steamers. On the 1st day of November, 1847, under the direction of Congress, a contract was entered into with Mr. Collins and his associates, to carry a mail from New York to Liverpool, twenty times per annum. There is another thing that Congress has done for the Collins steamers. What was that contract entered into between the Government of the United States and Mr. Collins on the 1st of November, 1847? Mr. Collins contracted to build five vessels, of given dimensions and power. He agreed that four of them should be built within eighteen or twenty months from the signing of the contract, and the fifth vessel as soon thereafter as practicable. Further, it was provided that the Government of the United States should be allowed to place upon each vessel four midshipmen of the United States Navy. There were other powers conferred, mutually, on the part of Mr. Collins and the Government of the United States, which are immaterial.

Congress, then, did these things for the Collins steamers. What follows? Mr. Collins failed to perform his contract. He was to put the line in operation in eighteen months after the signing of the agreement, but he failed to accomplish that part of the contract. What followed? He came to the Congress of the United States, and asked Congress to amend the contract and extend the time. Congress amended the contract, and extended the time. That, too, Congress has done for the Collins steamers.

But, Mr. President, Mr. Collins, after binding himself to build the vessels in a specified time, failed to execute his contract, and came here to get it changed. What did he then ask? He said it was impossible to finish the vessels within the specified time, and he asked that the contract should be changed in that particular, and that there should be advanced from the Treasury $25,000 a month upon each of the vessels, from the time they were launched up to the time they were ready to sail, until the sum thus advanced should reach $385,000. Congress assented to this third amendment of the contract, and advanced to Mr. Collins $25,000 upon each of the vessels, until the amount reached $385,000, equal to one year's compensation. This is another thing which Congress has done for Collins & Co.

After that, Mr. Collins came back to Congress, and asked them to change the contract the fourth time. For what? I suppose Mr. Collins found it inconvenient, or not according to his conceptions of the dignity of the position which the officers of his vessels were expected to hold, to have midshipmen there under the auspices and direction of the Government. Although the contract required him to find accommodations for four midshipmen, he asked to be relieved from that provision, and again Congress yielded to the solicitations of Mr. Collins, and repealed the provision. There is another thing which Congress has done for the Collins steamers.

Mr. President, this is not all. After this line proceeded to discharge the duty of carrying the mail, again, in 1852, for the fifth time, we find Mr. Collins standing at the portals of the Capitol and asking for another revision of his contract. He had contracted to carry the mails for $19,250 a trip, but he said that he could not do it without a loss to himself and his friends, and he therefore asked for a change of the contract. That change was in raising the compensation from $19,250 a trip to $33,000 a trip. Now, I put the question to every Senator who will divest himself of his fancies or his prejudices, whether that was not one of the most extraordinary demands ever made upon an assembly of enlightened gentlemen. A man who is said to have more experience and wisdom in navigation than any one who lives, made a proposition to Congress, which was accepted; but when he attempted to perform it, he found he was mistaken, and that instead of $19,250 a trip, which he originally asked, he should have $33,000. Congress then changed the contract for the fifth time, and increased the compensation of Mr. Collins according to his request. His original contract was $385,000 per annum for twenty trips. Under the act of 1852, the trips were increased to twenty-six, and the pay was raised from $385,000 for twenty trips to $858,000 for twenty-six trips.

There is something very substantial which Congress has done for the Collins line of steamers. What is now asked? Not only that we shall continue that increased pay, but shall deny to Congress the power hereafter to annul that contract. Are we prepared to do this? That is the question which we have to decide. I have some facts and figures on this point that I propose to offer for the consideration of the Senate, and upon them I ask them to decide whether they will grant this last request of Mr. Collins and his friends. If they agree to it, after the presentation of these facts and figures, I, for one, shall not open my mouth; but for the rest of my life I shall feel that any company or association of this kind can accomplish whatever they may deem expedient for themselves.

In 1852 we increased the annual compensation of the Collins line $473,000—nearly $500,000 a year. Was there ever such an astounding result seen before? Here was an increase of pay upon one steam line of $13,750 a trip, or $473,000 a year. Notwithstanding this fact, it is said, and may be true, that this is a losing business, and I am pointed to the fact—which is alleged to exist; I am impugning the integrity of nobody—that they have never been able to declare a dollar in dividends, and this is urged as a reason why it is an unprofitable business. Why have they not declared dividends? Is it because they have not earned them? I intend to prove that they have earned them; and I think I shall do so before I have done with the figures. We are told, however, that no dividends have been declared, and that it therefore follows that the business is unprofitable, and that we must continue our large payment to them. I propose to examine how this is.

I understand that the whole cost of the four vessels which have been built was $2,944,142 76. I understand that of this sum there were only $1,200,000 as the amount of stock actually paid in. The balance, $1,744,142 76, was borrowed capital; and I have heard—though, of course, I do not vouch for its correctness—that the profits which have been made, have been applied to the extinguishment of this borrowed capital, and that is the reason why no dividends have been declared.

Another question which has given rise to a good deal of controversy, is on the profit and loss account of this line. You will remember, sir, that, in order to arrive at something like a fair and just conclusion, I submitted to the Senate some weeks ago, a resolution asking the Committee on the Post Office and Post Roads to ascertain, as far as possible, what were the amounts of money received by this line of steamers from freights and passengers.

I hold in my hand a communication from the Post Office Department on that subject, and also a letter from Mr. Bell, an officer of the Government, to the Postmaster General, to which I desire to call attention. I shall not weary the Senate by reading the documents, but shall simply state the conclusions. According to the best information which the Post Office Department could obtain and furnish to the Senate, it appears that there is a total yearly profit from freights and passengers on the Collins line of $1,601,600. Here are all the facts on which that conclusion is predicated. I admit it cannot be relied on as entirely perfect, for Mr. Bell had not access to the books of the company, and had to avail himself of the best information he could. He went to the registry of the port of New York to ascertain how many passengers left that port by this line of steamers. He assumed that as many came in as went out, and he went further, and he obtained the best evidence he could, and the result of his conclusion is, that the profit from mails and passengers amounted to $1,601,600. I had an interview with Mr. Collins on the subject, for if I know myself I do not wish to do anybody injustice. My only object is to prevent injustice being done to the country. I told Mr. Collins that if he had any testimony which would rebut this statement, I should cheerfully bring it before the Senate. He has done so, and I shall redeem the pledge with great pleasure. He has given me an affidavit which I hold in my hand, sworn to by William L. Youle, the secretary of the company, and here is the result of his estimates:

Total receipts for passengers and freights	$4,460,857 38
Mail pay received from the United States	3,413,966 00
Total receipts	7,874,733 38
Total disbursements	7,207,991 91
Surplus in the way of profits	$667,481 47

Mr. SEWARD. When was that statement made?

Mr. JONES, of Tennessee. On the 17th of February, 1855, a few weeks ago. Now, I wish to know what became of this $667,000 of profits? In this statement he asks to be accredited with what?

Loss of the ill-fated Arctic	$255,000
Depreciation of investment	258,000
Interest upon the whole capital at seven per cent. per annum	408,000
Total	$921,000

He then takes his profits and applies them to these losses on his vessels, and makes out a total loss of $253,924. This is a very fair calculation as between Mr. Collins and his friends, but what have we, as a party contracting with them for a specific service, to do with that? He shows that

sion, therefore, to modify the amendment by leaving the appropriation as it stands, and simply to strike out the provision taking away the power to give notice.

There being no objection the amendment was so modified.

The PRESIDING OFFICER, (Mr. FOOT.) The question is on the amendment of the Committee as modified, to strike out the words which have been read.

Mr. HUNTER. Mr. President, the amendment of the Committee on Finance is designed to preserve to the Government the power to give notice to Mr. Collins and his company for the purpose of putting an end, whenever Congress shall think proper, to the extra allowance. It is designed to keep this power in the hands of Congress. For myself, I think we ought to go further. Individually I should be for giving the notice; but the committee only reported an amendment which was designed to keep it within the power of Congress hereafter to give the notice whenever they shall think proper to do so. It seems to me so eminently proper, that I need say nothing in reference to it.

Mr. BADGER. Mr. President, I am, for one, not for concurring in the amendment proposed by the Committee on Finance. I am not for retaining in the Government this power of giving notice to which my friend from Virginia has referred. To me the propriety of what the Committee on Finance propose is not so clear as it seems to be to him. If I understand the provision sent to us from the House, it is to continue this contract to the end of the time for which it was originally made, at the increased rate of allowance which was carried through both Houses of Congress two or three years ago. I am in favor of the provision as it came to us from the House. I was in favor, at the time when the increased rate of compensation was given, of that increased rate of compensation; and I was then opposed to the provision incorporated into the bill in virtue of which that increased rate of compensation was to be subject to discontinuance upon a subsequent notice by Congress. I have seen nothing since that time to change my opinions in relation to any part of the subject. I do not wish to keep this matter always recurring at every succeeding session of Congress, with applications made for giving the notice and putting an end to the contract, stirring up the question from time to time and from year to year, and keeping it always a matter uncertain in the public estimation whether this great enterprise is to be supported and carried through by the Government. My opinion is, that the House of Representatives have acted wisely. The additional compensation having been shown to be reasonable, the enterprise concerning at once the interest and the honor of the country, I think the House have acted wisely in proposing to take it out of future contest in Congress, and to save both the country and the persons who are engaged in the prosecution of this enterprise from this perpetually recurring agitation with regard to the termination of the contract. I am, therefore, for one, in favor of holding on to the provision of the bill as it comes to us from the House, and I hope the Senate will not concur in the amendment moved by the Committee on Finance.

Mr. BAYARD. Mr. President, I agree entirely with the views stated by the honorable Senator from North Carolina; and I will mention, in addition to what he has said, that the effect of the amendment proposed by the committee could only reach the three last years of the contract. The contract has now about five years to run. If you reserve the power to give notice, what will be the result? You cannot act on any appropriation bill of this kind so as to give the notice, probably before July of next year, and no notice to be effective, would go into operation before the ensuing January. There would, then, be but three years of the contract remaining. It seems to me, therefore, that by retaining this power you cripple the efficiency of the line, because you leave things in an uncertain state. You will not diminish the cost to the Government, for, against the cost of the contract on the one side, you must take the expense of prolonged discussion, and the consequent consumption of time involved by bringing the question before Congress at each session. To avoid these difficulties, I think the provision of the bill as it comes from the House is proper, and I trust it will not be stricken out.

Mr. HUNTER called for the yeas and nays on the amendment; and they were ordered.

Mr. GEYER. Mr. President, those gentlemen who were here in 1852 will remember that I was then opposed to any change in the contract for the transportation of the mail by this line of steamers. I saw nothing in the representations which were then made, giving to these parties any claim for increased compensation, under the contract which they had entered into. The Senate, however, inserted in the deficiency bill of that year a clause allowing them a compensation at the rate of $33,000 a trip, instead of $19,250. Against that I voted. They also inserted a proviso, without which, let me say, the extra compensation never could have passed either House of Congress, reserving to Congress the right, at any time after the 31st day of December, 1854, to terminate the contract upon six months' notice. Regarding that as a new stipulation between the United States and those parties, I am disposed to adhere to it. I look upon that as a contract which we are to construe favorably towards the other party, but not in such wise as to surrender the only guaranty we have that the contract will be performed. I understood it to mean, when we put in that proviso, that, in the event of the contingency of a non-compliance on the part of these contractors with their high promises, in consideration of which the increased compensation was granted, we might terminate it; and not otherwise. Therefore, when, at the last session, a proposition was made to give the notice, I voted against it, because I did not think the event had happened which, under a fair construction of their new contract, authorized us to put an end to the additional compensation; and there I am disposed to rest it.

The original contract was for twenty trips per annum at $19,250 each. You have stipulations in that contract which require a performance; and in the event of a breach of the contract, you have your remedy; but I submit to honorable Senators, if we adopt the proviso of the House, what security shall we have that they will perform the twenty-six trips which were provided for in the act of 1852? Is not the power to give the notice the only security which we have to insure the performance of that contract on their part? Now we pay $16,000 a trip for the speed of these vessels; that is to say, we pay $16,000 a trip more than would be required to be paid to them if they made no greater speed than the Cunard steamers. I have before me a speech of an honorable member in the other House, giving the testimony of these parties themselves, by which it appears that we pay $9,000 discrimination in favor of this line, because it enters the port of New York. We pay $16,000 on account of the increased speed, for they themselves inform us that they could perform their trips with as great a speed as the Cunard line for $16,000 a trip less than it now costs them. Now, I repeat the inquiry—repeal the clause which authorizes us to give the notice, and where is your security? With the temptation of $16,000 multiplied twenty-six times in the course of the year, have we any security that we shall receive what we are paying for?

Mr. President, I have no doubt that the owners of this line have rendered essential service to the country; and I am disposed to continue the compensation which we agreed to allow them upon the terms contained in the act of 1852. I have no doubt they will make every effort to accomplish what that act requires should be accomplished, in order to entitle them to the compensation; but, sir, I am not contracting for myself; and I do not feel at liberty to vote away the difference between $385,000 and $858,000 a year, with no better security for the performance of the contract than will then be afforded.

It is true the House of Representatives propose to provide for the building of another ship; but that is to make a new contract; and, as I said on a former occasion, I now repeat, I do not believe in the policy of this attempt to build up, under the name of a military marine, a commercial marine for the benefit of the commerce between one city of this Union, and another across the Atlantic. I should be disposed to secure the transportation of the mails across the Atlantic by another, and a very different arrangement. When a contract has been entered into; when we have once changed that contract, and given increased compensation, and have given it upon terms and upon conditions without which it could never have passed the Senate and House of Representatives, I am unwilling to go further. Once more, I ask Senators what security have they, other than the honor of these contractors, if we repeal this clause in the act of 1852? It may be said that we must trust something to them. Have they no trust, let me ask also, in Congress, contracting on the part of the United States, that they will forbear to give notice unless occasion occurs, when there shall be a failure to perform the service contemplated by the act of 1852? Can they not (the proposition to give notice having been once made, and voted down by the Senate) rely with as much confidence on the fidelity of Congress to their contract, as we can rely on the fidelity of the contractors when we are about to present to them the temptation to diminish the speed of their vessels, by reducing the cost at the rate of $16,000 a trip.

Mr. JONES, of Tennessee. I move to amend the amendment of the Committee on Finance by inserting in lieu of it:

That the Secretary of the Navy is hereby directed to give the notice provided in the first section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," approved the 21st day of July, 1852, to terminate the arrangement of the additional allowance for the transportation of the United States mail between New York and Liverpool in the Collins line of steamers as therein provided."

I offer this amendment at this time, Mr. President, in order that the issue may fairly be brought before the Senate. It has to come to this at last. The amendment offered by the Committee on Finance does not meet the issue, and hence I propose this amendment, which brings us directly to the main contest before us. It will be remembered that at an early day of the session I announced to the Senate that if no other Senator would offer this proposition I should feel myself constrained to do so. I endeavor to-day to perform that duty and redeem that pledge, and I may be permitted to express my regret that I am in a condition so poorly to perform a service which is so very important.

In offering the amendment, I am actuated by no spirit of unkindness to Mr. Collins or his company. On the contrary, I have abundant reason to cherish feelings of great personal kindness and respect, not only for Mr. Collins, but for many members of the association at the head of which he stands. I have received testimonials of personal kindness and respect from them. In addition to that disinclination which I feel to interfere on this occasion, I might superadd, that a personal relationship with some of the parties renders it exceedingly painful to me to be found differing from them, for among them I find some of my warmest and most sincere personal and political friends. I confess to you, sir, and to the Senate, that I have arrived at a determination to offer the amendment, and advocate its passage, not without some conflict with my own feelings. If I had yielded to the suggestions of my personal feelings, if I had looked to the especial interest which many of my personal friends have in the passage of the provision as it comes from the House, I should be content simply to give a silent vote; but I have not been able to satisfy myself that my personal feelings are to be regarded when they come in conflict with the discharge of public duty. Actuated, therefore, as I hope and believe, if I know myself, only by a desire to subserve the public service, and discharge a public duty, I have felt myself constrained to offer this amendment.

I have been met by arguments after arguments, many of them entitled to consideration, many of them persuasive, many of them addressed to the kindlier and more generous sensibilities of our nature. I have been reminded of the sad and melancholy catastrophe of the ill-fated Arctic. Sir, no man in America deplores that catastrophe more than I do. No man would more willingly repair it, if within the compass of human power, than I would. If this appropriation were intended to repair that accident, I should gladly vote it. If it were within the compass of human power, by the exercise of human agency, even to the pouring

out of the last dollar in the national Treasury, to rescue from a watery grave the sleeping victims of that ill-fated vessel, I would vote the last dollar in the Treasury to accomplish it. Yes, sir, I would go further than that; and if we had power to bring to life a single victim of that fatal catastrophe, even if it should exhaust every dollar in the national Treasury to bring up from his sleeping on the coral beds of the deep blue sea the lamented son of an officer of this body, I would willingly agree to vote the last dollar for the purpose. [The allusion was to young Holland, son of the assistant Sergeant-at-Arms and Doorkeeper, who is memorable for the fidelity with which he stood to the signal gun until the Arctic went down.] Sir, amidst all the events of life which have come under my knowledge, I have seen no picture that strikes so fully at the heart as the picture of that unfortunate young man, and it will constitute a theme for the pen of the poet, and the pencil of the painter, when you and I shall have passed away.

But, Mr. President, what have all these sympathies to do with this question? It is not proposed to take this money which you are asked to appropriate, and divide it between the victims of that catastrophe; but it is to go into the coffers of a company under a contract made with the Government of the United States, and it is to that contract that I propose to address myself.

Two years and a half ago we had a long, able, and interesting debate upon this question. In reviewing that debate, which I have done with a great deal of care and industry, I find an address delivered by the distinguished Senator from New York, [Mr. SEWARD,] an address characterized by that ability which usually characterizes his speeches; for, sir, however much my prejudices and passions may incline me against the doctrines and opinions of that distinguished Senator, I hope never to be so lost to truth, and candor, and frankness, as to deny to him ability of the highest order. My only regret is, that such eminent ability should be so ill-directed, according, at least, to my humble judgment. In the address of that distinguished Senator, he propounded two questions to the American Senate. The opening of his remarks was: "What will Congress do?—what has Congress done?—for the Collins steamers."

The first interrogatory, pretending to no prescience, I shall not attempt to answer. If there is anything Omniscience itself does not know, it is what Congress will do. After what Congress has done, I shall not be astonished at any thing that Congress may do. The second interrogatory of the honorable Senator, I think I can answer, and, with the indulgence of the Senate, I shall endeavor briefly to answer it from the law and the testimony. What has Congress done for the Collins line of steamers?

On the 6th day of March, 1846, Mr. Collins and his friends submitted to the Congress of the United States a proposition to carry the mail from New York to Liverpool—Congress entertained that proposition. There is one thing that Congress has done for the Collins line of steamers. On the 1st day of November, 1847, under the direction of Congress, a contract was entered into with Mr. Collins and his associates, to carry a mail from New York to Liverpool, twenty times per annum. There is another thing that Congress has done for the Collins steamers. What was that contract entered into between the Government of the United States and Mr. Collins on the 1st of November, 1847? Mr. Collins contracted to build five vessels, of given dimensions and power. He agreed that four of them should be built within eighteen or twenty months from the signing of the contract, and the fifth vessel as soon thereafter as practicable. Further, it was provided that the Government of the United States should be allowed to place upon each vessel four midshipmen of the United States Navy. There were other powers conferred, mutually, on the part of Mr. Collins and the Government of the United States, which are immaterial.

Congress, then, did these things for the Collins steamers. What follows? Mr. Collins failed to perform his contract. He was to put the line in operation in eighteen months after the signing of the agreement, but he failed to accomplish that part of the contract. What followed? He came to the Congress of the United States, and asked Congress to amend the contract and extend the time. Congress amended the contract, and extended the time. That, too, Congress has done for the Collins steamers.

But, Mr. President, Mr. Collins, after binding himself to build the vessels in a specified time, failed to execute his contract, and came here to get it changed. What did he then ask? He said it was impossible to finish the vessels within the specified time, and he asked that the contract should be changed in that particular, and that there should be advanced from the Treasury $25,000 a month upon each of the vessels, from the time they were launched up to the time they were ready to sail, until the sum thus advanced should reach $385,000. Congress assented to this third amendment of the contract, and advanced to Mr. Collins $25,000 upon each of the vessels, until the amount reached $385,000, equal to one year's compensation. This is another thing which Congress has done for Collins & Co.

After that, Mr. Collins came back to Congress, and asked them to change the contract the fourth time. For what? I suppose Mr. Collins found it inconvenient, or not according to his conceptions of the dignity of the position which the officers of his vessels were expected to hold, to have midshipmen there under the auspices and direction of the Government. Although the contract required him to find accommodations for four midshipmen, he asked to be relieved from that provision, and again Congress yielded to the solicitations of Mr. Collins, and repealed the provision. There is another thing which Congress has done for the Collins steamers.

Mr. President, this is not all. After this line proceeded to discharge the duty of carrying the mail, again, in 1852, for the fifth time, we find Mr. Collins standing at the portals of the Capitol and asking for another revision of his contract. He had contracted to carry the mails for $19,250 a trip, but he said that he could not do it without a loss to himself and his friends, and he therefore asked for a change of the contract. That change was in raising the compensation from $19,250 a trip to $33,000 a trip. Now, I put the question to every Senator who will divest himself of his fancies or his prejudices, whether that was not one of the most extraordinary demands ever made upon an assembly of enlightened gentlemen. A man who is said to have more experience and wisdom in navigation than any one who lives, made a proposition to Congress, which was accepted; but when he attempted to perform it, he found he was mistaken, and that instead of $19,250 a trip, which he originally asked, he should have $33,000. Congress then changed the contract for the fifth time, and increased the compensation of Mr. Collins according to his request. His original contract was $385,000 per annum for twenty trips. Under the act of 1852, the trips were increased to twenty-six, and the pay was raised from $385,000 for twenty trips to $858,000 for twenty-six trips.

There is something very substantial which Congress has done for the Collins line of steamers. What is now asked? Not only that we shall continue that increased pay, but shall deny to Congress the power hereafter to annul that contract. Are we prepared to do this? That is the question which we have to decide. I have some facts and figures on this point that I propose to offer for the consideration of the Senate, and upon them I ask them to decide whether they will grant this last request of Mr. Collins and his friends. If they agree to it, after the presentation of these facts and figures, I, for one, shall not open my mouth; but for the rest of my life I shall feel that any company or association of this kind can accomplish whatever they may deem expedient for themselves.

In 1852 we increased the annual compensation of the Collins line $473,000—nearly $500,000 a year. Was there ever such an astounding result seen before? Here was an increase of pay upon one steam line of $13,750 a trip, or $473,000 a year. Notwithstanding this fact, it is said, and may be true, that this is a losing business, and I am pointed to the fact—which is alleged to exist; I am impugning the integrity of nobody—that they have never been able to declare a dollar in dividends, and this is urged as a reason why it is an unprofitable business. Why have they not declared dividends? Is it because they have not earned them? I intend to prove that they have earned them; and I think I shall do so before I have done with the figures. We are told, however, that no dividends have been declared, and that it therefore follows that the business is unprofitable, and that we must continue our large payment to them. I propose to examine how this is.

I understand that the whole cost of the four vessels which have been built was $2,944,142 76. I understand that of this sum there were only $1,200,000 as the amount of stock actually paid in. The balance, $1,744,142 76, was borrowed capital; and I have heard—though, of course, I do not vouch for its correctness—that the profits which have been made, have been applied to the extinguishment of this borrowed capital, and that is the reason why no dividends have been declared.

Another question which has given rise to a good deal of controversy, is on the profit and loss account of this line. You will remember, sir, that, in order to arrive at something like a fair and just conclusion, I submitted to the Senate some weeks ago, a resolution asking the Committee on the Post Office and Post Roads to ascertain, as far as possible, what were the amounts of money received by this line of steamers from freights and passengers.

I hold in my hand a communication from the Post Office Department on that subject, and also a letter from Mr. Bell, an officer of the Government, to the Postmaster General, to which I desire to call attention. I shall not weary the Senate by reading the documents, but shall simply state the conclusions. According to the best information which the Post Office Department could obtain and furnish to the Senate, it appears that there is a total yearly profit from freights and passengers on the Collins line of $1,601,600. Here are all the facts on which that conclusion is predicated. I admit it cannot be relied on as entirely perfect, for Mr. Bell had not access to the books of the company, and had to avail himself of the best information he could. He went to the registry of the port of New York to ascertain how many passengers left that port by this line of steamers. He assumed that as many came in as went out, and he went further, and he obtained the best evidence he could, and the result of his conclusion is, that the profit from mails and passengers amounted to $1,601,600. I had an interview with Mr. Collins on the subject, for if I know myself I do not wish to do anybody injustice. My only object is to prevent injustice being done to the country. I told Mr. Collins that if he had any testimony which would rebut this statement, I should cheerfully bring it before the Senate. He has done so, and I shall redeem the pledge with great pleasure. He has given me an affidavit which I hold in my hand, sworn to by William L. Youle, the secretary of the company, and here is the result of his estimates:

Total receipts for passengers and freights	$4,460,857 38
Mail pay received from the United States	3,413,966 00
Total receipts	7,874,733 38
Total disbursements	7,207,891 91
Surplus in the way of profits	$667,481 47

Mr. SEWARD. When was that statement made?

Mr. JONES, of Tennessee. On the 17th of February, 1855, a few weeks ago. Now, I wish to know what became of this $667,000 of profits? In this statement he asks to be accredited with what?

Loss of the ill-fated Arctic	$255,000
Depreciation of investment	258,000
Interest upon the whole capital at seven per cent. per annum	408,000
Total	$921,000

He then takes his profits and applies them to these losses on his vessels, and makes out a total loss of $253,924. This is a very fair calculation as between Mr. Collins and his friends, but what have we, as a party contracting with them for a specific service, to do with that? He shows that

he has received for frieghts and passengers, and for the Government mails, $667,000 more than he has paid out in running his vessels; but when you deduct from that sum the interest and depreciation account and the loss of the Arctic, he brings us in debt, according to his statement, $253,924.

Mr. COOPER. I wish to ask the honorable Senator a question for information. Does a portion of the $7,000,000 of expenses embrace money paid to relieve the original loan made for the purchase?

Mr. JONES, of Tennessee. I have given the statement precisely as it has been presented by his own officer.

Mr. COOPER. I apprehend that is included.

Mr. JONES, of Tennessee. In the statement sworn to by his own officer he gives the receipts of each vessel of the line, and then puts down the disbursements for each voyage and each vessel, and winds up by a recapitulation which I have already stated. Then, by his own showing, he has already got back all that he has paid out, and interest on his capital, and loss upon his vessels, and depreciation upon his vessels, except $253,000. Now I have redeemed my pledge to Mr. Collins. I have given his own statement. I shall not assail it. I shall not attack the veracity of the officer who has sworn to it. I dare say it is perfectly true; but whether true or false, it has nothing to do with the contract between the Government of the United States and Mr. Collins, and it is to that contract that I propose to address myself.

Now let me ask what has been paid by the Government to Mr. Collins? According to his own showing the Government of the United States paid him, up to the 17th February, 1855, $3,413,916 57. Thus in five years, the Government alone has paid $469,733 81 more than the whole amount of the cost of the vessels, or what may be assumed to be the capital invested by Mr. Collins and his associates in the enterprise. When did mortal man ever hear of a better contract? Mr. Collins received from Congress a contract, and in the first five years of this contract the Government alone, by way of stipend, paid him all his capital which he invested, and $469,733 over and above that capital. Where is the man who would not stipulate for a contract of that sort? Where is the man who would not be willing to embark in an enterprise where such success was guarantied to him. Who would not take a contract, the result of which, in five years, would be to reimburse him all his capital and give him a surplus of $669 000 in addition to his capital, with all the chances of profit from the trade and transportation of persons and property? This amount of profit, it seems to me, ought to be sufficient to satisfy anybody, but these gentlemen are not satisfied with what they have received, and they are again knocking at the portals of the capital, and asking for a continuation of the contract on these terms for five years. Suppose you do continue it for five years, what will be the result? How much will you be required to pay for the next five years in addition to what you have already paid? You have already paid $3,413,916 57; and if you comply with this last demand you will pay, before the termination of the contract, $4 385,000 more. If the contract be continued to 1860, at the present rates, what will you have to pay to Mr. Collins by the end of that time? I hope not to astonish gentlemen, or drive them from their propriety by the statement of the amount, but I confess that until I looked into the figures I should have been profoundly astonished at the result. At the end of the contract, if it be continued as we are now asked to do, this Government will have paid Mr. Collins and his associates $7,785,565 70.

In the name of reason and common sense and common honesty, where does the history of legislation show such benefits as these, conferred on one individual or company? In ten years you will have paid $7,785,000—almost three times the amount of the original investment, and during the whole time Mr. Collins enjoying the benefits arising from the transportation of persons and property on his line. We have heard talk about the enormity of the tariff of 1828, but here is a tariff beyond all precedent. Here is protection with a vengeance—protection amounting to absolute prohibition of competition. Who can compete with Mr. Collins in running steamships across the ocean, with the Government paying him in ten years nearly $8,000,000? Where is the man rash enough, insane enough to attempt to navigate the ocean by the side of Mr. Collins, when the Government stands at his back with $8,000,000, and the other American citizen has to rely on his own energies? I am in favor of protection, but this is rather too strong for me. I cannot approve of it.

I have not yet done with the figures. I have already stated that the original vessels built by Mr. Collins cost $2,944,000. He has now three vessels on hand, and those vessels cost, originally, $2,208,107. That is the amount of capital now invested. The company received the insurance upon the Arctic, and I apprehend that the loss could not have been very great, for the insurance was for $600,000; but I have nothing to do with that. I have said that the Collins line have now three steamers which cost $2,208,107. According to the statement furnished in 1852 by Mr. Collins, the annual depreciation of the vessels is seven per cent. I have inquired of other persons familiar with steamships, and they say from seven to ten per cent. Desiring, however, to be as fair as possible, I put the depreciation down at only five per cent., and then you will find that it amounts to $552,026. Take that from the aggregate original cost, and the vessels now owned by Collins & Co. are worth $1,655,981. That, then, is the capital now invested. Upon this head I have a proposition to make to the Senate, which I will state. I suppose nobody doubts that we have a right to end the contract by giving six months' notice. Then why may we not do it! We are asked, Will you do it, and leave Mr. Collins with his vessels on hand? For myself, rather than pay Mr. Collins $4,385,000 for the next five years, in order to sustain a capital of $1.655,981, I would buy his three vessels and pay him the full cash value for them, $1.655,981. Suppose you were to buy the vessels, and take them out into New York bay and set them on fire; you would have sunk $1,655,981, but in the end it would be a saving to the Government. If you deduct the amount the vessels would cost from the amount which he asks you to pay him for the next five years, that is, $4,385,000, you will have remaining $2,729,019 of saving. After buying the vessels and putting them in your Navy, or burning them, if you please, you will have saved $2,729,019 to the Treasury. Suppose we should do that, and then let out a contract to carry the mail for twenty-six trips on the terms proposed by Mr. Vanderbilt, amounting to $15,000 a trip, or $390,000 a year, or $1,959,000 in five years. Then, after you have burnt your Collins vessels, and paid Vanderbilt all that he asks for carrying the mail as often as Collins carries it, you will have saved $779,019.

If any Senator can controvert these figures let him rise and do so now. I assert their truth, and they are so striking that I beg leave to repeat them briefly. The amount which you are asked to pay for the next five years to Mr. Collins is $4,385,000. The value of his vessels now on hand is $1,655,981. Mr. Vanderbilt asks $1,950,000 to carry the mail for the same length of time, and in the same number of trips. Pay for the vessels and deduct their value from the amount which you are asked to allow to Collins, and you have left $2,729,019.

Then pay Mr. Vanderbilt all that he asks for carrying the mail for the same length of time and you will have in your Treasury, at the end of the contract, $779,019 more than you will have under the Collins contract, and in addition to that you will have the vessels.

Mr. BAYARD. Will the honorable gentleman allow me to interrupt him at this point?

Mr. JONES, of Tennessee. Certainly, sir.

Mr. BAYARD. Of course these statements and calculations of the honorable Senator from Tennessee come on me unprepared; but I think a very obvious answer may be made to the point upon which he is now treating to show that the statements which he makes are not altogether satisfactory. He assumes that the cost for carrying the mails will be a certain sum according to the proposition of Captain Vanderbilt.

Mr. JONES, of Tennessee. I believe I have stated correctly, but if not, I, of course, wish to be set right.

Mr. BAYARD. The Senator, taking the entire cost according to what he says is Vanderbilt's proposition for the same period of time that the Collins contract has yet to run, says the Government would save $779,000 in the difference of price between the two. Is that the statement?

Mr. JONES, of Tennessee. Yes, sir.

Mr. BAYARD. Now, sir, that will depend upon one fact which the honorable Senator throws entirely out of his calculations. Mr. Vanderbilt offers to run a line for so much, but he makes no stipulations in that offer as to the speed of the vessels which he is to run. If he establishes a line which will run in sixteen or eighteen days, the entire amount of postage which you now receive will pass into the hands of the faster line of the British Government. This is an item which must be taken into the calculation of your loss in order to get at the result. I have not the materials before me to make an exact calculation; but I am perfectly satisfied that the loss of the amount of the postage which you now receive by the aid of the Collins line would be far more than equivalent to the sum which the gentleman assumes to be the gain.

Now there can be no doubt that Mr. Vanderbilt, who understands thoroughly the business in which he is engaged, takes great care in his proposition which has been printed and laid on our tables to make no stipulations either as to the character of his vessels, or the speed at which they are to run; and yet the question of speed or velocity is an element of cost, which goes to an extent which is hard to be estimated without calculation. I do not mean to enter into it; it is too late in the session to go into all the details connected with the matter, even if I were sufficiently conversant with them to do so. I have no interest in this question, except the national feeling which I have for the success of this line as a great improvement, and probably a feeling of pride in regard to its superiority over the rival line of Great Britain.

I have had several conversations with the chief engineer of your Navy on this subject, and I ascertain that there is a rule by which they estimate the expense of running a vessel in proportion to speed applied to the same tonnage. I think he stated to me that the rule was, that, for the increased speed, the power necessary, and the consumption of fuel incident to it, would be as the cube of the increased distance. That is the statement of Mr. Martin, the chief engineer of your Navy. He showed me the rule in an English treatise, which gave the average calculations for all distances at so many knots per hour; and he stated to me that his own experience in steam vessels had verified the rule by practice. Take the case of one of the Collins steamers, running at a speed of thirteen knots an hour between New York and Liverpool, with smooth seas and no gales, and she can make the distance in nine days and nineteen hours. In order to make that speed, the steamer consumes nine hundred tons of coal. If, however, you permit the same steamer to run at an average speed of nine knots an hour, which would take her to Liverpool in fourteen days and fourteen hours, the consumption of coal would be four hundred and sixty tons. I am speaking entirely from memory, but I think I am very nearly, if not entirely, accurate. Any one can easily see the difference in expense which this difference in speed would make. In the one case—in the fast trip—the vessel would consume nine hundred tons of coal on the trip from New York to Liverpool, and would displace freight to the amount of the difference between four hundred and sixty tons and nine hundred tons. If any gentleman will take the trouble to make the calculation, he will see that the difference necessarily incurred by steamers complying with a contract of great speed (the speed at which these vessels run in order to make their quick passage) is something equivalent to the difference in cost. Their speed is equivalent to thirteen knots an hour, taking the average of head seas and gales which they have to encounter.

The result is, that the proposition which the Senator says is made to the Government by Captain Vanderbilt to carry the mails between New York and Liverpool, might be well made under those circumstances, in which the time was not specified, and could be easily accomplished with-

out any great loss to the parties; but the loss would fall upon the Government in the diminution of its postages, because, beyond all question, the mass of the letters will always go in the fastest line. For these reasons, I do not think that this proposition is any evidence of loss that will result to the Government arising under the calculation of the honorable Senator from Tennessee.

Mr. JONES, of Tennessee. It always gives me pleasure to have any honorable Senator interrupt me for the purpose of correction, but I do not like to have a speech of the length of that which has just been delivered by the honorable Senator from Delaware interlarded upon mine, it may be to break its strength. But, sir, I have a few words to say on the point raised by the honorable Senator from Delaware. I stated that Mr. Vanderbilt proposed to carry this mail for a certain sum. I have his printed proposition in my hand. That proposition is, that he will carry a mail twice a month, or twenty-six trips per annum, from New York to Liverpool and back. The honorable Senator asks what guarantee have we that Mr. Vanderbilt intends to carry it in the same time that Collins carries it. Now let me inform the honorable Senator that there is not a solitary word in the contract of Mr. Collins compelling him to do anything more than is contained in Mr. Vanderbilt's proposition.

Mr. BAYARD. I made no such intimation. I was comparing what might be done. The fact that Mr. Collins has done it is evidence of good faith. The fact that he has expended his money to do what his contract did not call on him to do, is an argument in his favor.

Mr. JONES, of Tennessee. I will take that statement; I will take the history of Mr. Collins as conclusive evidence that if we continue the contract on the terms proposed by the House of Representatives—which deny to Congress all power hereafter over the subject—that his integrity may be relied upon, that he will continue to carry the mail in the time he has done it—and assuming all that, I ask upon what hypothesis will you deny to Mr. Vanderbilt the same presumption? The contract of Mr. Collins simply provides for carrying a mail twice a month. Mr. Vanderbilt comes and makes the same proposition. Both propositions are identically the same upon the points of time and speed.

But, Mr. President, I do not mean to cavil about that matter. There are some other facts which I think of more importance. I neither know nor care anything about Mr. Vanderbilt. I know him when I see him. I know him by reputation as a man connected with the ship-building interests of the country. I know that he is indorsed by the members of Congress from New York as one of the ablest navigators the world has ever seen, and we all know that he has the ability, and we know that he has the means to do what he proposes. How, then, can we arrive at the conclusion that all the pride, all the patriotism, all the nationality connected with the steam navigation of the country, reside in Mr. Collins? I would do him no wrong; I am ready to render to him all honor for what he has done; but I cannot believe that if, in the dispensations of Heaven, he should be called from this earth, all the skill, all the national pride of our steam navigators would be buried with him. I accord to him all that can be claimed for him, but I ask for others as much as you accord to Mr. Collins. So far as the history of the two men goes, Mr. Vanderbilt will compare favorably with Mr. Collins, or any other man living. As there is no difference between the propositions of the two men, the argument of the Senator from Delaware on that point amounts to nothing.

But in the next place, suppose that Mr. Vanderbilt should not carry the mail within ten or twelve, or fifteen hours of the time in which Mr. Collins carries it, are you willing, for that difference of time, to pay to Mr. Collins $468,000 per annum for five years? I undertake to say that the proposition of Mr. Vanderbilt is the same with that of Mr. Collins, and contains everything that Collins's contains, and I undertake to say more, that for the $15,000 per trip for which Mr. Vanderbilt roposes to carry this mail, he will, if you require it, bind himself to run up to the time of the Cunarders. You may say that is not the Collins time. I grant it, and why is it that I limit it to the Cunarder's time? Because two years ago the argument used for the increased pay was, that it was necessary to enable the Collins line to compete with the Cunarders. Now, I take the responsibility of saying that, if you will give Mr. Vanderbilt the contract to carry the mail for $15,000 a trip for five years, he will run up to the time of the Cunarders, or he will forfeit $1,000,000. I say further that, if you are anxious to come up to the Collins time, Mr. Vanderbilt will bind himself in a bond of $2,000,000 to run up to the Collins time for $19,250 a trip.

There is the proposition fairly presented to us, and it cannot be got around. It must be met. Here is the Government proposing a public service. If it were to be performed in any part of the interior of the Union, advertisement would be made, and all American freemen would be permitted to come in and compete on equal terms. You and I are permitted to compete for all contracts now, and the Government makes the best bargain it can. Here is a contract to be made, and the question is, how will you make it? for I contend, that this occupies precisely the same position as if we were now making a new contract. How are we making it? The advocates of Mr. Collins tell us to make it with him. Well, sir, I am willing to make the contract with Mr. Collins, provided he will do what is fair, according to my judgment. He tells us that he will carry this mail for $33,000 a trip in a specified time, according to the argument of the honorable Senator from Delaware. Mr. Vanderbilt tells us that he will agree to carry it in the same time as Mr. Collins, for $19,250 a trip. To which of the two will you give it? You are letting out a contract for the country. The money to pay for it is to come out of the public Treasury. When such a contract is made in my State, and in every State, you let it out to the lowest and best bidder. Here are two men competing for the same mail service, one proposing to do it for $33,000 a trip, and the other willing to do it in the same time for $19,250 a trip, and you say you will give it to the man who proposes to do it for $33,000 a trip!

But, sir, I wish to present the question now in a somewhat different attitude. Mr. Vanderbilt proposes just as Mr. Collins did, to carry the mail twice a month, twenty-six trips a year, for $390,000, and yet you are paying Mr. Collins $858,000 for the same service, making a difference of $468,000 per annum. Why should you give one man $33,000 a trip for a certain service, and deny it to another who is willing to do it for $15,000? Why will you pay one man $858,000 a year, and refuse to give the same service to another man for $390,000? The two propositions make a difference of $467,000 to the Treasury.

Now, Mr. President, I wish to call the attention of the Senate to the further history of this subject, for the question constantly recurs on my mind what has Congress done, and I am trying to answer that. As I have already stated, in 1852 Congress increased the compensation for this service. What was the argument used at the time for that course? We were told then that the Collins line had been unfortunate, that the Atlantic had broken her shaft, and had got aground, and that it cost $100,000 to repair the accident. We were told also that the running of the line was an experiment, and that for the first two years until they got the "hang" of things, according to a common saying, or until they got their machinery all right, they were necessarily forced to incur extraordinary expenses, and had lost a large amount of money. Yielding to that argument, the Congress of the United States agreed to increase the pay as provided for in the act of 1852. My friend from North Carolina, [Mr. BADGER,] whom it always gives me much pleasure to follow, spoke a great deal on that subject, and, as he always does, spoke much good sense. I understand him to-day to protest against striking out that provision of the bill of the House of Representatives which declares that the contract shall be perpetual up to the year 1860, or in other words that Congress shall withdraw the power to give notice. I propose to read from some of the remarks of that Senator on that occasion. I expect that I shall get into difficulty by doing so, but I intend to bring forward the record, and to stand by that. In the debate in 1852 let us see what was said by the honorable Senator from North Carolina:

"Mr. BADGER. I intimated a short time ago that I had an amendment which I would propose, if the Senate should adopt this provision for the increase of compensation. I have been requested, by some of my friends, to read it, in order that the Senate may understand what it is. It is this:

"*Provided*, That the contracts for the transportation of said mails be, and are hereby, transferred from the Navy to the Post Office Department; and the Postmaster General is hereby directed to contract with said steamship company to carry said mail in their present steamers, at the rates aforesaid, payable out of the Treasury, for the unexpired term of the original contract, reserving, nevertheless, to Congress the right to direct the Postmaster General to put an end to the contract at any time after the 1st day of December, 1854, upon giving six months' notice to said company."

There is where we get the power over this contract. We are indebted to the distinguished, and learned, and honorable Senator from North Carolina, for the provision that Congress should retain power to end the contract after the 31st of December, 1854, upon giving six months' notice. That is just what the committee propose now to retain.

Mr. BADGER. Will the Senator allow me to interrupt him for a moment?

Mr. JONES, of Tennessee. With a great deal of pleasure.

Mr. BADGER. The amendment which I proposed has no resemblance at all to the power which was reserved under the act which was actually passed in 1852. The amendment which I offered to the bill was, in the first place, for transferring the contract to the Post Office Department, and then to authorize the Postmaster General, upon the direction of Congress at any time after December, 1854, to make an end of the contract, the effect of which would have been that the Government would have taken from the Collins line of steamers the vessels, according to the terms of the original agreement, at a valuation, and paid for them. That amendment was not adopted; but the provision incorporated into the bill was to make an increase of the compensation to $33,000 a trip, reserving to Congress not the power of making an end of the whole contract, and taking the ships at a valuation, but reserving to Congress the power of putting an end to the increased compensation, and leave the company under the obligations of the contract to continue the mail service at the original sum of $19,250 a trip. The proposition which I moved, and that which was agreed to, are totally different and unlike each other.

Mr. JONES, of Tennessee. I know they are different, and unlike in some respects, but certainly not unlike in the main feature, and what is that? A reservation to Congress of the power to end the contract after December, 1854. That is the point.

Mr. BADGER. That is not the point actually reserved in the act which was passed. The power really reserved was to end the additional compensation, leaving the contract in full force at the original rate of compensation. The two propositions are totally different and distinct.

Mr. JONES, of Tennessee. Take it on that ground, and the honorable Senator simply occupies this position: that, while he was then in favor of ending the whole contract in 1852, according to the provisions of the amendment which he then suggested to the Senate, while he was then in favor of concluding the whole matter, he is now opposed to Congress having the power of concluding the extra pay allowed under the act of 1852.

Mr. BADGER. Keeping on the contract at the old rate? Certainly.

Mr. JONES, of Tennessee. I do not see that there is any difference in principle, but I know very well that the honorable Senator can see it. I have never yet seen the honorable Senator in such a position that he was not able to make it perfectly indisputable to himself, and often to me, that he was right.

Mr. BADGER. I will make every Senator see the difference, the Senator from Tennessee himself included, when he gets through.

Mr. JONES, of Tennessee. No doubt the Senator thinks he can do it. I appeal to every Senator who was on this floor in 1852, if we were not then importuned to grant this additional compensation with the power to conclude it at the end of 1854, upon the ground which I have alleged, that it was

an experiment, that the Collins line had lost money by it, and that in two years they could redeem themselves, and that, after that, they would be willing to submit to the decision of Congress as to whether they should fall back upon the original contract or not? I think I shall prove that from the record before I have done. By reference to th record, I find that my honorable colleague, [Mr BELL,] who was then, as now, a member of this body, offered the following amendment:

"*Provided*, That after the 30th of June, 1854, the rate of compensation to said line of steamships shall not exceed $19,250 per trip, unless Congress, in the mean time, shall otherwise direct."

How stood the vote of the Senate upon this proposition, not to reserve power, but to conclude the contract and to make fair compensation? The vote was yeas 20, nays 22. After that my distinguished friend from Georgia, [Mr. DAWSON,] who has been an original Collins line man, and voted for the additional compensation, offered an amendment, which I shall read. If I were disposed to do so, I could appeal to him to verify the statement which I make, that these gentlemen were then asking for additional compensation for the two years, and no longer. He offered an amendment to strike out of the proposition the power of giving notice, and to insert in the place of it:

"*Provided*, That after the 31st day of December, 1854, the rate of compensation to said line of steamers shall not exceed $19,250 per trip, unless Congress, in the mean time, shall otherwise provide."

On this proviso the vote was, yeas 18, nays 23. This shows that some, at least, of the friends of the measure at that time were willing to make the conclusion of the contract positive and absolute at the end of two years. Now, we have arrived at the end of those two years, and we are told that we should not stop the contract, but should withdraw the power to annul it, and continue to pay $858,000 a year for five years to come. That we have a right to conclude the contract nobody doubts. Why shall we not do it? Do you do wrong to Collins & Co. by concluding it? I think not. Are you practising any fraud on them by ending the contract? I think not. I desire, myself, to be liberal. If you believe the sworn statement of the officer of Mr. Collins that he is now behindhand $253,000, present a bill for the payment of that sum to him as a gratuity, and I shall be willing to vote for it. Present a bill to provide for buying his vessels, and I shall vote for it. Then, when you have done that, put out the contract to the lowest bidder to carry the mails, and in the end you will have saved more than half a million of dollars. I shall be as liberal, I think, as any man ought to be. I do not desire to drive Mr. Collins to an extremity, but I do protest against making any man the favored recipient of the benefits of this Government to the exclusion of every other. I admit the power, but I deny that it is a proper exercise of that power to say that one company shall have the monopoly of this mail, and that all other companies shall be denied any participation in or competition with it.

At the last session of Congress, a proposition was made in the House of Representatives to serve upon Mr. Collins the six months' notice required by the act of 1852, to discontinue the extra pay allowed by that act. In that House, seven months ago, on the naked, isolated, abstract proposition of discontinuing the extra pay of Mr. Collins, the vote stood ayes 85, noes 47; nearly two to one voting to conclude the extra pay. When that proposition came into the Senate, what occurred here? After that overwhelming vote of the House of Representatives, a motion was here made to strike out the clause giving the notice to Mr. Collins of the discontinuance of the extra pay. How did the vote stand here on the motion to strike out? Yeas 17, nays 15; exactly a quorum voting, and thirty Senators absent.

Mr. BAYARD. May I ask the honorable Senator what was the vote in the House?

Mr. JONES, of Tennessee. Eighty-five for giving the notice, and forty-seven against it.

Mr. BAYARD. There were only one hundred and thirty-two members voting—one hundred absent.

Mr. JONES, of Tennessee. That was the vote in Committee of the Whole, and when they got into the House they did not even take the yeas and nays upon it. So decided, so unmistakable was the determination of the House to discontinue the contract that not even were the yeas and nays called. In the Senate the yeas and nays were taken on striking out the clause providing for the discontinuance of the extra pay, and the vote was yeas 17, nays 15, just a quorum. By this vote the Senate struck out the clause. A committee of conference was appointed. The House committee adhered to their proposition. The Senate committee adhered to the striking out. The committee of conference came back to the Senate, and a motion was made to recede. What followed? Upon a motion to recede the honorable Senator from New York [Mr. SEWARD] obtained the floor, and announced his purpose to speak until the last legislative moment of the session should expire, rather than allow the Senate to recede from the vote to strike out. My friend from Georgia [Mr. DAWSON] rose in his place and propounded a question to him as to how long he wished to speak. He said that he thought it would take him at least two hours to deliver his views on the subject; and there were just two hours of legislative time left. The Senator from California, [Mr. WELLER,] upon that announcement, rose in his seat and said that it was very obvious that the determination of the Senator from New York was that no vote should be taken, and he therefore moved that the Senate adjourn. The motion was agreed to, and thereupon the whole bill was lost. The friends of the Collins steamers preferred to lose the bill rather than give the Senate a chance to recede from their amendments.

Now, sir, what do we perceive? After that unmistakable expression of legislative opinion upon the part of the House, and I think upon the part of the Senate, at the last session, what do we see now? Seven months have rolled around and what new developments have we? What new testimony have we? What new feature presents itself? None; and yet we find the same House of Representatives, by a majority of seventeen on the yeas and nays, now not only refusing to give the notice, but actually repealing the power of Congress to give it for five years to come. That proposition is before the Senate, and we are asked to concur in it. The Senate may do it; they have a right to do it if they choose. All I have to say is, that, according to my convictions of propriety, I cannot consent to do it. I impute motives to nobody. I assail the action and purposes of no man. I do say, however, that this is a strange and extraordinary revolution in legislative and congressional sentiment. As for the rumors about influences outside or inside, I neither know nor care. I will never degrade myself by supposing that any man who is honored with a seat on this floor or in the other House will so far forget what is due to the dignity of his own character and the species to which he belongs, as to sell himself. I allude to the change of opinion as a strange circumstance, simply to prove that men, by influences proper and laudable, may be induced to change their opinion and action. Arguments, entreaties, appeals, and sympathy may, and doubtless have, performed their office.

Mr. President, I have now discharged myself of what I regard as a public duty in opposing this proposition. I am willing that every other Senator shall vote according as he thinks to be his duty. He, doubtless, will be content with so doing. I am content with this discharge of my duty.

Mr. BADGER. Mr. President, I avail myself of the privilege which my friend from Tennessee says he is willing to accord to every member of this body, of discharging a duty which belongs to us according to our own judgment. I shall vote, in regard to the pending proposition before the Senate, in accordance with the opinions I entertained on this subject in 1852, which I then took occasion to express to the Senate, and which I am not going now to weary the body by recapitulating. I rise, not for the purpose of prosecuting any discussion in respect to the various matters to which the Senator from Tennessee has alluded. I wish, however, to make one or two preliminary remarks before I advert to the particular purpose for which I have risen.

The honorable Senator from Tennessee speaks of this matter as if we were now called upon in the Senate to move in relation to the Collins line of steamers at the instance of the owners of that line. That, sir, is not the state of the case. We have received an appropriation bill from the House, containing a certain provision, which the Committee on Finance recommend to us to strike out; and in that way this question comes before us. Now, sir, I am opposed to striking out that provision, because I am satisfied, for one, that striking it out will produce no beneficial result to the country. I see no propriety in striking out the provision, because, in 1852, if I could have regulated the legislation of Congress, the particular provision which the Committee on Finance seek to retain would never have been on our statutes. But now, to understand the particular question to which I wish to call the attention of the Senate, and to which I wish to call it solely on account of the reference which the Senator from Tennessee has done me the honor to make to some remarks which I then submitted, or at least to an amendment which I then offered, it is necessary to recall the attention of the Senate to the state of this question.

In the first place, a contract had been entered into before the year 1852 with the owners of this line for a certain mail service, to be continued for a certain length of time, at a certain rate of compensation, with a power reserved to the Government to put an end to that contract by taking the ships at valuation. It was an agreement for a certain term, obligatory upon both parties during the continuance of the term. Previous to the legislation which took place here in the year 1852, an arrangement was entered into, by the proprietors of the line on the one side, and the Postmaster General and the Secretary of the Navy, in behalf of the Government, on the other, for putting in operation certain extra trips not contemplated by the original agreement—the original agreement being for twenty trips a year, and the arrangement with those public functionaries being for adding six trips a year to the original number, with the understanding between them that it was to be referred to Congress to determine if any, and what, additional compensation should be made. It was upon that state of the transaction that the question came before Congress which resulted in the legislation of 1852.

The amendment to which the honorable Senator refers, which I moved to the bill then pending, and which he seems to think is, in some respects, similar to the provision which was ultimately adopted, will be seen, upon a very brief statement, to be utterly unlike, in each and every particular, the provision which was actually incorporated into the bill. What was the state of the case? The Senate believed, upon the showing then made, that the prosecution of the contract, at the rate of $19,250 a trip, was being ruinous to the company engaged in it; that the company could not be held to execute that agreement on those terms without involving the utter ruin of the whole property invested in the enterprise. It was recommended by the Committee on Naval Affairs that an increase should be made in the compensation—to raise it from $19,250 to $33,000 a trip—an addition of $13,750.

It was proposed, and it was ultimately agreed, that there should be appended to that increase a proviso authorizing Congress, after a certain time, and upon a certain notice, to discontinue the provision for the increase of compensation; the effect of which would be that Congress, by discontinuing the agreement for that increase of extra compensation, would leave the original contract in full force for the whole term of years, binding the proprietors of the line to transport the mails at the compensation of $19,250 a trip, obliging them to retain the ships, obliging them to render the service, and, according to the information we then had, and according to the information that we now have, or at least that I have, obliging them to render a service to the Government by the ruin of themselves. To that measure, I, for one, was opposed; and I proposed the amendment to which the honorable Senator has referred, and which was perfectly just, fair, and equal, honorable to the Government, and not in the slightest degree injurious to the persons who were engaged in the contract. It was that Congress might, at any time, put an end to the entire contract, but that the Collins line in the mean time should be authorized to prosecute their

enterprise with the steamers which they then owned.

Now let us see the first effect of that. The proprietors of the Collins line, under the original agreement, were bound to furnish five steamers. They had but four. The first effect of the amendment I proposed would have been to discharge the Collins line from the necessity of furnishing the additional steamer, an immense saving in point of money to them. In the next place, if the contract were altogether put an end to, they would be discharged from the necessity of further prosecuting their engagement with the Government; and, in the third place, the Government would have the steamers at a valuation, according to the original terms of the agreement between the Government and these contractors.

Mr. JONES, of Tennessee. Suppose that I was wrong. Now I understand the Senator to say that his proposition was that Congress should reserve to itself the power to close or discontinue the original contract—do I rightly understand him?

Mr. BADGER. Certainly.

Mr. JONES, of Tennessee. Then I ask the honorable Senator to offer that provision as an amendment to mine, and I will accept it. I should prefer it now to my own.

Mr. BADGER. The honorable Senator will excuse me. We are at present discussing the pending amendment. I am now speaking of the amendment which the honorable Senator brought up so triumphantly, with such an array of anticipating successful demolition, as showing that I was now opposed to what I then supported. I wish to show the honorable Senator that I supported then nothing which is at all inconsistent with what I support now. I proposed then that the Government should put an end to the whole contract; the company in the mean time receiving the increased compensation; the company in the mean time, while the contract continued, being released from the obligation of building the five steamers; and when the contract was ended, having their vessels disposed of to the Government of the United States at a valuation.

Now, sir, what is the proposal about giving notice? Why, it is this: They are to be held to finish the five steamers; they are to be held to carry on and prosecute the enterprise at $19,250 a trip; and if they fail to do it, they are to be liable to the Government in the consequences resulting from a violation of their contract; and if they escape, after suffering the consequences of that violation, they have upon their hands five steamers—five mighty steamers—five steamers the wonder of the world, as to strength and speed—deprived of any means of occupying them, for the prosecution successfully of the enterprise for their individual benefit, those steamers having been constructed under contract with the Government, expressly with a view to this enterprise.

Mr. President, the one proposition or the other may have been right or wrong. I am not discussing that; all I wish to show by the statement is, that they are radically different; that the proposition which I presented has no resemblance to the one which was finally adopted; and that I might, therefore, with great propriety, be in favor of annexing to the increased compensation the condition which my amendment proposed; while, at the same time, I should be opposed to reserving to the Government the right of discontinuing the increased compensation, and holding these persons to the discharge of the contract at a rate ruinous to themselves.

Now, Mr. President, I look upon this subject in a different view from the honorable Senator from Tennessee. He tells us about Mr. Vanderbilt, and what Mr. Vanderbilt would do, which I know nothing about. I care nothing about Mr. Vanderbilt. I do know, however, what has been done by the Collins line. I have reason to know the character of the ships they have furnished. I have reason to be satisfied that with those ships this enterprise has been sucessfully prosecuted. I have reason to be satisfied that, in this rival contest with Great Britain, these ships will achieve to us the victory. For my own part, independently of any other consideration, though there are many, I am not disposed, for the sake of saving the amount of money involved in this inquiry, to yield the advantage or success to our great commercial rival. I am, therefore, in the first place, opposed to the proposition of the Senator from Tennessee; and in the next place, I am opposed to the proposal moved at the instance of the Committee on Finance, and wish to retain the bill precisely in the shape in which it came to us from the House.

Mr. BUTLER. Mr. President, I had occasion, when this subject was before the Senate some years ago, to deliver my views upon it. I shall not now repeat them. I desire to say a few words, not on the general topics which have been brought into this debate, because there is no time for that, but specifically upon the amendment which has been offered by the Committee on Finance.

It seems to me to be the strangest view which can be taken of this subject—one which is unaccountable to me—that we are required by the bill as it comes from the House of Representatives, to delegate to the Collins line a very important influence over our marine, and the interests connected with it. If I understand the proposition of the Committee on Finance—I hope my friend from Virginia will correct me if I state it erroneously—it is that Congress shall retain the power to give the notice. On the other hand, it is contended by the gentleman from North Carolina, and those who act with him on this question, that the power of giving the notice shall be parted with, as provided for by the provision of the House. Here is a proposition that the Collins line of steamers shall be an agency to regulate this channel of commerce, under an irrevocable power of attorney, and not only an irrevocable power of attorney for the five years for which the contract is to subsist, but an irrevocable power of attorney with a vested interest. I do not know when I have been more surprised than I was when I heard such a proposition coming from the House of Representatives and advocated here. What is it? That the Congress of the United States shall part with all its control over this interest, whatever it may be, and delegate it to the gentlemen who form the company of Collins and his associates.

Now, sir, I do not care very much about the public Treasury. I am ready to bestow it upon almost any worthy object that will deprive Congress of the temptation of using it wrongfully. But, sir, I have no idea of making Mr. Collins's line, not a favorite pet child—that is not the expression, for it does not approach to that—but placing it in such a situation as to have all the rights of primogeniture. It is not that the Collins line shall share with the other children, but that she shall have exclusive favor, and the vested right of primogeniture, not dependent upon the discretion of the parent, if Congress be viewed as the representative of that parent, but vested by law in this company, with the right to do what? To take control of this mail communication for five years in a matter, as all acknowledge, connected with the public interests of the country. The proposition is, that those who compose this company shall have the delegated agency of taking from Congress the only responsible power to regulate this mail service. This is proposed under a contract procured—how? I make the broad declaration that the Collins line have never asked for anything which has not been granted; and they have increased in their demands every time. The whole of this policy has been *crescit eundo*. They have never come here when they have not come stronger and stronger. As to getting rid of them under any of the terms suggested, you might as well expect that they would give up feeding on the Treasury. Do they not regard the Treasury of the United States as a policy of insurance to them? Is it not to be their insurance office? Let gentlemen disguise the proposition as they please, it is nothing in the world but to convert the Treasury into an insurance office for the Collins line. If their funds depreciate, if a ship is lost, or any other catastrophe is suffered, you are called on to indemnify them. You are not only asked to indemnify them for the past, but I make a broader assertion and say that I have seen money voted here in this Congress in advance, without any estimates having been presented. I have seen money voted out of the public Treasury without an estimate, not to indemnify them for the past, but to secure them against probable loss in the future. When losses have occurred they have come here, and, not content with former contracts, have required new contracts, and they came stronger every time, until now the outrageous proposition is made to the Congress of the United States that we shall give up all jurisdiction over this interest, and delegate it to these gentlemen; that is to say, they are to have an irrevocable delegation of the power to control this interest for five years, under the assumption that they can do it better than anybody else.

Sir, allow me to say here, that, in my opinion, there is nothing so delusive, nothing so fearful in their temptations, as congressional contracts. I do not care where the remark hits. Congressional contracts are made with an intelligence that is remarkable, and they are enforced with all the energy of interest. I have hardly ever known a case where they have been successfully resisted. In this case, I have no hope that we can go beyond the amendment proposed by the Committee on Finance. It would be in vain to expect more. It would be striking against a fixed majority here. But, sir, when I am required to yield so far as to say, that these gentlemen are to have an irrevocable, delegated interest, not merely an agency, and that Congress cannot interfere with it without, in some measure, I suppose, jeoparding the great interests of the country, I cannot consent to it. If the Collins line had never been put into operation at all, I think we should have had, by this time, a competition in the mail service with Europe that would have been more certain and less dangerous to the country. I say, if you had not had this exclusive aristocratic monopoly, such would have been the result. I am told that the rooms of these vessels are splendid, and the hospitality of the owners of the line remarkable. I have nothing to say against that; but, sir, this is not only a monopoly fostered by this Government, but it is an aristocratic monopoly, and their vessels are fitted up most luxuriously. I said, on a former occasion, when it was remarked by some gentleman that these vessels could be converted into war vessels, that they would be much more like the barge of Cleopatra, carrying women and children across the ocean, in splendid style, than like the attributes of Minerva. I have no doubt these are good ships to run away with. No doubt, they might be very good ships to carry provisions, but I have no idea that they could engage successfully in battle. I have heard it said by a distinguished gentleman, that the ships of the Collins line in battle would be very much like a gallant, dashing horse, that could run into a fight, and run away again without trouble. Now, I want a ship that will stand and fight. This being always prepared for running, I do not think is one of the attributes of war. [Laughter.] If you tell me that you have a horse which can carry me quickly into the battle, and run away speedily, I say I would not have much reliance upon him. When I speak of a war ship, I mean a ship that can stand, and fight the battles of the country, not one that is ready to run away. [Laughter.]

Mr. President, I have already stated that all I struggle for on this occasion is the amendment proposed by the Committee on Finance. That is all I expect to gain; but I cannot consent, under any circumstances, to part with the power which we have, and give to these gentlemen a delegated agency with an interest, to have an *imperium in imperio*. I am ready to vote for the amendment of the Senator from Tennessee to give the notice; but so far as there is a contract, I will adhere to it, though it is a congressional contract.

Mr. RUSK. Mr. President, I do not mean to enter into this discussion at length; but I wish to say a word in answer to the honorable Senator from South Carolina. He deprecates the outside influences which are brought to bear in relation to contracts with the Government; and yet, sir, he votes directly for an advertisement to bring those outside influences to operate so far as they will be able to operate on Congress and on contractors with the Government; for, notwithstanding all that has been so eloquently said by the honorable Senator from Tennessee, I thought, when this power was reserved originally, that you were then presenting an inducement for the outside influences to which allusion has been made to come here. Here is the authority for Congress to give the notice, and there is an attempt every year to provide that

the notice shall be given. Now, what is to be gained by keeping that question open? I understand the Senator from South Carolina to say that he despairs of giving the notice although he votes for it, but still he desires to reserve the right to Congress to give it.

Mr. BUTLER. It is as much as I expect to attain, but I would go further myself.

Mr. RUSK. Reserving that right is reserving a right to discuss the question over and over again, and it will be likely to bring here the outside influences, which are so much deprecated. The honorable Senator from South Carolina has chosen to say that the steamships of this line are gala ships, such as Cleopatra's barge, to run in and out of a fight at pleasure. Well, sir, he differs very widely from an English captain, and from the practice of the English Government, which has entered four times as largely as we have into contracts for ocean mail service.

Mr. BUTLER. Did any of them ever fight?

Mr. RUSK. Yes, sir; several of them. I have been as much necessity for speed in getting up to a fight at the right time, as I have ever seen to get away from it.

Mr. BUTLER. My friend knows so much about fighting that I am afraid he will have the advantage of me in that argument. [Laughter.]

Mr. RUSK. Well, then, sir, I will stop that branch of the argument. [Laughter.] The honorable Senator says this is a monopoly to one individual, and that he has no doubt that, if this contract had not been made, private enterprise would have covered the ocean with mail steamers much better than these, which would have run off the British.

Mr. BUTLER. I do not say that. I said that the other steamers ran fast enough for me. I do not see why you want to go so often.

Mr. RUSK. I will tell the honorable Senator why we want to go so often, and I know he will appreciate it. If ever this country gets into a war, our main reliance must be on our merchant marine. Our commerce is extending all over the world. Does the honorable Senator propose to protect that commerce by such an extensive naval armament as has loaded the British Treasury with an untold debt? Does he desire to put officers in commission to do nothing, add nothing to the trade and prosperity of the country, and to maintain them as a separate naval establishment? Does he not think it better to rely at sea upon the merchant marine, as on land you rely on volunteers and militia?

Mr. BUTLER. Will the honorable Senator allow me a word at this point?

Mr. RUSK. Certainly.

Mr. BUTLER. I deliberately say that, so far as regards war on land, though it may not be exactly the sentiment which accommodates itself to the popular taste, I would never wish to see troops sent into battle who were not under intelligent officers, well trained, and with a discipline that could be controlled with almost the certainty of horses and harness. As to your merchant marine going on the ocean, I tell you already, that I see that the very spirit, and the gallant spirit of our Navy, which fought our battles in the last war, has been brought down by the influence of commerce.

Mr. RUSK. Who, sir, were your gallant spirits that fought the last war? Who were the most of them? Not the men who wore epaulets, but the hardy sailor upon the merchant vessel; the man who had served before the mast, who knew the dangers of the sea, and whose sinews were made strong like iron by actual service; not those who went to your naval schools, and wore epaulets, and spent the most of their time on land on leave of absence. Sir, your merchant marine is what you have to look to in case of a naval war. It is covering every sea. It is the greatest protection you have, and the strongest bond at this moment for peace, especially with all the large commercial Powers. Why, sir, it is but a very short time ago since a proposition was made by a leading maritime and commercial Power to this country to do away with privateers in case there should be war. This shows the estimation in which our commercial marine is held by other Powers.

But, sir, to pursue the argument: the honorable Senator says this is a monopoly given to a particular individual. I say it is an encouragement given against the British monopoly. Is he ignorant of the fact that, prior to the establishment of our ocean mail lines, the British Government had fourteen or fifteen ocean steamers visiting every port of your whole country, and swarming upon the southern coast, covering the Caribbean Sea and the Gulf of Mexico. They were patronized out of the British Treasury. Could private American enterprise successfully compete with a merchant marine, a steam marine, fostered by the British Government? The introduction of steam into naval warfare will, in my judgment, produce wonders when there shall be another maritime war. Is it reasonable to suppose that private enterprise could successfully compete with a ship receiving from $16,000 to $20,000 a trip out of the British Treasury? No, sir; no such thing would have happened. The British vessels were not only taking all the carrying trade, and passenger trade, and the mails, between this country and Great Britain, but they were making a large amount of money from the immense compensation voted to them out of the British Treasury. They were making a large return to the British Post Office. Since your line has been established, they have used every effort to drive it off; and now withdraw the support which you have given to this part of your merchant marine, and very soon the monopoly will be in the hands of the British ship-builders and sailors, with all the consequences of a transfer of a large amount of capital and skill to the other side of the ocean, to be put into ocean mail steamers to depredate on your commerce whenever it may become necessary to the purposes of Great Britain for her to declare war on you.

The honorable Senator from South Carolina talked about not sustaining our own merchant marine. Will he vote to repeal the navigation laws? What are they but keeping British ships out of your coasting trade? Who opposes that monopoly? The honorable Senator from Tennessee says we are now voting a large tax out of the public Treasury. Well, sir, the navigation laws are voting a very large tax, not out of the public Treasury, but out of the pockets of his constituents, and of mine; and yet he does not propose to repeal them. They give a monopoly, just as this measure does, to American ships against British ships. In such a contest, I am for American ships.

But, sir, I shall not, at the present time, go into any argument in answer to the honorable Senator from Tennessee. My only object in rising was to answer the remarks made by the Senator from South Carolina. I shall lay before the Senate a few facts, and then I shall conclude what I have to say, for the present, at least. It is said that the owners of this line are making large profits. How that may be I am not fully informed. One thing, however, I take to be very certain, and that is, that they are incurring heavy expenditures. They receive from the Government $33,000 per voyage, and I find this statement of their average expenses per voyage for the last six months:

NEW YORK, *February* 22, 1855.

The expenses per voyage, of the steamers of this line, from New York to Liverpool and back, including repairs and insurance, for the past six months, average $65,347 79.

W. L. YOULE, *Secretary.*

Sworn to before me, the 22d day of February, 1855.

DANIEL SEIXAS, Notary Public.

It has been argued throughout as if the pay received by this line was a clear loss to the Government, when such is not the fact. I have a statement from the Post Office Department which shows that, for a voyage made in December, the gross amount of letter and newspaper postage received by the Department was $31,891 51. Everybody knows that the receipts to the Government from this line have greatly increased within the last year. My opinion is, they will continue to increase; and if so, the Government, in place of losing, will be largely the gainer.

Mr. HUNTER. I hope the honorable Senator from Tennessee will withdraw his amendment, and suffer the question to be first taken on the amendment of the Committee on Finance. He can renew his proposition afterwards.

Mr. JONES, of Tennessee. I acquiesce in that suggestion, and withdraw my amendment.

The PRESIDING OFFICER. The question is, then, on the amendment recommended by the Committee on Finance, to strike out the proviso which has been read.

Mr. STUART. On that question I desire to ask the attention of the Senate for a few minutes. I confess, sir, that I rise to the discussion of the question with a great deal of hesitancy, and I think that, perhaps, an apology is due from me to the Senate for the manner in which I shall be able to treat it in the short time the Senate will be content to consider it.

Sir, I hope the Senate will pardon me for saying that I find myself embarrassed very much in the business of the body from the fact that my distinguished colleague, [Mr. CASS,] with great propriety, as I think, is relieved from all service on any committees. The consequence is, that additional labor is thrown on me to a very great extent, thus depriving me of the power of investigation, which I might otherwise possess. But, sir, there is a consequence which I regret still more than that: it compels me to appear in the discussions before the Senate much oftener than I should like to do. I make the statement now lest it might be thought that I was unnecessarily obtrusive.

Mr. President, I regard this question very differently from the opinion entertained by the Senator from Tennessee. I regard it as one of the most important questions that has been, or will be presented to Congress, in a national point of view. I think there are elements, purely national in their character, embraced in the contemplation of this subject; which should induce the Senate and the Congress of the United States to rise above all considerations resting on mere dollars and cents. I hope to show, during the few minutes I shall devote to that branch of the subject, that even in a pecuniary point of view, this arrangement with the Collins line, instead of being justly obnoxious to the censure which the Senator from Tennessee has dealt out upon it, has been one of the most beneficial arrangements that the Government ever entered into, and I shall seek to show that, both with reference to its effect on the Navy, and upon the postal service of the country.

Sir, I can very readily see that many Senators entertain a different opinion. I may fail entirely in the attempt. It may be, if I do, that it will be because the facts do not justify my opinion. It may also be on account of my incapability in presenting those facts properly to the Senate.

Now, sir, in the first place allow me to correct what seemed to be a misapprehension on the part of the Senator from Tennessee. Let me tell him that the Collins line never courted this arrangement. When the law was first passed asking for proposals for this service, this line made no offer; and it was not until all other sources had failed, and upon the especial invitation of the then Postmaster General, that this line made an offer at all. We have then one fact, that the commercial interests of this country desired intercourse between this continent and the other. They desired, of course, the best arrangement which was possible. There is the foundation of the proposition. The first arrangement which was entered into has been stated by the honorable Senator from Tennessee, with its terms and emoluments. I am not going to review it. In 1852 there was an increase of pay and an increase of trips.

The Senator's argument on that branch of the subject struck me as most remarkable. We find that the great commercial interests of the country were dissatisfied with the number of trips provided for in the original contract. They required more, and in order to have them additional compensation was necessary, and Congress gave it.

Mr. President, I have been always inclined to think that a review of the history of congressional legislation for the purposes of censure was, at all times, a task, not only difficult of performance, but, perhaps, of very doubtful propriety. Believing that, I shall not enter upon it. I say the additional compensation was given by Congress, and the number of trips increased. Now, let us see with what propriety that was done. Has the Government lost by the transaction? I shall seek to show you that the Government has been a gainer; and when I speak of the Government, I mean the people—those interested in the transmission of the mails across the Atlantic and back.

Before, however, I go into that question, I wish to refer to a position which the Senator from Tennessee occupies, and, I think, he will admit that the inconsistency which he has sought to charge on the Senate, and on Congress generally, and upon the Senator from North Carolina in particular, may be brought to bear very strongly upon himself.

Sir, it is but a few days since that honorable Senator, with others, enchained the attention of the Senate—and, it was repeated, again yesterday—with respect to the mail service on the Mississippi. It was objected at the Department to the proposals received for that service, that the price asked was enormous, that it was altogether beyond what the exigencies of the service would justify. The answer of the Senator and others, was that the service ought to be performed, no matter what the cost. That was the argument of the Senator from Tennessee, and of those honorable Senators who agreed with him in opinion on that question. I present it here at this time, not to dispute it, but to show its emphatic application to the question before us. The Senator from Tennessee says, however, that Mr. Vanderbilt will carry these mails at a very greatly reduced price, although he may be four or five days longer in doing it.

Mr. JONES, of Tennessee. I did not say that; I said ten or twelve hours longer.

Mr. STUART. I understood the Senator to take the difference between twelve and seventeen days.

Mr. JONES, of Tennessee. Not at all.

Mr. STUART. No matter; the argument is the same. Will the commercial community be satisfied with anything except the fastest time? It is shown, it is capable of demonstration by figures, that the difference of time between the trips of the Cunarders and the Collins line makes a difference of $10,000,000 annually on the commercial transactions between England and America. Those transactions are $250,000,000. The difference of time between the two lines is one hundred and four days a year. The interest upon $250,000,000 for that time has to be paid by the commercial community, in the first instance, and in the second by the community at large. What, then, is the position of the Senator? To undertake, at this day, to make an arrangement which should lose only the difference of time between the Cunarders and the Collins time, we should sink to the great commercial interests of this country vastly more money than we are paying for the service. Is not that a consideration for the amount we pay for this rapid service?

Has anybody ever known anywhere where the internal arrangements in respect to the transmission of the mails have been tolerated by any portion of the community at a slow pace? Why, sir, it is an argument which meets us every day when we undertake to complain of the exorbitant demands made by railroad companies for the transportation of the mail, that there is nothing in competition with them, and that the community will consent to no slower transmission of the mails. If they ask $100,000, or $200,000, a mile, more than is a fair compensation, such is the force of the influence of the community at large upon the Department, that you are obliged to pay it. That ought to be a sufficient consideration for securing the fastest time, even at an apparent sacrifice, so far as the income from the mails is concerned. I show you that the saving of interest—only one item—to the commercial community on $250,000,000 each way, being the transactions between the two countries annually, is $10,000,000.

Sir, I may be mistaken, but the question seems to me to resolve itself into this: not whether the original contract was a good one, not whether the additional allowance was a wise one, but what is it wise for Congress to do to-day? I apprehend that if this were a power to give notice at the next presidential election by a vote of the people, it would not be considered a power of any great value; and, I think, I may assert, without any fear of contradiction, that it could be as well exercised in that case as it can by Congress. I assert, with all diffidence in respect to my opinions so far as they conflict with others, that just so long as this line performs its contract and its trips in a manner satisfactory to the public at large, and to the Post Office Department, you can never pass a law through both Houses of Congress to give the notice for discontinuing the extra compensation. The reason why you cannot do it is twofold. In the first place, it is a violation of the implied obligation of the Government. The power reserved in Congress to give the notice was not a power to be arbitrarily exercised without reason, because that would have prevented the making of the additional compensation at all. If Congress intended that they would give additional compensation for the additional trips, and would arbitrarily then repeal the law, it would be a reason for not passing that law, but none for giving the notice. This power, then, was reserved for this purpose, to be exercised by Congress whenever there should be ground of complaint against the performance of the contract on the part of the company. Whenever the company fails in such a performance of the contract as Congress had the right to expect, they are to give the notice. That is one reason why I say that under present circumstances Congress would not pass a law to give the notice. But there is another reason, and it is the fact that the enterprising interests of this country will brook no delay in the transmission of the mails anywhere.

Gentlemen seem to be surprised that there should be a feeling in the country against discontinuing this line, against crippling it in any degree, against doing anything which shall lessen the number of trips, or lessen the speed. Why, sir, it is the most natural feeling in the world. Not only has it been well said to-day that this line is the pride of the country; that it is the only thing now in operation which creates competition between this Government and that of England in a fair, civil race, and, therefore, enlists the heart of every patriotic American, but it addresses itself to the pockets of the country, and, in the point of view to which I have alluded, saves millions of dollars by the speed with which it performs its trips. Then, sir, you may well ascertain the reason why you find the country awake, and the Representatives of the country awake, to a continuance of this line, which presents at one view the admiration of the world while it largely increases the commercial income of the country.

Now, Mr. President, it is for that reason that I hold the power to give the notice utterly useless for good. If the company fails to comply with this contract in any essential particular, you can stop the pay without the notice, upon those principles of law which govern contracts between individuals. There cannot be a dollar of money drawn from the Treasury in the support of this line, after the appropriations are made, unless on the certificate of the Postmaster General. The money is drawn from the Treasury upon his certificate, and whenever the company fails to comply with its contract, he has the power to stop the pay. Of what use, then, is a power retained in Congress to give the notice? Why, sir, if you have the right to exercise it arbitrarily, without assigning any reason at all only because you choose to exercise it, that power could only be effective by placing it in the hands of an individual officer of the Government. If the law had named the Postmaster General, the Secretary of the Navy, or any other Executive officer, and given him the power to act, whenever his inclination should dictate, much as I should believe it was a right not within the purview of the contract, I should not vote to repeal it, because, in that case, it could be exercised; but in the present case it cannot be exercised in any instance where it is required, for, as I said, on a failure to comply with the contract, you can end it without giving this notice by Congress.

But, Mr. President, seeing that this power is not valuable for any purpose of good, let us see what are its capacities for injury to the public. It is for that reason that I shall vote to repeal it. What are they? In the first place, it pevents the proper performance of the duties of the line itself under existing circumstances; for who will come forward and expend $800,000 in building a ship when there is suspended over their heads this sword of Damocles to put an end to the contract, at any time so far as the additional compensation is concerned? We are told that Mr. Vanderbilt, or somebody else, will do this service. I consider that a mere effort to put an end to the contract, by making a subterranean offer to do it at a cheaper price, but capitalists will not invest their money in a business that is certain to lose. I say then that the consequence of retaining this power is to cripple the line. What is its effect upon Congress, upon the United States? What has been the experience of Congress so far?

Here I wish to call the attention of the Senate to a most remarkable argument of the Senator from Tennessee. He told us that at the last session of Congress the House voted, in Committee of the Whole—ayes 85, noes 47—to give this notice; and that that proposition was only rejected in the Senate by a vote of seventeen to fifteen. But when the very same Senate came together at this session, during the early weeks of the session, with the same bill standing over, there was not a single man in the Senate to demand the yeas and nays on postponing it indefinitely. The vote and the feeling on that point were unanimous. The honorable Senator from Virginia [Mr. MASON] made an argument to show that that bill contained a plain violation of the contract made with one of the companies; and yet, sir, it is argued here to-day against this measure that the House passed that by a vote of, ayes 85, noes 46, plainly violating what the honorable Senator from Virginia demonstrated was the contract with another company and arbitrarily giving the notice in this case. As I said before, when the Senate came together at this session, on fully and calmly reviewing the subject, that bill went by the board without a single objection. Now, is it not well to consider that the country was saved from such results—saved by the pertinacity of individual Senators here, suffering at the time, perhaps, somewhat in the opinion of their colleagues on this floor in resisting such a violatiation? What has now happened? The same House of Representatives has reconsidered the question, and the Senator thinks it most extraordinary that that House has, by seventeen majority, passed this bill, not only refusing to give the notice, but absolutely doing away with the power of Congress to give it without a reason. To my mind, the inference to be drawn from that is very different from what the Senator from Tennessee seemed to indicate. I say "seemed" to indicate, because he said he did not propose to inquire into the motives of anybody. Now I regard it as a careful review by the House of Representatives, and a change, radical and total, from an unathorized and unwise act, to a sound and sensible conclusion.

Sir, there has not been a measure before Congress which has not been—and I feel myself authorized to state from what I have seen here, that there will never be a measure before Congress which will not be—in some way affected by this power to give notice. It is impossible that it should be otherwise in the nature of things. Such is the feeling of the country, and that feeling is carried into both Houses of Congress, that when this line is attacked by outsiders, as it is, and undue influences are brought to bear on members of Congress, that attack is resisted. The consequence is, that parties are organized in Congress, they are thoroughly organized, for and against this arbitrary act. To gather strength, they do what everybody always does in Congress, that is, to make one question operate upon another, to rally just as much strength as you can. It turns out, therefore, that the whole legislation of the country is affected by the question of whether this notice shall be given or not. I wish to see it put out of the way. I have had too many measures crushed by it—measures in which my State was largely interested; I have seen, too, many other measures crushed by it. Sir, this power, which, as I said, is useless for good, which never can be exercised, is only kept here for the purpose of mischief. Then, on this point, we find that the Government of the United States is as much interested as the company is in doing away with this useless reservation.

Now, sir, I wish to say a few words in this connection as to the effect of this contract upon the Navy, because I think it the most important branch of the subject; and I thought so at the time when I voted for this increased compensation in 1852. What were the facts? Why, sir, every naval vessel which we had afloat on the waters was, for

some reason or other, nearly worthless. There was hardly one that had not become disabled, and not in a condition to start out. I was satisfied that there was something radically wrong about that. I examined the reports of the Navy Department, and found that the opinions of that Department, as derived from their constructors and other officers, were always insisting that nothing would answer except the plan and policy pursued by their constructors, that a certain style of vessel was necessary for the Navy, and that that style was the one they had adopted. I saw that style constantly a total failure. Every appropriation of Congress for an addition to the Navy might as well have been sunk in the depths of the Atlantic. They were good for nothing, and I asked myself why? The answer that struck me was, that it was because private enterprise, private skill, and private ingenuity were excluded by the discipline of that branch of the Government. Sir, it is recorded upon our reports, it stands there to be as lasting as the reports themselves, that no vessel built outside of the Navy is fit for the naval service. That is the opinion of one of your officers.

I find, sir, that the opinion which I entertained is corroborated by high authority. I shall not read all the testimony which I have to sustain my opinion; I am content to mention the names of such men in our own country as Commodore Perry and Commodore Stewart in favor of the vessels of the Collins line as against the whole world as vessels of war. Let me read what Commodore Stewart says:

"PHILADELPHIA, *January* 18, 1855.

"DEAR SIR: In reply to your letter of the 16th instant, asking my opinion 'as regards the importance of great speed for vessels of war,' I beg to state that, in my judgment, there is no point more essential to vessels designed for war purposes, and intended for cruises on the high seas. In my opinion, it is the most important quality a cruiser can possess—a point so essential to her security from a superior force, or forces of an enemy, that it cannot be too highly estimated."

Let me call to this point the particular attention of the honorable Senator from South Carolina, who cannot understand the importance of this quality:

"On the other hand, where a vessel of war possesses this advantage, it accords to her the ability of overtaking her enemies, and subduing those of such force as her speed and armament would warrant her in encountering.

"The war of 1812, declared by the United States against Great Britain, exhibited examples of these characteristics not to be underrated, or how could it be possible for us to look back at that period of our history with the national satisfaction which we now feel, at the recollection of the hair-breadth escapes of our vessels of war from superior forces, owing entirely to the possession of this superiority, so skillfully seconded by the seamanship of those who controlled and conducted them, and who subsequently were crowned with victories over the vessels of their enemies through this advantageous quality in their ships, supported by their batteries, and the bravery of their officers and men.

"If a property so essential for enabling vessels, depending upon *the elements* for their powers of locomotion, and also to be successful in retreat *from* and victory *over* an enemy, does not constitute a consideration of the greatest importance, I should feel myself at a loss to imagine what other point could compensate for its absence, or render it one of secondary importance! Under this view of the subject, with regard to sailing vessels of war, its application to steamers seems *quite as necessary* to render them available and effective for similar purposes. Indeed, it is of infinitely *more importance that they should possess it*, as they are wholly independent of the winds as a motive power, and through the possession of this quality, would become so much more nearly on a par with one another.

"Your second question asks my views in 'regard to the steamers constituting the Collins line, so far as knowledge will warrant an expression with regard to their build and sufficiency for carrying an armament for war purposes.'

"On this score I cannot but admit that they are so; and I think that their performance in so frequently crossing the Atlantic without any complaining, or the occurrence of any accident which could have been foreseen, or anticipated, and guarded against in their construction, will fully justify this admission."

Now, let me turn the attention of the Senate to the testimony of Captain McKennon, of the British Navy, who was alluded to by the honorable Senator from Texas, because of the position of the man, and because of the language which he holds. He says:

"I am only doing justice to these magnificent vessels in stating that they are, beyond any competition, the finest, the fastest, and the best sea boats in the world. I am sorry to be obliged to say this; but, as a naval officer, I feel bound in candor to admit their great superiority. Their extraordinary easiness in a sea cannot fail to excite the admiration of a sailor; and I never beheld anything like it."

* * * * * * *

"From a considerable experience in all classes of steam vessels, besides the Cunard *America*, I advisedly assert that the *Baltic* is out and out, by long odds, the very best and easiest steamship I ever sailed in."

What has shed this light upon the world, and, I hope, upon the Navy Department of this country? It has been our furnishing to Mr. Collins, and the company associated with him, the power to build vessels which this British naval officer declares, in humiliation, in comparison with his own country, entirely the best vessels in the world. I hoped two years ago, when I voted for this additional compensation, and I hope now, that the thick shell which has, up to this time, seemed to cover the Navy Department, is broken through. I hope the windows are open and the light is shining in, so that we may have vessels which, instead of being mere scows upon the water, will be valuable and successful against the world. Sir, I beg leave to say to the Senate, as my humble judgment to-day, that if there never had been a dollar returned into the Treasury of the United States through the medium of postages from the Collins line of steamships during the whole term of its contract, we should have saved millions of dollars in its effect upon the Navy of the country. I may be mistaken, but this is my deliberate judgment.

Here let me ask the attention of the Senate for a few moments to what is a practical question, as I think, in the opinion of everybody; and that is, what are the receipts from this line? I think I can show, as nearly as is capable of being shown—it is not capable of exact demonstration, for the reason that we are not able to get at the entire facts—that this line is paying more money than is paid to it. Before I enter upon that question, however, I desire to make a single remark in reply to the Senator from Tennessee.

He has spoken of making an arrangement with another company which shall give us less trips, and he makes it appear that by so doing we should be gainers in a large amount of money. Why, sir, unless you compete with the Cunard steamers, you cannot keep up your postal treaty. Any gentleman who looks through the report of the Postmaster General will find that we are in the receipt of a large amount of money from the earnings of the Cunard steamers, in consequence of the postal treaty, which was not made until this Government determined to enter on this service. If you withdraw the Collins line, what will be done? Will the Cunard line continue to carry the mail and pay us a portion of the proceeds? Clearly not. The postal treaty provides that it may be terminated by either party on giving notice; and whenever we cease to be successful competitors with the English line, the Government of Great Britain will of course give the notice for the termination of the treaty, and take all the income from postages to itself, as it did before. Then, so far from your going on and having any income at all, with a slow line or an irregular line, or one with a less number of trips, you would lose your postal treaty and have nothing but what your own vessels carried. There is a large loss to begin with.

I now propose to show the manner in which the statements of the postage receipts from this line are made up, for the purpose of proving that they are exceedingly incorrect. The returns from the Post Office Department, in answer to a letter addressed by the chairman of the Post Office Committee of the other House, show that the amount received by the Baltic on her inward trip, arriving on the 27th of December, 1854, was $17,227 12. I should like very much if Senators would turn their attention to these figures, because they will show a very great miscalculation, if not misstatement, in the manner of making up the returns from these mails. It turns out, upon an actual investigation of the question, that there was received at the New York post office alone on that trip an amount equal to $17,983 03. It will be found, on an inspection of the statement made by the Postmaster General, that he gives no credit for the Boston, Philadelphia, and San Francisco mails. He has furnished only the receipts of the mail transmitted to and from the city of New York. If you take into consideration the mails from Boston, Philadelphia, and San Francisco, which are represented by competent authority to be one third of the whole, you have the sum of $25,504 37 as the postages on that trip of the Baltic. Looking at the return trip of the Baltic, going out on the first of January, 1855, as stated by the Postmaster General, the receipts are $12,064 57, while in fact the amount is $16,054 23. Then add the double letters, of which we get no account, and the revenues from a trip out and back are $55,411 30.

In getting at the facts we find that we have returned from the Post Office Department nothing but what is received at the New York post office, which includes the Canada closed mail and New York mail itself. Mails are also made up at Boston and Philadelphia, and sent in bags to New York, and at New York are put on board the vessels without any account being taken of them, and when they are returned the same thing is done. Besides, the California mail is treated by the Postmaster General as a closed mail under the treaty. The agreement in the treaty is that the closed mails are to be estimated by the ounce. Those are the mails from the continent of Europe; and it is agreed that they are to be estimated by the ounce. The Postmaster General here treats the California mail as a closed mail, but if you take the difference between that mail by weight and by the piece, you find it to be a very great one.

I say then, on the best figures which we can get—and let me tell the Senate that they are obtained from sworn statements from the city of New York, with the best lights which can be obtained—these vessels, since last December, are paying more money, in the shape of postages, than we are paying for them. What is the reason for this increase? It is known to everybody that a portion of the Cunard line has been withdrawn, so that the Collins line is now regularly alternating with it. Before that portion of the line was withdrawn, the British Government were in the constant habit of withholding the mails from our line and sending them by the Cunarders, and they made such regulations that the mails from the continent of Europe reached England just in time for the Cunard steamers to this country. We have now a decided and fixed advantage growing out of the present arrangement—and is this a time to lose it? Is this a time to take a step which shall lose the advantage that we have been years in obtaining?

I shall not detain the Senate—because I did not rise for the purpose of making an elaborate speech on this subject—in commenting on the statements made by the Senator from Tennessee. He has presented us with an estimate made by a Mr. Bell, of New York, in reference to the amount of freight and passenger money received by these ships. That Mr. Bell has been seeking through the custom-house for the purpose of ascertaining the number of passengers, and he says that he "conceives" there are as many passengers going out as there are returning. I beg leave to conceive that he is very much mistaken. I undertake to believe that the amount of travel from the continent of Europe this way is vastly greater than the travel the other way; and there is no vessel that sails which carries out as many passengers as she brings back. That is my belief; and yet Mr. Bell's opinion is based on that *datum*. What have we to answer to that? We say that, so far as the argument is concerned, the Senator from Tennessee has furnished the answer himself. He has answered it by the sworn statement of the secretary of the company, who, giving the income and expenditures, says the company is in debt. Mr. Bell makes out an immense income every trip, but he estimates the expenses of a trip much below what they really are. I could read to the Senate, if it were necessary, the facts alluded to by the honorable Senator from Delaware which show conclusively that $12,000 are added to the expense of a trip on account of the increased speed of these vessels over the Cunarders, while the increased pay we allowed them in 1852 is $13,750.

Are not these advantages? It seems to me that they are advantages which the country ought to retain, and I think there ought not to be an effort made here to-day arbitrarily to give this notice to stop this compensation, and let the consequences take care of themselves. Sir, I never believed in that course of conduct in individual enterprise. I believe just as little in it in a Government enterprise. Let us consider the consequences which are to grow out of the act that we are about to perform. That, I think, is the part

of wisdom. Now, the question is, is it desirable that this company should go on and build a steamer better than any other that has ever been built, or is it proper to stop this line as it is? The British Government has not been sleeping upon this question, but they now have a steamer on the stocks, the Persia, which is not yet completed, which is being built for the purpose of outstripping the Collins line. Will they do it? They have every advantage. They have the opinions of all their engineers and officers as to the defects in the existing vessels. They have every opportunity in modeling a new vessel to excel everything that has yet been built.

But, Mr. President, the enterprise of this country possesses a similar advantage. Shall we deny it the opportunity. Will the Government of the United States reap the benefits, or throw them away? Shall we be placed in the humiliating position, by refusing a mere matter of justice, of having these vessels turned on our own shores and against our own people, in the interest of a foreign enemy, if we shall ever get into a contest with a foreign enemy? Or shall we have the advantage of using them ourselves? Sir, if that period of time ever does arrive, I apprehend there will be as great a change of opinion on the part of the Senator from South Carolina and the Senator from Tennessee as there has been in the opinion of this Congress between the last and the present session. We shall then see, and see with the full force of suffering, what is the advantage or disadvantage of the position in which we may be placed.

Mr. President, I have given a very imperfect statement of the facts of the case, much more imperfect than I should have been glad to make; but at this time in the day, and with the impatience of the Senate, I am far from having a desire to talk either to Senators or to empty benches. I have said enough to justify my own action. I know that I have done but imperfect justice to the subject itself; but I hope, sir, that able hands, those who have examined the subject more carefully, will discuss it, if it is to be further discussed to-night, and that not only Congress, but the country will be enlightened in respect to this great question, for great I believe it to be.

Mr. JONES, of Tennessee. Mr. President, I supposed, from the advertisement made by the Senator from Michigan, when he commenced his remarks, that all the figures and facts which I presented to the Senate were to be assailed and demolished. I do not, however, feel that he has successfully attacked any main position which I assumed. He commenced by the assertion that Mr. Collins had not taken the initiative in this matter. Then, I ask the Senator to tell me who did take the initiative? I put the question to him: how did Mr. Collins get the contract?

Mr. STUART. I said before that Mr. Collins was requested by the then Postmaster General to make an offer.

Mr. JONES, of Tennessee. Where does the Senator find that? Will he refer me to it?

Mr. STUART. I have the letter of the Postmaster General among the papers before me.

Mr. JONES, of Tennessee. I have no letters; all I have to refer to is the archives of the country. I find upon the record the first evidence of this matter in a proposition made by Mr. Collins himself to carry the mail between New York and Liverpool. I know nothing as to what letters may have passed between Mr. Collins and other men; and I have no right to know anything about them. I have Mr. Collins's proposition dated March 6, 1846, in which he asked Congress to give him a contract on the terms which he stated; and Congress did so.

The honorable Senator says, however, that he does not exactly see the propriety of a review of legislation; he thinks that, to say the least, it is of very doubtful policy. Why, Mr. President, do you keep a record at all? Why do you keep a Journal? Why do you pay thousands and tens of thousands of dollars to those honorable young men to sit there and record the transactions of the Senate? Is it not to make up a record which shall live when we have passed away? I am not surprised that the honorable Senator does not exactly see the policy of it, because records are sometimes dangerous things. I rejoice that there is a record; I rejoice that a freeman has the right to turn to that record, and hold to their just responsibility the men who take part in forming it. I look to the record? Where else shall I look? To that evanescent sentiment which is one way to-day and another to-morrow? Shall I look for a true, sound, or correct judgment upon an opinion solemnly formed under the responsibilities of an oath to-day, and to-morrow reversed under the same solemn sanctions? No, sir; I prefer to go to the record. Beautiful speeches are very fine things. When I was a boy I was induced to believe that when a man attempted to speak he might safely rely on the vivid fancies of his imagination, and the beautiful adornments of rhetoric; but age has convinced me that one stubborn fact is worth all the sophistry which the imagination of man can bring to bear on a question. In arguing this question I have endeavored to confine myself strictly to the point, to the facts of history, to the record, and to the figures. If gentlemen do not like this, it is not my fault. The record is here. If it is wrong attack it; if I am wrong in stating the record, attack my error; but do not attack the great principle of turning to the record to ascertain what the opinions of public men have been. I shall not say it is the only safe-guard, but I will say it is the greatest safe-guard which we have against legislative profligacy. Abolish your records, burn up your Journals, banish your reporters; and legislative licentiousness will run riot in the Halls of the Congress of the United States.

Although the honorable Senator deprecates a reference to the record, he attacked my consistency by reference to the record. That is perfectly legitimate. I have never objected to being called to a strict account for my public conduct. Those who know me know that I never evade it. When I am guilty of committing an error, I think I have sufficient manliness and magnanimity to retract it. I do not complain of the Senator's attacking me by referring to the record, though he opposes the practice of doing so. How did he seek to prove my inconsistency? Why, said he, the Senator from Tennessee—alluding to myself—but the other day, made appeals upon this floor, against the wrongs perpetrated by an officer of this Government in not giving mail facilities to the valley of the Mississippi. What has that to do with this question? Congress passed a plain enactment, and repassed it, but an officer of the Government refused to execute it on the pretext that the price was too high. That is not the question here. The question is not whether it is too high or too low, but whether this is the best contract you can make. If the Collins bid is the lowest and best bid, take it; but if there be a lower and a better bid, take that. That is all we ask for the valley of the Mississippi; but we cannot get it.

Mr. President, the gentlemen on the other side of the question are still harping upon the speed of the Collins vessels, and the Senator from Michigan has told us that is everything. He imputed to me an argument which I never used as to time, because it is known to everybody that the Cunarders were never beaten by any such amount of time as is intimated by the Senator. What is the speed of the Collins line over the Cunarders? There is a difference of opinion about it; but I believe the highest time claimed is about eleven or twelve hours. I said that the proposition of Mr. Vanderbilt was to run up to the Cunard time. I said further, that I felt myself authorized to say, that if speed was deemed so important, Mr. Vanderbilt would contract to carry the mails in the same time that Collins carried them, for the sum of $19,250 a trip, the amount of the original contract of Collins. Then what is the use of talking about this speed, unless you impeach the capacity of Mr. Vanderbilt to perform the service, or his ability to offer good security? If you attack that, there is something in the argument; but he proposes to run up to the Cunard time for $15,000 a trip, and he is willing to run up to the Collins time for $19,250 a trip, so that the argument about time will not avail anything.

Mr. BAYARD. Will the Senator from Tennessee allow me to make a suggestion in reference to that matter?

Mr. JONES, of Tennessee. Yes, sir.

Mr. BAYARD. This bill, when it was before the House of Representatives, was very much discussed, and I believe very great differences of opinion existed there. Mr. Vanderbilt's offers were before the House. The bill came into the Senate; and then on the table of every Senator here, I believe, was placed a printed proposition, signed by Mr. Vanderbilt, which does not embody any stipulation as to time. The honorable Senator from Tennessee tells us now, nearly at the close of the session, that Mr. Vanderbilt will make the Cunard time for $15,000 a trip, and the Collins time for $19,250 a trip; but what guarantee have we for that? The honorable Senator cannot control him. No such proposition is made by the honorable Senator himself; he does not act as the agent of Mr. Vanderbilt. What guarantee, then, have we, knowing that Vanderbilt has been opposing this bill, that the sole object of this apparent offer of his is not simply to defeat this legislation, and then let Congress provide for the service in the best way they can?

Mr. JONES, of Tennessee. I am very happy to answer the Senator from Delaware. I am not the agent of any man. Thank God, I never mean to be. I did not announce that I was the agent of Mr. Vanderbilt, or had charge of his interests; but I announced, and I did it by authority, because I had it from Mr. Vanderbilt himself, that in making the proposition he endeavored to copy the proposition of Mr. Collins, giving to himself just the contract which Collins got. I was met by the argument that he might take fifteen days to run the trip, and I asked him, "Is that what you mean?" "No," said he, "I mean to run up to the Cunard time; but if Congress wish to run it faster, if they wish to run up to the Collins time, let them add the price between what I have proposed and that originally paid to Collins, and I will run up to the Collins time."

Mr. RUSK. Will the honorable Senator allow me to interrupt him for a moment? I do not see any rivalship between the two.

Mr. JONES, of Tennessee. I do not pretend that there is; others make the issue.

Mr. RUSK. But the honorable Senator said that Mr. Vanderbilt has made the same proposition which Mr. Collins made. Mr. Vanderbilt's proposition has been laid upon our tables; and so far as he has said anything to me about it, the printed proposition is the only one of which I know anything. I desire to inquire if Mr. Vanderbilt has authorized the honorable Senator from Tennessee to say that he will build his ships of a particular size, and under the control and direction of the Navy Department? That is a vast item of expenditure.

Mr. JONES, of Tennessee. That is not the point I am debating. The question made upon me was in regard to time. I hold now, in one hand, Mr. Vanderbilt's proposition, and in the other, Mr. Collins's proposition, and I say they are identically the same as to the question of time. Whether Mr. Vanderbilt will build his vessels under the direction of the Navy Department, I do not know; I have not inquired; I have not sought Mr. Vanderbilt or anybody. I take the propositions as they appear on the record, and I say they are both identical as regards the question of time. Mr. Collins proposed to carry the mails twice a month, and Mr. Vanderbilt proposes to carry them twice a month. I stated further, that Mr. Vanderbilt told me, when I put the question to him, "in what time do you propose to run?" that he would run up to the Cunard time for $15,000, and up to the Collins time for $19,250 a trip. I do not suppose it is material whether the vessels be built under the direction of the Navy Department or not. According to the argument of the Senator from Michigan and the Senator from Delaware, the question simply is as to time; and I care not whether Mr. Collins, or Mr. Vanderbilt, or an officer of the Navy, shall supervise the construction of the vessels. If time is all you need—and that is all you seem to desire—then meet me on that argument.

The honorable Senator from Michigan says that to give notice for the discontinuance of the extra compensation to this line, would be a violation of implied faith. How the Senator arrived at that conclusion is a matter of astonishment to me, because the very law upon which we are now proposing to legislate, provides that Congress may discontinue the extra allowance after the 31st

of December, 1854, on giving Mr. Collins six months' notice. What implied faith there is I do not know. Certainly it is not in the contract; it does not appear upon the record; and I have no right to suppose that there is any implied obligation not written or communicated to the country.

But, sir, the Senator from Michigan says that Congress will never give the notice. That may be so. If that be so, you may just as well close this debate, and take the vote. But by what authority does that honorable Senator make the announcement? How can he know what Congress will or will not do? Are we to be driven from the faithful discharge of our duty, as we understand it, by a declaration that it will never be done? Why, sir, with my convictions of duty, if I knew that I stood solitary and alone upon this floor, with no Senator to vote with me for giving the notice, I should dare to enter my protest. Congress, we are told, will never give the notice, and the Senator has stated reasons why they will not. He has gone further, and stated reasons why they should not. I shall not, at this late hour, undertake to answer that particular branch of his argument. If I had time and strength, I should be happy to do so. Whether they give the notice or not is wholly immaterial to me. I mean that my constituents shall know that I have not stood by silently and seen $33,000 taken out of the Treasury at every trip of these steamers to pay for mail service, when another man was willing to do the same service for half that money. As long as I hold my place here, I shall dare to discharge my duty according to my convictions. I care not for the outside influences which may be brought to bear, nor do I care for that storm which may be arising, nor the assumption of that public sentiment to which the Senator has alluded.

I respect an enlightened public sentiment, but I despise a public sentiment manufactured for unholy purposes, and by unholy means. I am not to be driven by popular feeling one inch further than I think is right. I shall always bow to an enlightened public sentiment, but I know no such sentiment as the Senator speaks of. I feel there is no such public sentiment as he has intimated. I do feel, and I do know that there is a sentiment in this city which is pressing on us. I have felt it in my own person. I do not speak about others; but I know that importunities and entreaties, long and powerful, have been, and are constantly made. For that sort of public sentiment I care not. It has no terrors for me.

But, Mr. President, the Senator has said that, so far from this contract being a losing business, the Government has actually made money by it. How does he attempt to prove that? He has presented a statement of the amount of mails delivered in New York by some one or more trips of one of these vessels, and then he argues that the amount of mail matter which went to Philadelphia, and Boston, and California, might amount to so much, and thus he makes up his conclusions. Anticipating all these things, I addressed a note, a month or six weeks ago, to the Postmaster General, in which I asked him to furnish me with a statement of all the moneys which had ever been paid to Mr. Collins by the Government, and also to furnish me with a statement of all the moneys which had been received into the Treasury of the United States from these vessels.

Has the Senator any better statement than that? If so, he has some other means of arriving at it than I have. I know nowhere else to go to for such information but the Department here. Its officers are sworn officers of the Government. They keep the books, and if anybody does know the facts, they must know them. Have they certified to a falsehood or not? If they have certified to a falsehood, convict them, and turn them out of office; but, if what they certified be the truth, let the truth be spoken. I have before me a statement from the Post Office Department of the amounts of money paid to the Collins steamers, with the date of each payment, and the whole amount paid. The recapitulation of the whole amount paid to them, under the contract, sums up $2,838,406 57. Three hundred and eighty-five thousand dollars were advanced by act of Congress, and of that sum there has been refunded by ten per centum instalments $154,000, leaving a balance chargeable to them on that account of $231,000. Adding this to the amount paid under their contract, we have a total of $3,069,406 57 paid to this line. On the other side, the question is, how much have we received? The total postages brought by the Collins line amount to $1,049,059 85, of which the United States portion is $931,087 14.

I have the letter of the Postmaster General accompanying these statements, and indorsing them. Whether they are true or false I do not know, but they are here. Gentlemen are welcome to take them, and dispose of them as they please. It appears, from these statements, that you have paid out upwards of $3,000,000, and have got back less than $1,000,000. In the face of this startling fact, we are told that this is a profitable investment to the Government; that we have made money by it; and that it ought to be continued. If so, the Postmaster General is either a corrupt or an incompetent man, and he ought to be turned out of office.

Mr. STUART. I did not say that we had made money out of the transaction, in the way of postages. I simply stated what had been the effect of drawing off a part of the Cunard steamers; and I said that from that time, (from the facts I had been able to get at,) and I referred particularly to the period from the 27th of December last to the present time, there was being paid into the Treasury from this line, more money than was being paid out under the contract. Nor, sir, did I say that the Postmaster General was corrupt, or his statements false. I said he did not give us, in his estimate, the amount received from the Boston, Philadelphia, and California mails, and only stated those of New York. I said that in the instances where he did give the California mails, he treated them as closed mails under the contract with Great Britain, whereas they should not be treated as closed mails at all.

Mr. JONES, of Tennessee. I did not charge the Senator with having imputed to the Postmaster General corruption, and I did not expect him to charge that officer with it; but I did say that his statement was either true or false; and if false, I charged the Postmaster General with corruption. If it be false, he is either corrupt or incompetent. What does he say? The paper is headed: "Statement showing the total amount of postages received on mails conveyed by the Collins line of steamers from the 27th day of April, 1850, to June 30, 1854, also the portion thereof belonging to the United States." The total is $1,049,059 85, of which the United States portion is $931,087 14. Then we have received into the Treasury less than $1,000,000, though we have paid out upwards of $3,000,000. That is what I said.

The honorable Senator from Michigan said the question is not whether Congress will give the notice or not; that, he says, they will never do; but whether we shall surrender all the power and control now, and at all times, until the end of the contract, to close it; whether we shall surrender ourselves at the footstool of Mr. Collins and company for the next five years; or whether Mr. Collins and company shall go on to build another vessel. The question is whether this company shall be required to build another vessel, or whether we shall withdraw the power to conclude the contract. If that is the question, I am prepared now to settle it according to my judgment. Does not the contract of Mr. Collins call for the building of another vessel? Was he not required originally to build five vessels? Has he ever done it? He never has. When the honorable Senator alluded to the naval feature of the question, I think he forgot that one argument which was used at the time of making the contract was that it was strengthening the right arm of the Navy, and yet one fifth of all that virtue is lost. Mr. Collins has been permitted to go free from that day to this without ever being compelled to build the fifth vessel? Why was not he compelled to do it? Did he not know that five vessels were necessary to perform the service? He must have known it. The contract provides that he should build five, and that the fifth vessel might be used by the Government of the United States on paying for it. Still he is suffered to violate his contract, to build only four ships instead of five. The fourth vessel has been lost, and he has now but three, and he refuses to build that vessel unless you will obligate yourself to continue to him, and his company this exorbitant price for five years to come. He bound himself to build five vessels. He never built more than four. He has now only three.

Mr. STUART. I beg leave to call the attention of the Senator to the fact that the company was relieved from building the fifth vessel.

Mr. JONES, of Tennessee. Where does the Senator find that?

Mr. STUART. I can show it to the gentleman.

Mr. MALLORY. Mr. President, I was not aware that this question would come up to-day, and I have not arranged, therefore, in my mind, as succinctly as I ought to have done, the facts which I deem it necessary to say to the Senate.

Mr. CLAYTON. Senators have been in session, in committees and the Senate, to-day nearly eight hours, and, as a matter of course, they are exhausted. I move, therefore, that the Senate do now adjourn.

Mr. HUNTER. I hope not.

The PRESIDING OFFICER, (Mr. PETTIT.) The question is not debatable.

Mr. HUNTER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 32; as follows:

YEAS—Messrs. Allen, Bell, Butler, Chase, Clayton, Dawson, Fessenden, Morton, Pratt, Sumner, Thompson of Kentucky, Wade, and Wilson—13.

NAYS—Messrs. Adams, Badger, Bayard, Benjamin, Brainerd, Bright, Brodhead, Brown, Cooper, Dodge of Wisconsin, Douglas, Evans, Fitzpatrick, Geyer, Gillette, Gwin, Hunter, James, Johnson, Jones of Tennessee, Mason, Pettit, Rusk, Seward, Stuart, Thomson of New Jersey, Toombs, Toucey, Walker, Weller, Wells, and Wright—32.

So the Senate refused to adjourn.

Mr. MALLORY addressed the Senate in opposition to the provision for the Collins line. His remarks, withheld for revision, will be published hereafter.

Mr. TOUCEY. That the Senate may be assured that it is not my intention to tax their patience, I shall confine myself to the question which is pending before them. The discussion, with regard to the capability of the Collins steamers for warlike purposes, appears to me not to be necessary to dispose of the subject which is under consideration. It comes too late. It would have been a proper subject for consideration when Congress, many years ago, ordered the contract to be entered into, which now exists between this Government and the company. I am not now to believe that the Navy Department and the principal officers of the Government of that day were so entirely ignorant of the matters that they had in charge that they entered into a contract which cannot now be vindicated; which, according to the views of some gentlemen, it would be disreputable to them to suppose they should have engaged in at all. On the contrary, I believe that the policy which was then adopted under the existing circumstances, was a sound public policy, and that the results which have flowed from that policy, in the position which this country now occupies in reference to every Power in the world, fully justify the policy. It is enough for me to say that the contract has been made, and, for one, I shall not consent, so far as my vote is concerned, to violate the public faith by disturbing the contract.

The House of Representatives has now passed a bill proposing to make a new contract. I am not willing, at this late day, to enter into a new contract with this company, or any other, upon this policy. I think the policy has already accomplished the results which were designed, and when we get through, fairly, honorably, and consistently with the public faith, with our present engagements, I am opposed, for one, to renewing them in any quarter. I propose, then, to leave the whole subject to the constituted authorities and to private enterprise.

But, sir, what is now proposed? In 1852 we enlarged the compensation of the Collins line, but the enlargement was conditional. We reserved to Congress the power to terminate the contract, on six months' notice, after the lapse of two years. The two years have elapsed, and it is proposed that we make the contract absolute to run through the whole term, and bind the Government to give the present compensation through the whole term of the contract, and give up the right and power which we have to terminate the

continuance of that part of the compensation which was added in 1852. I am not prepared to do this. It is not what we should do in any transaction of our own. We should be wanting in fidelity to ourselves, now, while acting for the public; we should be wanting, in my judgment, to the public interests, if we were now, without consideration, to abandon our present control over this important public matter. I am opposed to it.

What reasons are assigned for this proposition? I have heard none, except that Congress will be importuned to do this, year after year, until it is done. That is to say, we are called upon now to surrender unconditionally, and to give everything that is demanded, because we shall be importuned. Sir, I never, for one, yield to any demand that is made upon me on any consideration of that kind. I think it is no reason why we should yield. I believe it is the bounden duty of Congress to retain this power over this arrangement from a variety of reasons which will readily suggest themselves to the mind of every Senator. If the company disregard the contract, use this power. If they do not come up to the contract which they have entered into according to the utmost good faith, exercise this power which we have reserved, and which we can exercise upon any reason satisfactory to ourselves. I am, therefore, entirely unwilling to make a new contract at this time, and make absolute that portion of the contract, which is now conditional.

I have another reason. I have looked into the documents and papers which have been presented, and I do not find any statement of the receipts and expenditures of this company during the past year, or since the partial discontinuance of the Cunard line of steamers. I know not what is the state of the receipts as well as the disbursements of this company for the last year; and without that information I cannot exercise a sound judgment whether it be right, politic, or just to make any change in the contract for the benefit of the company.

While, therefore, on the one hand, I would uphold the contract that has been made in good faith to the utmost letter, and in the fair spirit and intention of the contract on the other, I would not give up, nor, by my vote, consent that the Government should give up the control which has been reserved to itself upon this subject.

Mr. BAYARD. Allow me to say to the honorable Senator that a statement which has been made here shows the receipts and expenditures of the company up to February, 1855.

Mr. TOUCEY. But what is that statement? Does not the honorable Senator from Delaware discover what it is? It embraces the expenditures from the commencement of the company down to the present time in gross. In the early stages of the company, the expenditures may have been very large and the receipts very small; but during the past year, the expenditures may have been comparatively small and the receipts very large.

Mr. BAYARD. The expenditures must have been necessarily large last year, because every one knows that there was a great increase in the price of fuel and of labor.

Mr. TOUCEY. It is true the expenditures may have been large; but what I wish to know is the proportion between the expenditures and receipts at the present time. That is the material consideration, and on that subject I see no light.

But, Mr. President, it is said that an enterprising citizen has offered to make a contract with the Government to do this service for much less. Suppose he has; we are not at liberty to enter into any contract with him. Well and safely may he make the offer, because we have no right, consistently with the faith which we have pledged to the owners of the Collins line of steamers, to enter into any contract with him. That consideration, therefore, has no influence upon my mind.

While a portion of the Senate and House of Representatives may be inclined to make a new contract, I am opposed to it. On the other hand, a portion of the members of this body are in favor now of terminating the allowance which was made in 1852. My answer to any proposition of that kind is, that no such proposal comes from the Committee on Finance, or from any committee of this body. In the next place, we know, as far as we can know anything, that the other branch of Congress, so far from concurring in any proposition of that kind, go to the opposite extreme—that of giving up the power entirely. Does any practical man, then, suppose that it is of the least importance now to bring forward a proposition to terminate the extra allowance? We know that the House of Representatives will not concur in any such proposition as that while it is composed of the present members. I ask, then, again, of what importance is it to bring forward a proposition of that kind by those who are friendly to it, unless there is an advantage in bringing it forward and having it defeated? Now, sir, I have been accustomed, myself, in political and all other action—if there was an object which I wished to accomplish—to bring forward that object at a time when there was a chance to succeed, and not when inevitable defeat was to await it.

In opposition to both the extreme opinions which I have stated—on the one side, of terminating the contract so far as the extra allowance is concerned, and on the other, of giving up the power which we have reserved over this company, and over this contract with the Collins line—the Committee on Finance have proposed that course which is between the two extremes. It is simply this: We owe the company money which is embraced in this bill; we are willing to pay it, without a proposition to make a new contract, and without a proposition to terminate any part of the old contract. Is not that the course which is required by true and sound policy? Why should we embark in a debate on this subject at this time, when the company has undoubtedly met with a great disaster in the loss of one of its vessels? Is this the time when we should make war on that company? It is certainly not the time which I would select for the purpose. The company is also deriving a great benefit now from the partial discontinuance of the Cunard line. There is a benefit which may, in a degree, compensate for that loss. Why, then, not take that course which seems to be dictated by the faith which the Government owes to the company, and by what we owe to the public interest, in upholding this line to a reasonable and proper extent, and appropriating the money that is due to it unconditionally and without any embarrassment. I confess that is the course which commends itself to my mind, and seems to have met with the approbation of the Committee on Finance, to whom this subject was committed by the Senate.

These are the views which control me. Without detaining the Senate longer, I simply express the hope that, before we adjourn, the Senate will see fit to concur in the amendment which has been proposed by the committee without embarrassing itself with any other discussion, or any other proposition.

Mr. DOUGLAS. I shall detain the Senate but an instant. I understand the Committee on Finance to have reported in favor of striking out so much of the bill as repeals the privilege to give the notice. That is less satisfactory to me than any proposition that could have been made. I think we ought either to give the notice at once, and be done with the subject, or the privilege of giving the notice should be repealed, and thus get rid of the question. By leaving it in a state of uncertainty we compel the parties to come here each session, and the whole subject is opened to the injury of the public business to a greater amount than is here involved. Although opposed to this increase of pay when it was given, I infinitely prefer the passage of the bill as it came from the House of Representatives to the amendment reported by the Committee on Finance. That is all I deem it nececessary to say.

Mr. TOOMBS. I have but a few words to say on this subject; I believe I should not have said them but for the remarks of the Senator from Illinois. Everything that is done, every obstruction, every interference with the public business is thrown upon the public and for the benefit of this company. I desire, therefore, to some extent to inquire into their claims for such attention as this at the hands of Congress. The Senator says he wants to get rid of the subject; that every session it comes up here causing the public business to suffer more than the value of the money which is involved in it. Who comes up here? Why, this rapacious company which complies with no single obligation that has ever been imposed by the Government, which comes up here by all sorts of means, except honest ones; by all sorts of means except fair means; which comes before the Legislature without complying with it, to get rid of the first stipulation which was made, and to get increased to a most enormous and shameful extent the amount allowed to them by a contract made with them on the part of this Government. Therefore, sir, I desire to go to some extent into the history of this whole business.

I thoroughly approve of the remarks made by the Senator from Tennessee. His facts are true. They are proved by the record to be true. They are unassailed. Pretexts and excuses, not reasons, are used for the purpose of sustaining this line here, and throwing away millions of public money, and I suppose to save these gentlemen, and the public time, the expense of defending this ill-gotten contract! The Committee on Finance propose to do what? To strike out the provision of the House repealing the power to give the notice; and that is the sole question before the Senate. The House propose to take from the Government of the United States the power to terminate this contract upon six months' notice. Is it to the advantage of the Government to take away that power? Is there a man here who has given any reason to show that it would be to the advantage of the Government? It may be to the advantage of the company. Senators talk about the obstruction to the public business! What has obstructed it but the rapacious demands of this company? What does the Government get by it? Can you answer that question unless you go outside of the facts of the case, leave the real question, and make imaginary reasons as excuses for the Government? Is not the retention of this power an advantageous provision for the Government? Does any Senator deny it to be right that the power to terminate this contract, giving nearly $400,000 extra, should be held in the hands of the representatives of the people according to the stipulations of the contract? Is it not advantageous to the American Government? No man can deny that it is just. No man has pretended to deny it. Why shall we surrender it? I will inquire into the reasons that are given why we should give it up. Is it an extraordinary power?

Mr. BAYARD. Will the honorable Senator allow me to say that in this or any other matter, a provision which authorizes Congress to determine and put an end to a contract is unwise and objectionable.

Mr. TOOMBS. I can answer the Senator by showing him that the American people, and his predecessors for fifty years, have differed from him. You have not a contract for the carrying of a horse mail in America that has not the stipulation in it reserving the right to put an end to it. That is the idea of the Senator from Delaware! Sir, I repeat, every contract made by the Post Office Department for a steamboat mail, a horse mail, a coach mail—every contract for carrying the mail by the authority of this Government—has this precise stipulation in it.

Mr. BAYARD. The honorable Senator takes only a part of my language. I spoke of Congress. I said Congress should have no such right under a contract. I say there are evils to flow from it.

Mr. TOOMBS. No doubt of it, sir; but I will not surrender a great Government right.

Mr. MASON. If the honorable Senator from Georgia will allow me, I understand the Senator from Delaware to say that it is unwise for Congress to have the power to terminate a contract, although it may be wise that the Executive should have it. The difference is this: Here Congress made a contract, which it ought never to have made, in my opinion, and there is a power reserved to terminate it.

Mr. BAYARD. My meaning is distinct. I think that, from the character of the body, such a discretionary power ought never to have been reserved to Congress. I think it is a dangerous power. I may be mistaken about it; but my impression is that it is a novel case certainly, in which a discretion of that kind remained in Congress to be performed by legislation. The principle of the post office laws is altogether different.

Mr. TOOMBS. If it would be worth while for the Senator, and he would take the trouble to

look into my course on this question, he would find that no gentleman believed more thoroughly in his doctrine, and pursued that course more earnestly, than I have done. When this contract was made, I urged it, on the floor of the other branch of the Legislature, as a reason for not making it. I have stood by it for ten years, because Congress was an improper party to make the contract. You are giving me an additional reason for it to-day; and when you seek to take away what is a very wise provision for the country, though it may be an unwise one for the contractors, I resist it. I endeavor to confine the Government of the United States to two objects—to protect persons and property—and nothing else. It is not its business to enable any man to make a dollar.

But these people came here with fair promises. They said, we will carry the mail, twenty trips a year, for $385,000. They came with all sorts of false pretexts, and with all sorts of fallacious arguments to the Senate and House of Representatives. Look through the debates. Here they stand, every one proved to be utterly false from the history of the transaction. They came to us again two years after the contract was signed, and said, we have no money to build these ships; who shall build them? The Government must build them or the whole thing will break down. So we paid them $385,000, as you have heard—$25,000 a month—until they could build them. That is, they are built with our money. They agreed to build five, but they have never done it to this day. They built four, and lost one of them; and now you are paying them for replacing the lost ship. They are bound to build two. This shows that Congress is an unfit body to make a contract for other people; I do not say for themselves; but as a political body, I have always believed it to be unfit; and this satisfies me of it. I do not expect that any member of this body, or of the other House, would make a contract that would give away all the beneficial terms of it to the other transacting party and place himself completely in his power; and why should we do it as a legislative body? Why should you take away this control, which, as I have stated, is in every contract which is made in the Post Office Department. If you want a horse mail to be taken through the prairies of the West or the swamps of the South, a part of the contract which is made for it, is that, if you want to put an end to the service, because it is not advantageous to the public, if you want to put on another mail, or if you want to carry it another way, or if somebody will do it cheaper, it may be done. Universally in all the contracts, there is such a stipulation—I do not say who makes it. The Senator from Delaware does not seem to object to the right to make the stipulation; but as to who shall exercise it. The officers of the Government say to the contractors we will terminate it whenever we please, giving you the stipulated damages. What are they? Thirty days pay. That is the law of the United States. You find that stipulation in all the contracts made by the Government, so far as the Post Office Department is concerned.

Then why should this power be taken away in this case? Gentlemen say that Congress is troubled by this subject. The honorable Senator from Michigan [Mr. STUART] attempted to give two reasons for maintaining this contract and for repealing the power which one of the contracting parties reserved, at the time, over the contract. What were they? Why, first, he says, this Collins line of steamers controls the great body of the legislation of the country. If it does, is it not disgraceful to maintain it for an hour? If that is true, I care not what may be its advantages, though it is to beat the British, though it is to build up a marine. I say abrogate the contract. No matter what may be its advantages, if the reason given by the Senator from Michigan be true, that so transcendent is the power of this company in the Congress of the United States, that whenever it comes up here it pursues a system of log-rolling and affects the great body of the legislation of this country, if it be true, Senators, why not abrogate it down to the bottom and pay damages? I would pay ten millions to-night rather than have the Government of this great country interrupted by so infamous a thing.

Mr. STUART. I only wish to remark to the Senator, that he entirely misapprehends me; but I do not desire to interrupt his speech.

Mr. TOOMBS. I certainly understood the Senator to assign it as a reason why we should repeal this power to give the notice, that it comes here and interferes with other legislation; that it becomes so connected with other subjects as to control our legislation.

Mr. STUART. I did not state that it controlled the legislation of Congress.

Mr. TOOMBS. Well, that it affects it. Give your own language.

Mr. STUART. The Senator may, for the purposes of his argument, draw his inferences. To that I do not object; but he should not say that I stated that——

Mr. TOOMBS. I ask the Senator to state his own language, and I will accept it.

Mr. STUART. I stated that the power could not be exercised by Congress arbitrarily; and I gave my reasons for it—that the interests of the country were involved, and, therefore, it could not be done. I stated, also, that its effect upon the legislation of the country was bad, because it soon became a controversy in Congress, and affected every other question of importance.

Mr. TOOMBS. I accept it as the gentleman explains it. Here then is a contract to carry the mail from New York to Liverpool which affects every question of legislation before the American Congress. The question of whether we shall pay these people $858,000 a year affects the entire legislation of this great Republic! I know of no reason so great, so grand, that ought to be so controlling to every Senator who hears my voice to-night. If the Senator's speculations are correct, tear the contract from your statute-books, pile money upon these creatures until they are gorged—and that would be heavy and a difficult business—give them what they want, but take from the Halls of Congress that question which is controlling the great interests of twenty millions of freemen. Sir, I believe it has affected legislation to some extent; but I hope not to the extent that the Senator from Michigan supposes it has. Why should this be done? Have we not got other contracts? We have one for the carrying of the mail to Chagres. We have one for carrying it from Panama to Oregon. Large sums of money are paid for them. We have the Aspinwall line from Panama to Oregon with precisely the same provision in regard to increased pay. Why does not somebody come here and say tear out of the statute-book the power which we have over that? Why is the Collins line selected, why is the proposition made to repeal that power in regard to it alone? We have, I say, a similar contract with other lines, given for precisely the same reason, but I have heard no member of the Senate, or House of Representatives, say repeal that power. We had the mail carried once a month, we wanted it once a fortnight, and we gave Mr. Aspinwall and those contractors an increased compensation, with this precise provision that we could take it off whenever we chose. Nobody speaks of repealing that; but we are asked to do it for the Collins line; and why? They must come here to disturb Congress. Yes, sir, they have disturbed it. The very suspicion that they have enabled the malignant and the unworthy to cast upon reputations, good or bad, is more damage to this Republic than the value of forty ships. I make no charge about it, for I know nothing about it; but I say the very suspicion which they have cast upon the legislation of this country, is enough for a man who desires to preserve the Government of the country not only pure but unsuspected. That honorable gentlemen have to put their hands into a business from which they, and their legislation receive a taint—a taint, sir, whether true or false—is dishonorable. Let us free ourselves from this. What is easier? Where are the great questions which demand that it should not be done? Does it concern the security of the Republic? Is the empire in danger if three ships of the line are discontinued? I would vote to abrogate these contracts, pay damages, and take the ships. I would do that, or if that cannot succeed, I would next do as I did last session, vote to give the notice to terminate the extra allowance of four or five hundred thousand dollars a year. Let them surrender their contract. I would open a competition with the Post Office Department for the transmission of the mail on that line as on all other routes.

But, the Senator from Michigan says, the great commercial classes are not going to be contented, unless they can get a certain amount of speed. I apprehend that if the commercial classes of the country want speed they ought to pay for it. I think that is sound reason. Sir, has the Senator a right to tax the wheat grower, the corn grower, the industrious classes of Michigan, in order that the merchants of New York, or Charleston, or Savannah, may get their foreign letters quicker? I say that the great difficulty in your legislation, in departing from wise principles, is, that you, through the act of the owners of newspapers, the enterprising, the bad of society, are endeavoring to throw the great burdens of Government upon the honest, the laborious, the unsuspecting; and it is being done every day. Let me go to the Post Office Department to apply for a mail down in my State; perhaps we want an increase of two or three times a week; it will probably cost very little additional; and what chance of success do I stand? The office will look into the business; and I shall be told "it does not pay a stipulated proportion of the expense, and you cannot get it." But here, the Collins line with all the figuring you can make out of it, yields us no proportion of the thousands and hundreds of thousands of dollars which we give for it; and I am told that the commercial classes demand expedition, and, therefore, we must submit to that. I know the idea is thrown out to us—and the Senator from Michigan says—that it will finally get back to us. That has been the argument of all the protected classes, of all the privileged classes, of all the monopolists, of all the knaves that ever plundered honest people. The merchants will tell you that if you make the commerce bear this burden, it will be thrown upon the people. Let it go there. They know it is not true, or they would not come here to seek it. They do not come here for our sakes, but for their own, and we understand this. It is a very true general principle of political economy that business must pay its expenses, but they are continually contriving to make the classes that ought not to pay, pay the expenses of their business. The people of the country will understand this. They will not be satisfied with the mere words of Democracy upon men's lips. They want to see its principles shown in acts. They want equality of rights under this Government; and the farmer of Michigan, as much as the farmer of Iowa, or of Florida, has a right to demand that, if the commercial classes of the country want monopolies or increased advantages, the money shall come out of their own pockets. These pretenses, these sophistries, these lame figures to get rid of official facts cannot satisfy them. Your object is to put upon the industry of the country, the expenses of carrying on a great and profitable commercial business. I am opposed to it.

Sir, how did the Government get along for forty years before it entered into this arrangement? My friend from North Carolina has made a very beautiful speech. I listened to catch its rounded periods; but it contained but one single idea, and that was that he wanted to beat the British. Well, sir, I have had some of those feelings myself. But let us look at this upon principles of political economy. England gets twice as many mails as we do for less money. She gets a weekly mail for less than $800,000 per annum; we pay $850,000 per annum for one every two weeks. Now how is that to be explained? Men are not going to be humbugged by the reasons which are given for it. I have too great a respect for the human intellect to think so. They say we have great big ships, and the Senator from Delaware says they burn more coal. Why did they build such ships? I want the mail carried. I want the mail facilities; and if you build ships that cost you $20,000 to run them, when the work might have been done as well for $2,000, I certainly shall not be so stupid as to be imposed upon by your getting ships that cost so much more to run them because they burn more coal. But these ships were not built on that basis, I can tell the honorable Senator from Delaware. I know how this work was done. When the company had failed to comply with their contract; when they had built only four steamers

instead of five, they came here and said let us off from that stipulation, because we have built them so much larger than the contract required. What advantage is that? What we wanted was to have the mail carried; and if a smaller vessel would answer, why build one twice as big? But, sir, the principle seems to have been that if they made mistakes we should pay for them.

That has been the history of the Collins line. All the mistakes, all the follies, all the extravagances Congress has paid for. All the expense comes out of the public Treasury. The contract never has been complied with up to this day. The Senator from Connecticut alluded to the Navy Department. I can tell my friend that I have looked into the reports of your naval officers, and they said that these ships were unfit for war purposes—that the Navy Department made these contracts with ships unfit for the purpose. I do not know whether it is so or not; but this shows you how much reliance is to be placed on your naval officers. The Secretary of the Navy refused to receive the vessels. He did not at first receive them. But Mr. Preston, the Secretary of the Navy under President Taylor, after refusing them, subsequently accepted them. I do not know why it was so. I do, however, know that he was at first denounced in the hireling organs of the Collins company—the New York Herald and other papers. That is the way these things were done. The officers of the Navy declared all along that the vessels were not fit for such purposes. The Secretary of the Navy told you all the time that they did not comply with the contract; that they were not fit for the service; but they have dragooned Secretaries, rode over officers, and somehow subdued Congress.

That is the fact about it; and there it stands. At the last Congress they came here and said we have a great race with the British, and asked for an increase of compensation. They appealed to our patriotism and prejudices against England. Nobody has a stronger prejudice against England than I have.

Mr. ADAMS. Except General CASS.

Mr. TOOMBS. No, not even General CASS, [laughter;] but I do not think I have ever declared war against her; if I had, I could have got the nation up to it. [Laughter.] Under all circumstances, and at all times, she has been the common robber of the human race, the enemy of all mankind, the execration of the world; but if I wish to show my hostility to her, and if I desire to set to work to break her down, is this the way to do it? If she chooses to bring my letters from Liverpool to New York for twelve and a half cents, while it costs her a dollar, my policy would be to let her do as much as she could do at it; it would not make me any poorer, and I am sure it would make her much poorer. Yes, sir, these people have appealed to national patriotism. In support of a flagitious scheme, without argument, without public principle, they have appealed to the grand, the sound, the patriotic, the national idea of hostility to England. If England will carry the letters, very well. If it costs us almost a million a year to do it, why should I contend for that business? No sane man would do it—I do not think any Senator would do it—in his private affairs; but they do it here because of public considerations—because the vessels will be of use to the Navy! If you want naval ships, get them. I have never withheld my hand from the Navy. I voted for additional ships last year. If you want a hundred naval ships now for the service, I will vote them as fast as I can go for them. But build good ships. Do not build such miserable things as these vessels, and tell us "these are for our use." They do not suit us. We never expect to get them. I do not wish to go into a controversy with my friends from North Carolina and Texas. I admit that, in the case of a war ship, the faster you can make it the better; but the question has always been, whether or not speed is compatible with the other requisites. I have not looked into it. I care nothing about it; for it does not come up here. If you want ships, buy them, if that is the way to get them. If you want any more, build them or buy them. Hire Mr. Collins's naval constructor, if he is the best in the United States. If he builds better than anybody else for the same money, you ought to employ him—he is deserving of employment. That would be a fair business transaction. But now, under the pretense that you want ships, you are giving him a job for which the nation pays. Everybody knows that. It is intended for nothing else than a job. We cannot deceive the country in this matter. I do not impugn the opinions of a single member of the Senate; for I know many gentleman are controlled by the idea that the vessels will beat the British, and thereby get national glory. Well, I think it a small affair; and, at all events, we have run the race; why run it over again? You have been two or three years at this; and now we find that other persons have agreed to do the service for less.

I concur in the remarks of my friend upon the Committee on the Post Office and Post Roads, [Mr. RUSK,] that we are greatly indebted to our commercial marine, and it being an arm of our national defense, we ought to do everything that we can legitimately do, to encourage it. But do you encourage it by a monopoly? Does my honorable friend from Texas believe that the way to build up good steamships is to say, by your legislation in giving over $800,000 to one company, that nobody in the world but that one company shall run from New York to Liverpool, and another from New York to Chagres, another to San Francisco, &c.? Is that the way to produce a rivalry? Is that the way to build up a commercial marine—a steam marine? That is not the idea of any portion of this Republic.

My friend from Texas alluded to the navigation laws. Every abuse is the natural ally of every other abuse. He appealed to navigation laws standing on the statute-books (which, I doubt not, will be condemned the moment public opinion can be brought to bear upon them) in order to justify a monopoly in these steamships; but those laws encouraged the skill of different persons. I need not go into a consideration of them now. They encouraged a domestic competition which has invigorated the rivalry and ingenuity of our hardy men, and made us so successful in building up sailing vessels which compete with all the nations of the world; but if Congress had been so unwise as to enact that one ship only should run out of Savannah, another run out of some port in Maine, some other from New York, do you believe that our people would have attained their present proud preëminence and proud skill in building ships? Everybody knows they would not. Then, I say, bad as the navigation laws are, they have given free competition among Americans; and to that extent the amount of evil which they were likely to inflict upon the Republic was greatly meliorated.

Then, what weight have the rest of the arguments used in support of this contract? None. My friend from Michigan [Mr. STUART] attempts to figure up that these people make about as much money by postages as we pay out. Mr. President, there is one thing very certain about it. I have relied, as matters of fact, upon the statements of the Postmaster General; and I have a right to rely upon them, for the reason that, if he ever got more money than he says he has got, he has never accounted for it. That is all we can know. We take his official account. He receives so much money; that is in the Treasury. My friend from Michigan must find his money and put it into the Treasury, so that we can take it into account. We are expending here two or three millions of dollars. Why? Why, as the Senator says, because the community will not tolerate anything but the most expeditious mail. If society wants speed let society pay for speed; let those who are benefited by it meet the expense; let those who receive the benefits support the burdens. That was the basis of the Post Office Department in the better days of the Republic, when we had Republicans, not bastard dissemblers, who call themselves Democrats. In those days, when we had Republicans in this Government, the principle was acted on to make the Post Office Department sustain itself. Now, two or three millions must be voted from the Treasury because the commercial classes want speed! The people along the line of a mail will clamor for increased facilities; of course they will clamor just in proportion as they are seeking injustice, and they must get what they clamor for at the expense of the Treasury!

Then we are brought to the question of whether the Collins line is a good line? Whether the contract is a good contract? Whether the considerations are wise considerations? Do the gentlemen offer a single reason, except that it interferes with the public business for putting this power to give the notice out of the hands of the contracting party—the Government? I have not heard one. The reasons which are given are none at all. But they say it comes here and disturbs the Senate and takes up time. Very well; if gentlemen want claims, all that they have to do, on this principle, is to come here, raise a muss, raise a difficulty, or get up an exciting question, or get some members in this body—it would not take more than two or three—to speak to the end of the session, and give as a reason for any policy, that they are troublesome. They will cease to be troublesome when Congress demands a compliance with their contract. They will cease to be troublesome when Congress punishes them for its violation, as becomes the representatives of a great people. Punish them for it; abolish their contracts; take their ships and pay for them; you have a right to do that. If they are troublesome, and interfere with legislation—if they disturb the other great business of the country, in the name of God value their ships, pay for them, and put them in the Navy or burn them up. You may take them and make a funeral fire of them upon the ocean; you may scatter their ashes to the four winds; you may bring fire from Heaven and consume them for thus disturbing us, and forwarding this miserable legislation; but do something to preserve the purity of legislation.

Who comes here? Who demanded $25,000 for one of the ships? Who came here when they wanted $425,000, and on each occasion, exclaimed, "Help me, Cassius, or I sink?" Congress? Did Congress ever go after them? Have we called upon them to come forward here? Has Congress come forward here with this movement? Gentlemen say that the Collins people did not offer for the contract. I do not know how that is; but about the time we offered to hire somebody to do the job, they came here and asked for it. That is all I know about it, and it is all that is necessary to be known about it. Who comes here now? Is it the interest of the Government? Are not the friends of the enterprise in favor of the application? Is it true, that the public men of the Senate and House of Representatives of this country are coming here for the purpose of relieving the Collins company from an onerous condition? If they are, they are rather the representatives of Collins than of the United States of America. I say if a member of the Senate or House of Representatives is coming here to get rid of this condition, he is rather a representative of the company than the country. I do not think that all this excitemant, which is spoken of, all this trouble would be given to the Senate and House of Representatives, if Collins & Co. had no interest in this, and did not want it.

The motion of the Committee on Finance is a moderate one. The amendment indicated by the Senator from Tennessee is a just one. I am in favor of it. I shall maintain it; and if I thought I could meet with the concurrence of my fellow members of this body, if I could satisfy them as well as my own mind is satisfied, of the injustice of this, I would submit one myself, to take these ships for the Government service, abolish the contracts, and throw open this service to England, with postal treaties—throw it open to competition, and competition precisely on the same condition as other mail contracts of the United States are made. That would be the best plan to pursue. My friend from Tennessee has shown that you could make money by it, and it is wise and politic that you should do so. They are not the only people who are building ships. The Collins line, so far as speed is concerned, have done well. Some gentlemen say that Mr. Vanderbilt, whom I do not know, has proposed to do the same for less money, but not as fast, and that is the object. We have never contracted that the mail should be carried in eight, or ten, or twelve days; that is not "nominated in the bond." Sometimes it goes better than others; sometimes it goes in twelve days, and sometimes in ten; but I have never understood that any fault was found with the line,

if a vessel was out fourteen or seventeen days. I have not gone into a calculation; but I think very likely that if the Post Office Department in that, as in all other contracts—taking in view all the casualties and difficulties—had advertised for the performance of the service in the time that the Collins line perform it, it could have been obtained at a less sum than is paid to them, and at a sum which would pay a reasonable profit to the contractors.

Therefore, I say, Mr. President, that I have heard no good reason given why we should part with the power which we now have of terminating the contract. What is it? Why, that Congress may hereafter refuse this condition of the contract; and, now, when one third of this body are about to return to their constituents, and when this House of Representatives is to be succeeded by another House, why do they, at this late hour of the session, desire to take from their successors that just control, which has been secured by their predecessors, over this contract, to which the country is entitled? I know of no good reason, and cannot vote for it.

Mr. STUART. There are two or three points in which I desire to correct the honorable Senator from Georgia. I do not wish to follow him in the line of his argument; but, sir, in the first place, he is mistaken in supposing that he is correct when he says that this line has come here again. Sir, the Postmaster General, in his annual report, recommended Congress to give the notice. It was a recommendation which he gave no reason for making, except that he thought the price paid to the line was too large. Congress some two years ago passed upon that question and decided upon it. The Postmaster General having made that recommendation, the company were bound to come here, and resist the plain violation of an agreement into which they had entered with the Government.

Again, sir, the Senator says that he is obliged to take the statements of this Postmaster General as true, because he says if they are not true, he has got the money, and does not show what he has done with it. Now, sir, that is another mistake. The difficulty is that the Postmaster General does not credit his income to the persons who earn it.

Mr. TOOMBS. Then he does not understand his business.

Mr. STUART. I say he does not credit what he receives from Boston, Philadelphia, and California to the company that earns it. It goes into the Treasury; it passes to the credit of "amount received from Philadelphia," "amount received from Boston,"&c.; but by not giving the credit to the Collins line, for the amount received from it, he does not show where it came from. Sir, there is no money stolen from the Treasury as the Senator fain would have us believe.

Mr. TOOMBS. Not at all.

Mr. STUART. The whole difficulty is that he does not credit the sources that earned it. The Senator says, again, that this bill is taking from the power of Congress the right to terminate this contract. Not at all, sir. Congress possesses the power under the contract to terminate it at any moment, and take the ships and pay for them, and no less will they have that power by refusing to adopt the amendment. It simply affects the extra compensation, and nothing else.

The Senator says, again, that he would have the persons pay for the mail service who receive its benefits. That is one of the theories which are very beautiful in the abstract, but utterly impracticable to be carried out. It is one of the theories that would cut off several States of this Union from the benefits of the mail service, because in looking over the returns you will find several States that do not pay as much in the way of postages as is paid for their service. But, sir, they are just as much entitled to the mail service as the rest. I say it is a theory which would be very fine if you could carry it out, but it is utterly impracticable.

The Senator was set right by me—and it was the only interruption that I felt myself at liberty to make, for I dislike to make any—with respect to what I said before. I deny, sir, having said that these persons come here voluntarily and interfere with the legislation of Congress; but they are brought here by the improper action of the officers of this Government. Here is one thing which has been done of late which was never done before. The appropriations are put into a separate bill. You appropriate for the rest of the Post Office affairs of the country in the General Post Office appropriation bill; but for this, and similar lines, in order that they may be constantly under the threatening attitude of some of the officers of this Government, or some one of the committees of Congress, you make a separate bill, and you give notice that you are going to fight them, you have been fighting them, because you can lose that bill and not stop the wheels of the Government. The whole plan has been carried out most ingeniously by the Government, either through committees of Congress, or through officers of the Government. Put these appropriations into the general appropriation bill, where they belong, and you will not find this company threatened every year with annihilation.

Thus much I have thought it due, eminently due, in justification of these men, to say; and that is all I care about it. If Congress sees fit to terminate the contract, to carry out the ideas of the Senator from Georgia, to take the ships, to blot out the line, I, sir, will submit without a single regret. I can bear that loss as well as the Senator himself or anybody else can bear it. I shall vote against it, believing it to be against the fundamental interests of this Government. Sir, the history of this transaction will show that these individuals have been compelled to come here, and resist this oppression, this violation of what was a plain understanding; that is to say, so long as you perform the twenty-six trips in a manner satisfactory to the Government and the community, the question of your compensation is settled. The Postmaster General says, in substance, "they have performed their duty; they are the only company that have done it; and yet I recommend Congress to give notice to terminate the extra compensation, because I think it is too much." I say Congress settled that question when they granted the compensation.

Mr. HUNTER. I am not disposed to speak on this subject, for I am very anxious to have the question taken; but it is an entire mistake to say that Congress intended, when it gave the additional compensation, that the company should have it so long as they performed their duties. Not at all. It was said that they were not making enough to enable them to compete with the Cunard line; it was proposed to give the additional allowance to enable them to do so, and it was expressly provided that the additional allowance should last two years, and after that that Congress might put an end to it. What was to be the reason for putting an end to it? The moment they found they could carry on the business without the additional allowance, there being no further necessity for it, they might put an end to it.

Mr. RUSK. I desire to put a question to the honorable Senator from Virginia. I desire to ask him if Congress did not try to set aside this allowance before the two years were out?

Mr. HUNTER. Congress did not offer to give the notice until at that time when the notice might have been given, in my opinion, according to the law, because, sir, the six months notice which was required, if given at the time it was proposed to have been given, would have been after the two years had elapsed, so that they did not violate the contract in that regard. At any rate it was not given; this bill of the last session was defeated, and defeated by a friend of the line, who spoke against time, as is well known.

Mr. RUSK. That was before the two years expired.

Mr. HUNTER. No, sir; that was before the two years expired, but the notice might have been given within the two years, provided the compensation did not terminate until after the two years, and no one contemplated terminating the extra compensation, until after two years. Be that as it may, the notice was not given, and the two years have now elapsed. I say it would be no violation of the contract even although the Collins line kept the time prescribed, if we were now to refuse to give the extra allowance. They are on a much better footing than they were. They have enjoyed its privilege for a long time—for more than two years. But on the other hand, the great rivals of the company are withdrawn; the British have required the Cunard steamers in the east, and while the Collins line have not a heavy competition, it is proposed to keep up the entire allowance. Surely it would be no violation of the contract to terminate it. But that is not even proposed. All that is asked is, that we retain in our hands the power to give the notice. Suppose the Cunarders should be withdrawn entirely; suppose the Collins line should not have the competition; the only excuse upon which the extra was ever given, was to enable them to compete with that company; and yet you propose to take away from Congress the power to give notice, and put an end to the allowance, at the very time that the compensation is being diminished, when everything shows that it cannot long be formidable.

Mr. SEWARD. The Senate has been several times to-day reminded that at the last session of Congress I committed what seemed to be if not an abuse, at least an impropriety, not in saying too much, but talking too long, in favor of the Collins line of steamers. I plead, in extenuation of that course, that the Senate, in the night before the adjournment, after a long debate, had sustained the views which I then entertained, and which I now entertain; and that the next day, just before the final close of the session, when Senators were impatient to leave, and were leaving rapidly, it became doubtful whether the Senate, as it remained constituted, would not renounce those views. Therefore I deemed it necessary to guard against what would have been a surprise upon the majority of the Senate, who had voted in accordance with those views on the night before. I hope it is now a sufficient vindication of that action on my part, that the Senate itself, when it came together this session, confirmed those same views, and that the House of Representatives also, when it assembled this session, reconsidered its own position, and adopted that to which I had labored so earnestly to bring the Senate. Having excused that impropriety, I will not now commit another abuse by speaking long upon this subject. I have sent for an honorable and distinguished Senator, of advanced age, who, I hope, will be here in a few moments, [Mr. CASS.] I rise merely to fill up a gap of time; and I know that such is the respect for that Senator entertained here that I shall be excused for this intrusion.

The Senator from Georgia [Mr. TOOMBS] has certainly convinced me, and no doubt every one else, that he is most sincere and in earnest in opposing this measure; but I think if he would review his own positions, he would not be satisfied with them, after he should have discovered how broad and how foreign is the ground that he has occupied.

Sir, I think the honorable Senator from Connecticut stated this case with admirable precision and accuracy. It is just exactly this: Here is a contract on which the Government owes $858,000, and here is an annual appropriation bill, in which it is proposed to appropriate money to pay that sum of $858,000. No one here disputes that debt; no one here proposes that we shall withhold the money for any cause whatever; no one proposes that we shall pay a cent less than the $858,000. So far we are all agreed. It is money that is due by contract, and the contract itself can not now be wisely, justly, or properly reviewed. So the money is due. What remains? Why, in making the appropriation to pay that sum, the House of Representatives—which originates bills of this kind, which originated the bills at the last session, at this session, and must originate them at every session—has come to the conviction that it would be wise and just to repeal a clause in the law under which that contract was made, which authorized Congress to give notice, at its discretion, after the period of two years, of a purpose to discontinue the contract. That is all. The House propose that we shall repeal that clause; the question is, whether we shall or not. That is the whole question. Of all which has been said beyond that, I have only to say, that it is foreign from the question.

What reasons are given why we should repeal this clause? One alone of those reasons is sufficient to satisfy my mind, namely: that on an appropriation bill in the last week of the session,

in the last hours of the fifth day from the close of the session, it is never wise unnecessarily to raise a conflict with the House of Representatives, because, in the first place, you jeopard the passage of a great bill; and in the next place, you jeopard the passage of a great many other great and necessary bills. Accordingly, we are habitually accustomed to waive additions, stipulations, and provisions which we should otherwise prefer, in order to secure agreement with the House of Representatives, and to bring the business of the Government to a successful and happy termination. All the hazards which can attend any bill will attend this, if returned to the House of Representatives; for whatever difference of opinion there is here, the same difference of opinion, we know, would exist there, and would engage that House in long, strenuous, and earnest debate; whatever of feeling or of prejudice; whatever of passion or of interest, attaches to this question here, would attend the bill if we send it back there, and it would be jeoparded, and might be lost. What are the consequences of that? The second time the faith of the Government is broken, and $858,000 due to citizens for services actually rendered under a contract, is withheld—is not paid. That is bad enough; but besides that, come all the entangling consequences to other business.

To these considerations, what is the reply? It is that we have this power, and we please to keep it. It gratifies us to say that we will not relinquish the power of giving this notice. Why shall we not? If we are wise men, we will retain it, only because it is valuable for something; and if we are wise men, we shall give it up if it is not valuable. Now, what is it worth? Do we wish to give the notice now? There is only one honorable Senator who proposes to give that notice by virtue of the reservation contained in the contract. The whole Senate, comparatively, like the whole House, are ready to pay the money already accrued, without giving the notice. The contract has been in force for two years, and the legislation during that time has shown that it was not necessary or proper to give the notice heretofore. Then no cause has existed heretofore, and none at present exists, for giving this notice. Do you anticipate a state of things, when you will be required to give it? Are circumstances changed—changed favorably for the contractors and unfavorably for the Government? No, sir; the mails are carried with the stipulated expedition; the pride and honor of the country are sustained; its service is completely performed, just as it was required to be; the Government has no cause of complaint, and anticipates none.

On the other hand the parties to whom it is contemplated that the notice may, in some circumstances, be given, have been unfortunate—unfortunate by a calamity that has touched the chords of the public heart most deeply, and which has so powerfully affected the mind of every individual in the country that it is painful to speak of it, even in the most public manner on so great an occasion as this. One of those ships, freighted with the lives of our fellow-citizens, has gone down into the depths of the sea. You have a bond that it shall be replaced; you wish the place of the ship supplied as it ought to be, and you expect that it will be supplied under the contract. The contractor says, If I must supply the place of this ship, for the short period which remains of the contract, will you not release me from the condition which authorizes you arbitrarily to give notice that you will discontinue the contract? It seems to me a fair appeal. Upon what grounds is it presented and sustained? Sir, it is sustained, and well sustained, upon this ground; that notwithstanding all the figures that have been arrayed here, this has been to the contractors an unprofitable contract, it is still an unprofitable contract. Their money has not been wasted, but it has been spent with energy and fidelity, with zeal and self-sacrificing liberality in carrying out their contract with the Government. Although this is true, it is nevertheless the fact that their stock is not now worth, never has been worth the par price, and, if their contract continues there is no probability it will ever be worth more than sixty or seventy cents on the dollar.

The company who are to build another of these great steamships must do it with capital and with credit, either their own, or derived from some other source. Capitalists will not furnish the money to execute a contract which is in perpetual jeopardy of being canceled by legislative authority. This, sir, is a just consideration. It is one which ought to prevail, and must prevail, against a mere speculative advantage of having power to annul a contract—a power which you expect never to have occasion to exercise.

Other considerations, I know, have been adduced here in regard to the unpleasant circumstances which attend the advocacy of this bill and its discussion here. It is said that it brings what is called a suspicion and a taint upon the purity of Congress. Sir, it is our misfortune that we make an unnecessary stipulation, and reserve in our hands a power, in consequence of which every opponent of this scheme about the purlieus of the Capitol, in the city of New York, through the whole Union, all competitors, all enemies, all haters of Collins and his prosperity, will come here and combine together to urge Congress to discontinue the contract that their own private ends may be attained. Such as this is the spectacle which we see before us. Here are your Vanderbilts and others, rivals or enemies of the Collins line, who are pressing upon Congress to exercise this power of annulling the contract, in order that they may have the benefit of it; and when the proprietors of the line come forward in great alarm and peril to defend their rights, they are told that their solicitations impair the dignity and taint the atmosphere of Congress!

Let us put an end, then, to these things, by giving up a control which is useless to us, which is injurious to the enterprise itself; and my word for it, you will never more hear one whisper of complaint throughout the land about the Collins line.

Sir, I remember the history of this case when it was here before. I remember that the same threats and intimidations were offered, the same apprehensions and alarms were excited, and the same suspicions were shown everywhere in the public mind; and members of Congress were afraid to vote the allowance which they believed to be just, because they thought the public would not comprehend the importance of the line; but the law passed, and for a time there was peace. Until the close of the last session of Congress, there was one universal acclaim of joy, satisfaction, and gratitude throughout the country, for the public spirit with which Congress had sustained this great national enterprise. Prejudice is raised against this line on the ground of Mr. Vanderbilt's offer. Sir, Congress required ships of a certain size and magnitude, combining elegance, solidity, durability, and swiftness, and Collins furnished them. They obtained by this contract just what was required. The contractors have given just what was proposed, and even more. Now Vanderbilt comes and says, "dispense with some of these requirements, and I will carry your mails by furnishing you with ships of my own on cheaper terms." Could you accept that proposition of Vanderbilt justly, without, at the same time, taking the Collins steamers and paying for them? and if you do that, I wish to know what you will make by discontinuing your contract with Collins, and entering into a new contract with Vanderbilt.

Again, it is said by some Senators, that this is an extravagant, a luxurious line. Sir, this line of steamers is, in my judgment, the proper diplomatic representative of the United States to the Old World. Who is there here that hesitated last Saturday to give a salary of $17,000 a year to the Minister at the Court of St. James—a salary with which he might maintain himself in a style worthy of the representative of this great Republic? Who is there that refused to give a salary of $15,000 to the American Minister sent to France, and of $12,000 to the Minister to Spain? Who is there that denies the justice of the appeal, that he who represents his country abroad, in its diplomacy, shall maintain the dignity of his country there? But, sir, this line of ships—the strongest in the world, and the swiftest in the world—this diplomatic messenger traversing the ocean both ways, exchanges the salutations and the greetings of men and of nations in both hemispheres, while it opens the way for the establishment of mutual commerce between the ports of our own land and all the ports of the European continent. It is the pride of my heart that I can see that line sustained in its strength, its power, its elegance, its majesty. Sir, would you tell me that that proud position which you occupy would be just as dignified, and that you could perform your duties just as well if I should strip away all that drapery from above your head? Would you say that the Senate of the United States would lose nothing in dignity if I should strike down at a blow that beautiful collonade, and bring down that noble dome to the level of the ceilings of barracks in a military station? Would you say that was an economy in Government necessary to be practised by a great people?

Sir, the Collins line is the great mail carrier between Europe and America. I shall sustain it cheerfully now, and always, with every contribution which is necessary, and I shall endeavor to extend similar lines of communication across the Pacific, until we shall have encircled the world with the couriers of intelligence, and the instructions of civil and religious liberty.

I have one additional observation, and then I shall close. We are told that this is a monopoly, and that it is no way to encourage a steam marine by creating a monopoly. Sir, it is the way, and the only way, in which you can bring a steam marine into existence. It is thirty years since Dr. Lardner predicted that steam would never be a self-sustaining agent upon the ocean. When the first steamer crossed from Bristol to New York, the world derided the short-sightedness of the great philosopher. But, sir, what is the fact? Thirty years have elapsed, and, although steam is so necessary and useful an agent, it is not yet self-sustaining as a navigating power across the Atlantic, nor across any other ocean; and you have your choice either by the Government to aid and sustain steam lines, or to do without them altogether. It is true, the time will come when it will not be necessary to render this aid; but until that time shall come it is most wise, and just, and prudent to sustain it in this way. Honorable Senators tell us, if you will withdraw Government patronage you will have enough competitors. Sir, has not Government effectually withdrawn its patronage from railroads and left private individuals to build them? Yet what have you seen? There has never been built in the United States, nor in England, nor in France, nor in Germany, although the railroad discovery is forty years old, a railroad that was not built by a monopolizing railroad company, aided sometimes, and in this country often, by the money of Government. The Erie canal, the most successful work of internal improvement ever made, was not built by a private company, nor by a company with its own money. On the contrary, it may be doubted whether it would ever yet have been built had it not been adopted by New York, and constructed as a great national work.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The question is on the amendment of the Committee on Finance.

Mr. GWIN stated that Mr. WELLER had paired off with Mr. JONES, of Tennessee.

Mr. BAYARD stated that he had paired off with Mr. SLIDELL.

Mr. DAWSON stated that Mr. BELL had paired off with Mr. JOHNSON.

Mr. EVANS stated that he had paired off with Mr. CLAYTON.

Mr. DODGE, of Wisconsin, stated that he had paired off with Mr. HAMLIN.

The question being taken by yeas and nays, resulted—yeas 17, nays 19; as follows:

YEAS—Messrs. Adams, Brodhead, Butler, Chase, Dawson, Fessenden, Fitzpatrick, Geyer, Hunter, Mallory, Mason, Morton, Pratt, Toombs, Toucey, Wade, and Wells—17.

NAYS—Messrs. Allen, Badger, Benjamin, Brainerd, Cooper, Douglas, Foot, Gillette, Gwin, James, Pettit, Rusk, Seward, Shields, Stuart, Sumner, Thomson of New Jersey, Walker, and Wright—19.

So the amendment was not agreed to.

The PRESIDENT. The next amendment reported from the Committee on Finance is to amend the clause "for transportation of the mails across the Isthmus of Panama, $85,314," by striking out "$85,314" and inserting "$120,000."

Mr. HUNTER. That is according to estimate.

The amendment was rejected.

Mr. HUNTER. There are two other amend-

ments which are necessary, and which I will explain. The bill contains a clause for transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back, $261,000. The House deducted the ten per centum in appropriating the amount. They have not appropriated enough; it ought to be $290,000. I move an amendment accordingly.

The amendment was rejected.

Mr. HUNTER. I will merely state, in regard to that matter, that the amendment which I moved is necessary to make it accord with the estimate. The Senate may do as they please with it.

Mr. CHASE. I submit the following amendment to come in after the clause in regard to the Collins steamers:

And provided further, That the proprietors of said line of steamers shall consent to such modification of the existing contract as that the Postmaster General may advertise for, and accept, proposals for carrying the mails in suitable steamships of not less than two thousand tons burden, between the United States and Great Britain, from and after the 31st of December, 1857, when said contract shall cease to be obligatory; and the said Postmaster General, in case said modification shall be agreed to, shall advertise for such proposals, which shall be submitted to Congress at the next session.

Mr. DAWSON. If the Senator from Ohio will give way, I will make a motion to adjourn.

Several SENATORS. Oh, no.

Mr. DAWSON. The attendance in the Senate is very thin. Thirty-six Senators only voted upon the question on which the yeas and nays have been taken, and the amendment thrown out. We ought to have a fuller Senate to decide the question. I therefore move the postponement of its further consideration until twelve o'clock to-morrow, in order that we may have a full Senate, and that it may be decided upon a full vote. Every man knows that it is due to the country that that should be the case.

The PRESIDENT. Does the Senator from Ohio yield the floor for that purpose?

Mr. CHASE. Yes, sir.

Mr. HUNTER. If we adjourn in this condition, the whole subject will be open to discussion to-morrow, and we shall spend another day upon it. We have the civil and diplomatic appropriation bill, the Navy appropriation bill, and the fortification bill all to come up within the last four days of the session. I hope we shall not adjourn.

The PRESIDENT. The question is on postponing the further consideration of the bill until twelve o'clock to-morrow, and making it the special order for that hour.

Mr. DAWSON called for the yeas and nays, and they were ordered.

Mr. MASON. I wish to put a question to my colleague, the chairman of the Committee on Finance, to see if I understand correctly what he has proposed. I understood him to say that on one of these lines, but not the Collins line, from some cause there was appropriated by the House ten per cent. less than the estimate. I want to know from him whether that ten per cent. less than the estimate is necessary to be added to bring the price up to the contract.

Mr. HUNTER. That ten per cent. is necessary to be added to bring the price up to the contract price. It is also, perhaps, fair to state, in order that my colleague may understand it fully, that the ten per cent. on the appropriation has been reserved in the Treasury, in order to be forfeited in case of a non-observance of the contract, although it has been usual, heretofore, to appropriate the entire amount. The House, by some mistake, appropriated the entire amount in regard to the Collins line, but made a deduction of ten per cent. in regard to the other lines. I propose to restore that to the estimate.

Mr. MASON. Then the case appears to be this: that the Collins line has, by the House, been allowed the great advantage of having this notice to terminate the contract withdrawn from the contract, and to be no longer a part of it, but another line has not within ten per cent. of the amount of its contract price appropriated; and the Senate refuse now to add that ten per cent. I really think that in that state of things it is best for us to adopt the suggestion of the Senator from Georgia, and to adjourn until to-morrow morning, to see whether injustice will not be done by this proceeding.

Mr. DOUGLAS. From the statement made by the Senator from Virginia, the chairman of the Committee on Finance, I understand that the ten per cent. is to be reserved for the performance of the contract, but that it has been usual heretofore to appropriate it, and allow the Executive Department to reserve it. This time Congress reserves it, so that it makes no difference to the proprietors of the line whether it is appropriated or not. It can make no difference to the Treasury nor to anybody concerned. That being the case, why insist upon it?

Mr. HUNTER. Here, though, is an appropriation which the Senate refused to put in, that does make a difference.

Mr. DOUGLAS. I am talking about this.

Mr. HUNTER. The item of the appropriation for the transportation of the mails across the Isthmus of Panama, $85,314, should, according to the estimate, be $120,000. The Committee on Finance have moved to raise the appropriation to the estimate. That, too, the Senate refuses to do.

Mr. DOUGLAS. Was it a part of the contract to make the amount $120,000, or is it the estimate of the Department?

Mr. HUNTER. It was to meet the estimate of the Department.

Mr. DOUGLAS. But it is not necessary, according to the contract.

Mr. HUNTER. No, sir.

Mr. ADAMS. It is said by the Senator from Illinois that it is not necessary to add that ten per cent., so far as the line alluded to by him is concerned; but it is deemed by the Senate and House of Representatives to be necessary to add that very ten per cent. to the Collins line appropriation whenever it is concerned. Now, sir, I should like to know why the ten per cent. is added to the appropriation upon the Collins line and not upon the other lines?

Mr. BUTLER. If my friend will allow me, I will tell him. The reason is, that the Collins line, like Aaron's rod, swallows up all the others. [Laughter.]

The question being taken by yeas and nays on the motion to postpone, resulted—yeas 19, nays 21; as follows:

YEAS—Messrs. Adams, Brodhead, Butler, Chase, Cooper, Dawson, Evans, Fitzpatrick, Geyer, Mallory, Mason, Morton, Pratt, Shields, Sumner, Toombs, Toucey, Wells, and Wilson—19.

NAYS—Messrs. Allen, Badger, Bayard, Benjamin, Brainerd, Douglas, Fessenden, Foot, Gillette, Gwin, Hunter, James, Pearce, Pettit, Rusk, Seward, Stuart, Thomson of New Jersey, Wade, Walker, and Wright—21.

So the motion was not agreed to.

Mr. CHASE. I feel it to be my duty to state briefly the considerations which will control my vote. I have no feeling whatever against this line. On the contrary, I desire its prosperity; but, sir, I think that my first duty is to the State which I represent, and to the Government which I assist, in part, to administer.

In 1847, Mr. Collins and his associates came to Congress proposing to transport the mails of the United States from New York to Liverpool and return, for the sum of $385,000 per annum. That was the price. They proposed to transport those mails in five steamships. That was the mode. The steamships were to be constructed so as to be adapted for the purposes of war as well as of navigation. They were to make twenty trips in the course of the year. The service commenced in April or June, 1850. After it had continued two years, application was made to Congress for an increase of compensation, and Congress granted that increase, so as to make the total annual compensation $858,000, more than doubling the original amount; while, in the mean time, only four out of the five steamships had been constructed; and it is now said that the company has been released from the construction of the fifth vessel. It thus appears that for the original service, with the addition of only six trips per annum, with the reduction of one steamship, we have increased the compensation more than twice its original amount.

I remember well upon what arguments the increase was urged during the session of 1852. We were told, then, that the contract had been a losing one; that the company had not been able to complete their vessels and transport the mails for the sum stipulated; and it was said at the same time that, if the additional compensation was granted, in the course of time the company would be remunerated for its losses within the time which would elapse before Congress would have the power to give the notice—that is, before the 31st of December, 1854. Who moved the proviso, limiting that contract to the 31st of December, 1854? It was the honorable Senator from Texas, [Mr. RUSK,] who then, as now, was a decided advocate of this line. I say it was that honorable Senator who moved this very proviso, limiting the contract to the 31st of December, 1854.

Mr. MASON. If the honorable Senator from Ohio will permit me, I will move that the further consideration of the subject be postponed until to-morrow at twelve o'clock. I think, from some conversation with Senators who made a majority upon the late vote, that they are satisfied that it will be expedient to adjourn. With the consent of the Senator, I submit that motion, and on it I ask for the yeas and nays.

The yeas and nays were ordered, and taken.

Pending the announcement of the result, Mr. WILSON said: When I voted on the proposition of the committee, I did so through a misapprehension. I voted "no;" I intended to vote "aye."

Mr. BRODHEAD. The Senator can move to reconsider the vote.

The PRESIDENT. Yes, sir; that is the only way to proceed.

Mr. MASON. I suppose the Senator can be allowed to change his vote by unanimous consent?

The PRESIDENT. No, sir; the rule is imperative on that point. The Senator can move a reconsideration of the vote.

The result of the vote on the motion to postpone was then announced—yeas 21, nays 18; as follows:

YEAS—Messrs. Adams, Allen, Benjamin, Bright, Brodhead, Chase, Cooper, Dawson, Fitzpatrick, Geyer, Hunter, Mallory, Mason, Morton, Pearce, Pratt, Shields, Sumner, Toombs, Toucey, and Wells—21.

NAYS—Messrs. Badger, Bayard, Brainerd, Douglas, Fessenden, Foot, Gillette, Gwin, James, Pettit, Rusk, Seward, Stuart, Thomson of New Jersey, Wade, Walker, Wilson, and Wright—18.

So the motion was agreed to.

Mr. STUART. I move that the Senate adjourn.

The PRESIDENT. The Senator from Massachusetts can now make his motion.

Mr. STUART. He can do that to-morrow just as well as to-night.

The motion was agreed to; and the Senate adjourned.

WEDNESDAY, *February* 28, 1855.

The Senate, as in Committee of the Whole, resumed the consideration of the bill; the pending question being on the amendment submitted by Mr CHASE, to add the following:

Provided further, That the proprietors of said line of steamers shall consent to such modification of the existing contract as that the Postmaster General may advertise and accept proposals for carrying the mails in suitable steamships of not less than two thousand tons burden between the United States and Great Britain, from and after the 31st of December, 1857, when said contract shall cease to be obligatory; and the said Postmaster General, in case said modification shall be agreed to, shall advertise for such proposals, which shall be submitted to Congress at the next session.

Mr. CHASE. When I gave way for the motion to postpone last night, I was endeavoring to explain the grounds which induced me to offer this amendment. I shall now conclude, very briefly, what I have to say.

One of the arguments which was urged in favor of giving up the power of Congress to terminate this extra allowance, is that the additional compensation allowed by the act of 1852 was designed to increase permanently the total payment for the mail service of the Collins line. I showed, when I last addressed the Senate, that the honorable Senator from Texas, [Mr. RUSK,] who was a friend of this line at that time, and who is now a friend of it, urging its claims with his accustomed zeal and ability, proposed the proviso reserving to Congress the power to give this notice. I should say, perhaps, in fairness and justice to that honorable Senator, that he did not originate the proviso, but that he proposed it as a substitute for a proposition which emanated from the honorable Senator from North Carolina.

Mr. RUSK. With the permission of the honorable Senator I will make an explanation of this matter. I have not examined the records on that point, but I remember the facts very distinctly. The proposition came from some quarter to give this additional allowance. I did not make that proposition, nor do I remember by whom it was made. But there was a proposition to amend the bill by giving this additional allowance, limited to the 31st day of December, 1854. In that shape that allowance would have terminated on that day, unless there had been action by Congress to continue it. Every one remembers the stormy debate, like that which has arisen at this time, which occurred upon that amendment. I then offered the proviso that Congress should give the notice, putting the *onus* upon Congress to originate the notice.

The Senator from Ohio does me injustice in saying that I have supported this measure from the beginning. My object was, therefore, to make it permanent. Not being able to do that, in consequence of the amendment which was offered, I desired then to put the *onus* upon Congress, if they saw proper, at the end of that time, to reduce the additional allowance. My opinion was, that when the 31st of December arrived, this line of steamers, about which so much had been said, which had been so fruitful a theme for speeches, would remunerate the Government; and I will show the honorable Senator hereafter—for I do not wish to interrupt him now—that we are on the point of being fully reimbursed for every dollar of outlay in this service.

Mr. CHASE. The fact remains as I stated. The proposition was then made, and nothing whatever was said at that time upon the subject of making this provision permanent—nothing whatever. The Senator from Tennessee, [Mr. BELL,] as he will remember, desired that the power of Congress to give the notice should accrue at an earlier period than the 31st of December, 1854—as early as the 30th of June. The distinguished Senator from Michigan [Mr. CASS] wished that Congress should have the power to terminate the contract still earlier—as early as January, 1854; but by some sort of general understanding, it was finally concluded that Congress should have power to terminate it on the 31st of December. That was the final decision of the Senate.

Now, what inducements were held out to Congress. It is said that this was to be a permanent arrangement. I hold in my hand the Globe, containing the report of the discussion which arose upon this subject. The Senator from Tennessee expressed his views upon it. He said he desired that this power of Congress should accrue as early as the 30th of June, and, on offering an amendment to that effect, remarked:

"In the second place, it reduces the time six months, for which this bill makes the allowance; which time I, and several other gentlemen, think is long enough to give this line this increased allowance of $33,000 per trip. We think that in that time they will have received sufficient to cover the loss which they have sustained in being the pioneers in establishing an American trans-Atlantic line of steamers, having to run it at first, no doubt, at great loss—perhaps, as they say, of as much as $16,000 or $17,000 per trip."

The Senator from Texas, commenting upon what fell from the Senator from Tennessee, and his amendment at that time, said:

"I should have no difficulty in agreeing to the amendment, because I believe that at the expiration of the proposed limitation, the proceeds of running this line of steamers will be sufficiently remunerative; and that the proprietors"—

I ask the attention of Senators to this—

"and that the proprietors will not desire to have the increase of compensation extended to them beyond that time; but here is the difficulty."

The Senator went on to explain his objections to the amendment of the Senator from Tennessee; but it is not necessary to read further.

Thus it is clear that the idea held out at that time by the friends of the line, was, before notice could be given under the proviso, the proceeds of the running of the line would be sufficiently remunerative to cover the losses which had been sustained by the proprietors; and then that the increased allowance might be discontinued. I do not say that some Senators had not the idea of a permanent provision being made for the line; it is quite possible that they had; but I say that the inducement held out to the Senate at that time was that by the 31st of December, 1854, the line would be indemnified for its losses, and that nobody contended that $858,000 a year was to be a permanent rate of compensation for transporting these mails.

What, then, becomes of the principal argument which has been addressed to the Senate during the discussions upon this subject? That argument is that the rate of 1852 was intended as a permanent compensation, not to be withdrawn unless for good cause, such as non-performance or malperformance by the proprietors of their duties under the contract. When that allowance was made, it was made upon no such consideration as that. It was made upon the consideration that they had sustained a loss; and that for a time it was necessary to grant the additional compensation in order to indemnify them for that loss; and the power of terminating the extra allowance was reserved to Congress, not for the purpose of guarding against the violation of the contract, but in order that Congress might exercise a fair discretion in continuing or discontinuing the additional compensation as the general public interest might require.

Another argument has been urged. We have been told that the advantages of this line to the commerce of the country are cheaply paid for by the full sum of $858,000 per annum. The honorable Senator from Michigan [Mr. STUART] supposes that it saves $10,000,000 a year in interest upon remittances. How is that? What are the elements of that calculation? First, the Senator says that the greater speed of the Collins steamers as compared with those of the Cunard line, amounts to one hundred and four days a year; that these remittances amount to $500,000,000; that the interest for the one hundred and four days is $10,000,000; and consequently that that amount is saved to the country. The argument assumes first, that these remittances are made in cash, when they are in fact for the most part made in bills; second, that the money remittances would be actively employed during the time of transit; third, that all remittances are made by the Collins line. Besides these errors of assumption, there is also a grievous error in calculation. Anybody who will take the trouble to make the computation of the annual saving in time on the twenty-six trips, according to the authority on which the Senator relies, will see that it is only forty-nine days and a fraction—say fifty days in all. Taking the other element of the Senator's estimate as correct, $500,000,000 of remittances, and actual loss of interest for the whole time, the saving by increased speed, instead of $10,000,000, would only be $4,000,000.

I do not go into this for the purpose of calling in question the utility of swift conveyance, or of disparaging, in any way, this line; but to show what loose and careless statements are advanced here in the Senate, and put forth to the country as arguments fit to determine our decision upon this question. Sir, commercial exchanges would go on if the Collins line had no existence. Through the competition of private enterprise, in my judgment, the business of the country would be as great, if not greater—as cheap, certainly, and in my judgment, much cheaper facilities than those which this line supplies.

Another argument in favor of making the increased compensation of 1852 permanent, is derived from the alleged receipts from the postages earned by it. The Senator from Michigan said that already the receipts from postages were nearly equal to the payment by the Government; and he seemed confidently to anticipate that the line would soon return in postages the annual amount paid to it. The Senator from Tennessee [Mr. JONES] has already exposed this assumption: so has also the Senator from Georgia, [Mr. TOOMBS.] Reimbursement by postages! I shall not restate the arguments of the Senators from Georgia and Tennessee; but I ask attention to the statement of the Postmaster General, which I hold in my hand. These are the words:

"Revenue to the United States, and also to the United States Post Office Department, per Collins line, for the fiscal year ended June 30, 1854."

Observe it is a statement of the revenue derived from the Collins line. Now what was it?

"Net revenue to Post Office Department, with United States inland postage included, $203,670 89."

Mr. RUSK. Does the Senator know what is the revenue now derived? The statement which he has read relates to 1853–'4.

Mr. CHASE. I do not; but judging from the natural increase of business, it must be something more now than it was six or eight months ago. Does the Senator know? If he does, I should be happy to hear from him. I take this statement from the official report. I do not know how else to look for correct information.

Let me repeat the statement, with an addition:

Net revenue to Post Office Department, with United States inland postage included	$208,670 89
Deduct United States inland on British mails five twenty-fourths of $265,407 75	55,293 28
Total net revenue to the Post Office Department, without United States inland	$153,377 61

So the total net revenue for the last fiscal year is $208,670 89. But it seems a deduction is to be made even from that sum, of which, however, I will say nothing at present.

I cannot tell at what rate the receipts come in now. But, admit that it is at the rate of $250,000, what then? We are paying $858,000 for $250,000 per year. The Senator says this service is now upon the eve of paying for itself. These documents show that the reverse is true. Here is another example of the loose statements which are made here for the purpose of inducing the Senate to consent to the withdrawal of the whole control of Congress over the contract.

Mr. RUSK. I dislike to interrupt the Senator, but I presume it would be just as well for him to have the information now.

The PRESIDENT. Does the Senator from Ohio yield the floor?

Mr. CHASE. Yes, sir.

Mr. RUSK. I desire to make a very brief statement to the Senate. I have inquired into this matter. I am glad that I have had some information communicated to me by the Assistant Postmaster General, this morning, which comes very near making me a true prophet. I find by that statement that the total revenue derived from the mails received by the steamer Pacific on the 30th of December, 1854, was $13,391 15. The total amount of revenue on the mails sent by the steamer Pacific on the 27th December, 1854, was $18,500 24. Taking that calculation, then it comes to this: we have paid out $33,391 27 for that trip. We have received back $31,891 51, showing a loss to the Government on that trip of $1,108 49.

Mr. HUNTER rose.

Mr. RUSK. I will give it all fairly. The honorable Senator from Virginia need not be in the least uneasy. I do not think I ever have intentionally misrepresented any information which I had in my possession. I do not intend, certainly, to do it at this time. I know where the shoe pinches.

By the Atlantic, then, on the 1st of January, 1855, there was received $12,064 57. By the same ship, on the 10th January, there were sent mails which yielded a revenue of $16,305 77. Counting that up, we paid for the round trip $33,000, and we received back $28,310 34, so that there was a loss to the Government on that trip of $2,689 34.

I know that the Postmaster General, in the statement of the net revenue which the honorable Senator has just mentioned, makes a deduction from this amount; and I will state that: "deduct British and United States inland postage, eight twenty-fourths, $3,392 56, and commissions to postmasters, $2,731 31." Let us see whether this ought to be deducted or not; and the honorable Senator, as soon as I state the case, will see that it is an improper deduction. By the postal treaty which we have with Great Britain—I hope I am not trespassing on the time of the Senate in making other statements, which, perhaps, do not directly come in here—there were five cents added to every letter, in order to cover our inland postage. There were three cents added to every letter carried to England in order to cover the English inland postage; and, by the way, that provision of the treaty was made, because the Government had really passed the law to establish this Collins line. Before, they were charging forty-eight cents instead of the twenty-four cents which they now charge upon each letter. The British steamers, which were then running without any American line in opposition, were charging forty-eight cents on each letter, and the British post office was pocketing

the difference, which made it just double. These letters are now charged twenty-four cents. If they were held at the old British postage, the figures would be just double. Three fourths of the letters which came by these mails were delivered in the city of New York, I have no doubt, and there is no expense incurred in the inland postage. Is it, therefore, right to deduct that? I apprehend that it is not right to deduct that item. It is an advantage which we get to be sure, on the inland postage, but it is an advantage to the Government that five cents are paid on letters which are to be delivered in New York without expense to the Government in transporting them inland at all. Then, as to the commissions of the postmasters; it is only necessary to state that they have been deducted from the Collins line, though they ought to come out of the revenue of the United States. There is no obligation in the contract to pay the commissions of postmasters.

The Assistant Postmaster General, when he handed me these statements, said there was nothing in them but what he knew to be correct. There might possibly be some mails that were not included. There is the nearness with which this comes to my prediction, that the line would soon repay us.

Mr. HUNTER. The Senator from Texas has shown one side of the account; but I do not think he states the other correctly. I hold in my hand an estimate of three trips, one by the Atlantic, another by the Baltic, and a third by the Pacific. That estimate is furnished by the Post Office Department, and according to it, the net revenue for one trip was $9,420, from the second, $5,120, and from the third, $6,263, making something like $21,000 net from the three trips.

Mr. RUSK. What were the dates?

Mr. HUNTER. The Atlantic sent the 10th January, 1855, the Baltic received the 11th January, 1855, and the Pacific received 5th January, 1855.

Now, observe that this is the most favorable statement which can be made for the line; and how the Senator can say that we ought not to deduct the inland postage, I cannot imagine; because the Government has to bear all the expense of conveying these letters and of conveying the closed mails to the British Province of Canada. Surely we ought to deduct what it costs from the receipts of the line. It costs us this much to carry them. We charge five cents, I think it is, on the inland postage; surely it costs us that amount. Nor is it unfair to charge the revenue account of the Collins line with its proportion of the expenses in collecting the post office revenue, and that is done in this statement, so that it will be found, I think, even if we take the most favorable view, that the receipts of the line are very far behind the sum necessary to compensate for what is paid by the United States.

Mr. RUSK. I do not think the honorable Senator intended to produce a wrong impression, but he has not put down the receipts of the round voyage. The Collins line receive $33,000 for the out and incoming voyage, or the round trip. The Senator's statement only includes the postages for one way.

Mr. HUNTER. That is the gross sum. If it was $7,000 one trip, it would be only $14,000 for the gross sum, and twenty-six times $14,000 is very far short of $858,000.

Mr. RUSK. I think the honorable Senator will not insist upon that. The $33,000 are paid for the trip out and back, and the honorable Senator from Virginia, to get at a loss, only counts up what is made by the trip one way.

Mr. HUNTER. I double that for the amount of the round trip, and I repeat that twenty-six times $14,000 falls very far short of $858,000. The Senator from Texas takes the gross revenue without making the proper deduction, and selects a trip or two on which their receipts were the largest. He does not take the general average of their receipts per trip, as he ought to do, to make the calculation proper and fair.

Mr. CHASE. I yield with very great pleasure to Senators for correction and explanation. I have no wish to make a speech. All I desire to do is to explain the reasons which, in my judgment, require me, in the discharge of my public duty, to submit the proposition which I have made. The Senator from Texas now undertakes to show that this service remunerates the United States within a small sum. He gives a statement in regard to two trips; but, sir, all calculations founded on a trip here, or a trip there, must, of necessity, be illusory. I observed one point, in which, it seems to me, the honorable Senator failed in giving a full explanation, even of those trips. He did not deduct the British share of the postages, which is a very important item; but he stated it as if the whole postage receipts of the Collins line went into the Treasury of the United States.

Mr. RUSK. The honorable Senator is grossly mistaken. I deducted the British postages, and so stated it. Here is the statement of the Assistant Postmaster General, deducting the United States and British inland postages—eight twenty-fourths. The Senator says I did not deduct the British postages. The statement does deduct them. I stated as distinctly as words could state, that in the postal treaty, five cents were added to every letter for the United States inland, and three for the British inland; and in the statement there is deducted five twenty-fourths for the American, and three twenty-fourths for the British, making eight twenty-fourths altogether.

Mr. CHASE. That may be so. I have not seen the statement which the Senator quotes. But I was about to say that taking the statement just as made by the Senator from Texas, it gives only the result of two trips; while, on the authority of the Post Office Department, I give the result of the whole year. Which is the more reliable? The statement of two trips, which may have been more than usually remunerative and profitable, or the statement of the Department, extending through a whole year? I hold in my hand a statement of the Postmaster General, showing the gross receipts during the whole time of the contract thus far. It commences on the 27th of April, 1850, and runs up to June 30, 1854. Now, how much do you think were the gross receipts? Why, $1,000,000, and a little fraction over. How much were the net receipts to the General Government? Why, $900,000, and a fraction over. Call it $1,000,000, and what then has been the average gross income from this service, for which we pay the enormous sum of $858,000, near $1,000,000? Less than $250,000 a year? According to the statement of the Postmaster General less than that was received last year. It may be more hereafter. I hope it will; I believe it will; but then it cannot reach a sum which will justify the anticipation of remunerative receipts, which is entertained by the Senator from Texas. Certainly there is nothing in the present circumstances or future prospects of receipts from this line which will warrant the continuance of the extra compensation, against the understanding of 1852, which, as I have shown, contemplated the discontinuance of that compensation, at least, as soon as the Collins associates had been indemnified for their losses. It was supposed and stated that this indemnity would be realized by the 31st of December, 1854. But now what are we asked to do? To appropriate this additional sum for the current year? No; nobody objects to that. The notice has not been given, and the $850,000 must be paid for this year. What then? To surrender absolutely all right to give the notice in future; to exempt these contractors absolutely from all liability to the discontinuance of the $50,000 additional compensation, which was originally intended to be temporary; to leave them to act as they see fit in every respect, speed as well as others, within the terms of their original contract. That, sir, is the proposition.

I have never shown any disposition to deal unjustly or unfairly by this line. It will be remembered by Senators that, during the last session of Congress, when it was proposed to give the notice in advance of the 31st of December, 1854, I said—what I felt to be just—that the line had a right to the whole time up to the 31st of December to show to the country the merits of its service, so that Congress might determine upon the whole case up to that time, whether the notice should be given or not. I voted with those who were against giving the notice at that time, because I thought simple justice required it. Although I was opposed to the original appropriation, I was not willing, upon any consideration, to depart from the line which, in my judgment, simple truth, honor, and justice required me to pursue. This is enough, therefore, to show that I feel no sentiment of hostility towards this company.

Now, sir, what is the proposition that I have submitted to the Senate? All I have said is intended to illustrate the fairness of it? I propose simply that the Senate, since it has determined to relinquish the control of the notice over this line, shall require some concession from the contractors corresponding to the benefit which they are to receive. I propose, since the Senate has determined to concur in the proposition of the House, and surrender the power to give notice, to require of the contractors a consent in some limitation in point of time. The contract was originally for $385,000. In 1852, the sum of $473,000 was added as temporary compensation. They have now had the benefit of that for three years. From 1852 up to 1855, they have had the benefit of this more than duplication of the original contract compensation. Give them that double compensation for one year or two years longer, if it is necessary; but then, after that, recur to the ordinary policy of the Government, and place this line, as well as every other line, as you reach it, under the control of the Post Office Department. Let the Postmaster General advertise for contracts. Let those contracts be reported to Congress, with a view to such general legislation as may be adopted, as will regulate the discretion of the Postmaster General in making permanent arrangements. Is there anything unjust in that? It gives the additional compensation. It gives it without the power to withdraw it. It gives it for two years. We were assured that they would be remunerated in 1854, but this still gives the additional compensation two years longer—up to 1857. It insures to these contractors about $1,000,000 over what was contemplated by the act of 1852. It only requires consent on their part that the contract shall then be put upon the footing of all other mail contracts. What then will be the condition of the proprietors of this line? Better, certainly, than that of anybody else in relation to this service. They can come in with their propositions. They will have their ships. They will have their experience. They will have their skilled and practiced officers. They can compete with great advantage for the contract for this service. Ought they not to be required to consent to this? Having all these advantages, can they not offer better terms to the Government than other persons? If they do, will they not get the contract for an additional term? It seems to me nothing can be more fair, nothing clearer than this.

We have been told about the necessity of having these lines. Sir, you will have steam lines whether the patronage of the Government be extended to them or not. American energy, American enterprise, and American skill, with the impulse which they have already received from the past patronage of the Government, can defy the world. I have not the slightest fear but that we shall be able to compete on the ocean, as we compete on the land, with any nation on the face of the earth. Let the energies of the people be unrestricted and unconfined; give no extraordinary patronage to particular ports or to particular lines, and, my word for it, you will have a competition which will more than make good all the promises made in behalf of this line. Let us have competition. That is said to be the life of trade. That is the best security of the Government against imposition by favorites and particular contractors. I have no fears whatever but that the wants of the community will be met; that the postages will be cheapened, instead of being made dearer, and that passages upon the ocean will be as swift and as cheap as they are now. For one, sir, I do not want a splendid Government. I desire no excessive revenues. I am against this lavish expenditure with both hands. I wish to see the national revenues diminished. Limited revenue is the only guarantee. Economical expenditure, moderate revenue, and light taxes will make a frugal Government and a rich people; and if we adopt the amendment which I have had the honor to submit, it will be a step towards economy—not a great step, I admit, but still a step in the right direction. I trust it may be taken.

Mr. BAYARD. I should not have taken any part in this discussion if, as I had hoped, it had

been disposed of yesterday. The opponents of the bill as it came from the House determined, however, that the discussion should be continued; at least I judge so from the votes which were taken on questions of adjournment; and the debate took such a course that I feel myself compelled to make some remarks in reference to the amendment before the Senate, not because I have any hope of changing the vote of any Senators in reference to this proposition, but because I consider the course of debate has been such as to require, for my own justification, that I should give a brief explanation of the reasons which will govern my vote.

Mr. President, when the system was adopted by Congress, following the example of Great Britain, of providing vessels intended to be auxiliary to the Navy in the event of war, and to be employed during peace in the transportation of the mails, I was not a member of this body, nor for several years after. It was in full operation when I became a member. If, however, I had been here, in accordance with the principles which, on a former occasion, I stated to the Senate, I should have been disinclined to adopt the system except in cases where a rival line existed, which was supported by the money or the Treasury of another Government. In that excepted case only would I have been content that the Government of the United States should connect itself with any system of the kind, and should have preferred leaving it otherwise to individual enterprise. But the system was established.

After Congress had determined upon that course, at the solicitation of the Government, Mr. Collins and his associates embarked in this enterprise, which was new and untried to them, and which, like all other new and untried enterprises, necessarily involved expenditures and disappointments which human judgment and human sagacity could not foresee. They embarked in it in good faith, and as I shall show before I have done, whatever may be the technicalities of their contract, they have carried it out substantially and fully in good faith, so as to promote the purposes and objects intended to be effected by Congress. Finding that the expenses in the new enterprise were far greater than they anticipated, and that there were additional difficulties to be encountered in the want of means for the construction of machinery adapted to the class of vessels necessary to effect the objects of the Government—(for to have constructed an inferior class of vessels, unequal in speed to the existing line established by the British Government would have been idle)—which involved the investment of a capital of nearly $3,000,000, and current monthly expenditures far beyond their calculations, in 1852 they came before Congress, made a statement of the facts, and Congress, after full investigation and discussion, agreed to extend the compensation which they were entitled to receive under the contract. The British Government had done the same thing in reference to their line on two several occasions; and on similar grounds Congress adopted that policy.

I do not mean to go into the details, but to state, as briefly as I can, the course of proceeding in this matter.

There was attached to the bill which increased the compensation a proviso, leaving it within the discretion of Congress to withdraw the additional compensation at any time, with six months' notice, after the 31st of December, 1854. I did not approve of that proviso then, and subsequent experience has strengthened my convictions of its impolicy. In March, 1853, under representations made of the large expenditures upon all the mail steamer lines, Congress authorized advertisements to be issued by the Postmaster General, with the view to ascertain at what prices the services performed by them respectively could be accomplished. I shall notice that advertisement hereafter; I believe it has not been yet referred to in this debate.

The natural belief on the part of the contractors, and of every other man was, that in the reservation of the power to revoke the additional allowance, Congress would be governed in its exercise, not by caprice, not by the assailing efforts of individuals outside of the body, nor by any other influence than a fair inquiry into the matter. That the additional grant would not be recalled but for just reasons, and after investigation demonstrating an altered state of facts, with the ceasing of the necessity upon which the grant was made, was a fair and rational inference, in my judgment, as to the future action of Congress under the power of revocation. But what, in fact, has since ensued? In 1854, just before the close of the session of Congress, when there was in the House of Representatives a bare quorum present—one hundred and thirty-two members, the vote being forty-seven to eighty-five, one hundred and two being absent—although it was at least questionable, and, in my judgment, certain, that by the true construction of that proviso, the time had not arrived at which Congress could give the notice in good faith, the House passed a bill authorizing and requiring the notice to be given by the Postmaster General; and this without investigation, or sufficient cause. When that bill came to this body, there was also a bare quorum here, and the notice was stricken out by a majority of only two votes. I draw very different conclusions from these votes from those of the Senator from Tennessee, [Mr. JONES.] At the present session, in a full House, and after a prolonged discussion, the same body which, with a bare quorum, last year passed by a large majority a bill requiring the notice to be given peremptorily before the proper time arrived, have this year, after a careful investigation, by a decided, though not a large majority, determined not only that they would not give the notice, but experience had shown that it was unwise that this provision should exist in the contract. Was it not a just conclusion?

These contractors have embarked in this matter a very large capital. They are carrying on one of the most expensive undertakings that could well be imagined. If they found that, at each session of Congress, they were liable to be placed in a position in which this allowance might be withdrawn, not upon a judgment founded on information afforded to Congress, not upon a consideration of the commercial interests of the country, but upon the mere *caprice* of Congress—was it not natural that they should wish to get rid of that provision, especially when, in consequence of the loss of one vessel, which they were originally bound by Congress to construct, they were under the necessity of constructing another in its place at a cost of $700,000—was it not natural, under these circumstances, that they should wish to have some certainty as to their future prospects, some certainty after their contract had lasted for five years, and left them still absolute losers under it, and had but five years more to run, with all the time, labor, and anxiety which had been involved in the business, that they would be permitted to make up for the losses sustained, and secure some reasonable profit under the contract? It was a reasonable desire; and I think the judgment of the House of Representatives in determining to abandon this proviso, was a natural consequence, arising from the precipitate action of a mere quorum of the body at the close of the last session of Congress. This is the view I take of the legislation here, Mr. President. The danger to these contractors when they are called upon to construct another steamer at a cost of $600,000 or $700,000, is the liability which exists to the exercise of this discretionary power by Congress, not upon grounds of investigation, not upon grounds of justice, but upon grounds, such as I have stated, either on the interference of other persons who desire to make a profit, and yet who were unwilling to incur the risk of loss in the first instance, or on the mere caprice of some individual members in bringing the matter before Congress, when there is no time for investigation and deliberate action.

Under these circumstances it is not to be expected, it would not be rational to suppose, that the contractors would not desire, in their future operations, that they should have some certainty as to the compensation which they were to receive. On the part of the Government, I deem it a wise measure to abandon this power, because, otherwise, we shall have this question constantly brought before us. If we were to agree to the recommendation of the Committee of Finance, which does not propose to give the notice, but merely to retain the power, there would be but three years of the contract remaining when any notice could be given, and the saving would be too trivial, in my judgment, to justify keeping the amount of the allowance in a state of uncertainty, when the law, as it now stands, requires this additional vessel to be built.

What are the objections to this application? for I take it for granted that the contractors have applied to be relieved from this clause in the law of 1852. I do not know that it is so, but I take it for granted; and the House of Representatives have seen fit, after discussion, to agree to that application, and repeal the proviso in the law of 1852. What are the objections, sir? The first is, that it is the invariable practice of the Government, in all its mail contracts, to reserve the right to *determine* the contract within the term to which it is originally limited by the executive officer. I concede that such is the practice; I concede that such a practice is a wise and proper one; but, like all other rules, it has its exceptions; and I hold that you cannot properly apply such a rule, whether leaving it to the discretion of Congress, which is a most unfit body, as its previous action shows, or to that of an executive officer, to terminate a contract of this kind; for the reason, that the character of the service is one that requires such an amount of capital to be embarked, that you can get no man or set of men to make an original contract, no matter whether for five, or six, or ten years, subject to the right of the Government to reserve such a discretion.

In the original contract with these parties, there is no such provision. You granted it for ten years. Why did you do it? For the very reason which I have stated. Honorable Senators here, within the past few days, when they were desirous of aiding in the construction of a railroad from the Pacific to the Mississippi, did not hesitate to require that a contract should be entered into for fifteen years, for the payment of not exceeding $300 a mile for the transportation of the mail on that road. I was opposed to that bill on other grounds, which I thought legitimate and right; but there was no hesitation, no difficulty, in providing that the contract, under such circumstances, should be extended for fifteen years, without any proviso of a right to decrease the allowance at the discretion of Congress.

Mr. President, undoubtedly the general practice and rule of the Government, applying to the ordinary transactions of the Post Office Department, in giving a discretion to the Postmaster General, is a wise and reasonable regulation; but when you attempt to apply it to a line of steamships established for particular purposes, one purpose in case of war, and a distinct purpose and use in peace—which involves a capital of millions of dollars, and an enormous annual expenditure—which is to be a rival to the line established by the Government of Great Britain, and supported by the Treasury of Great Britain, you should not expect capitalists to enter into a contract with a condition attached that it shall be in the discretion either of the executive or of the legislative department to terminate the allowance. In making the additional grant, no doubt those who reserved the right had the power to do so. The question is, whether it was wise to do so? I think it better, from our experience, to abandon the right.

There is, at least, connected with this contract one merit to which the parties are entitled. They embarked in a new and untried business, and at the solicitation of the Government; and the moment they did so, the Government of Great Britain established an additional line between New York and Liverpool, and the effect of the establishment of our line led to the postal treaty with Great Britain. Though that postal treaty is unequal and imperfect in many respects, yet it is better than any previous state of affairs. Though its inequalities ought to be remedied, it is not by the abandonment of this line that you can expect to reach that result.

I have stated the character of the enterprise, and the magnitude of the capital involved in this matter, together with the fact that they had to contend with a line backed by the Treasury of Great Britain, which placed it in a very different position from our ordinary contracts for postal service throughout the country, whether by land or by water.

The next objection is, that we are paying for this line an enormous sum, greater than you could establish a line for, and that great profits will be

made under it. Now, sir, under our discretionary power, beyond all question, if we should find that exorbitant profits are to be made by this line, it would be a perfectly just cause, in my judgment, for repealing the extra allowance; but when you come to investigate the facts, when you have sworn statements, giving the details of every voyage of these steamers down to 1855, giving the expenses of each one, and the disbursements of each one, and showing the difference between the expenditures and the receipts, under the contract, from all sources, you find, when you make the ordinary and necessary allowance for depreciation from use, and for the mere interest upon the capital which is involved, that the owners of this line, after an existence of five years, are positive losers. Although the Senator from Tennessee may say that that has nothing to do with the contract, does it not enter into the equity of the case, as to whether Congress shall withdraw the additional allowance which they made on the ground that these men, having embarked in the contract with good faith, had performed it in good faith? I speak not of the technicalities of the contract; but is it not an answer to the position, that now you ought to withdraw that allowance, when they show you fairly and fully that they are yet under an actual loss; and that, after five years of continual struggle, they have succeeded in establishing a line which not only equals, but excels, the line which was established years before by Great Britain, with all the advantages which it had of being an established line?

Though it be perfectly true that, owing to the contingency of the war in Europe, a portion of the line established by Great Britain has been withdrawn, it is but a temporary withdrawal, and there is no evidence, there is no attempt to show that there can be any extraordinary *profits* derived during the next five years. But if they do make large profits hereafter, according to my sense of justice, they are fairly entitled to them, and will not be extravagantly remunerated for the hazards they have encountered, and the success they have achieved. They embarked in this business at your own solicitation; they have performed their contract, as I say, in good faith; and having done so, I should not hesitate, after having made the grant of additional compensation, and finding they are still losers, to say that it is impossible, during the five years remaining, that they can make any more than a reasonable remuneration for the losses which they have sustained. Does any gentleman suppose that they entered into an operation of this kind with the mere view of making only seven per cent. interest upon their money, while they were hazarding the loss and destruction of their capital? Would that remunerate them for the time, labor, and anxiety of mind, and the chances of entire loss which are involved in such a business? Treat such contractors as some Senators seem disposed to treat them, and you will look in vain, in the future, for any contracts being made with the Government by persons who really can carry them out in good faith.

Sir, these contractors have been losers hitherto. The statement which you have here distinctly made, and sworn to by one of the clerks, or by the secretary of the company, in which he gives the disbursements of each ship and the receipts from every source, proves that taking the entire receipts from passengers, and freight, and the mails, from the commencement of the line until the 17th of February, 1855, you have receipts amounting to $7,874,773 34, and disbursements for the mere running expenses, expenses actually incurred and paid, $7,207,291 91, leaving what is called in the statement, a surplus—but it is not a surplus—leaving the difference between the expenditures and receipts in the period of five years which the contract has run, with a capital of $3,000,000 involved, but $667,481 47. This neither includes the loss by depreciation, which of necessity enters into all steaming operations, nor does it include the mere interest on the money. When you come to deduct the losses which have been actually sustained, the loss of the ill-fated Arctic, and the depreciation on the other vessels according to the settled experience of men who have been engaged in the business, and the interest of seven per cent. on the capital, you find that they are still out of pocket, or in other words, they have not received their expenditures, over the loss by depreciation and the interest at seven per cent., by the sum of $253,924. They are still losers to that amount, and that, too, after the contract has been going on for five years, three of them being since the additional compensation was made. You have no counter-evidence to this that can possibly meet it. You have the case presented to you precisely on the same grounds on which you granted the additional allowance. These men having entered into a contract in good faith, and having carried out the objects which you had in view in good faith, you would not suffer them to be destroyed under the operation of the contract, but made them an additional grant, reserving to yourselves this contingent right of revocation without determining what your policy would be when the contract should expire. Ought not the same considerations to induce you, looking at the probable profits of the last five years of their contract to abandon that right, and prevent a further agitation of the matter, which is injurious to the contractors, and without benefit to the Government.

In connection with this, I may be allowed to remark on the figures of the honorable Senator from Tennessee, [Mr. JONES.] He gives us a statement to the effect, I believe, that something over $7,000,000 will be paid to this company during the whole time of their contract; and we are told that it is monstrous that such a sum should be paid on a capital of but $3,000,000! He even attempts to underrate the amount of the capital, as I understood him, by showing that but something over $1,500,000 were subscribed, and that the rest was borrowed. Be it so. But, surely, if it was not subscribed but borrowed, it forms a part of the capital of the enterprise. The vessels, beyond all question, cost nearly $2,900,000. There must have been incidental expenses in the establishment of the line which would run the amount up to $3,000,000; and though that may not all have been subscribed, though some of it may have been borrowed, it forms part of the capital. But waiving all that, whether their capital is $2,000,000 or $3,000,000, it is immaterial; there is really nothing in the argument—though I heard it once before on this floor—that there is any impropriety in a large annual grant, because the amount of the grant appears great in reference to the capital employed. You have not a common ordinary horse conveyance of the mail in the country in reference to which the annual amount which you pay does not probably quadruple the amount of actual capital invested. It is constantly the case. You make the grant founded on the running expenses as well as on the capital; and, therefore, all this parade of figures of the amount which you pay should be weighed with reference, if justly presented, to the expenditures which are necessary to carry on the business, and also to the objects which the Government desires to attain. In this case the mere receipts of postage did not constitute the only object which the Government had in view. I shall not enter into the details on that matter, because I am not sufficiently conversant with them. It is an unquestioned fact, however, that, in regard to the postal service, you have derived the benefit of the establishment of the postal treaty from the establishment of this line; and it is another unquestioned fact that the receipts of postages through the line have been increasing steadily from its first establishment, and that against discriminations on continental letters by Great Britain, most unjust and unequal to us, under the operation of that treaty. I do not pause now to enter into the facts with which the Senate is familiar. Under all these circumstances, there has been an advance and increase of postage year by year. But, further, Mr. President, when this question was mooted in the Senate, in 1852, I said, and I still think, that it was very probable that the postages might not equal the amount of the disbursement during the period of the contract. I saw no reason, then, when I looked to the nationality of the interest which I conceived was embarked in this line, why the Government should abandon the contract into which it induced the parties to enter, although it did not get an exact remuneration in money, from the postages, for the amount which it was paying to the contractors. I think so still.

The facts may be summed up thus. Your own citizens, at the invitation of the Government, through one of your Government officers, the Postmaster General, and at his solicitation, embarked in this enterprise, which was a new and untried one. They found it more costly than they expected. In the progress of the contract they applied to you for an additional compensation, and after giving a statement of facts, and after a full investigation, it was granted.

Gentlemen have not shown me, nor can they show me, that the reasons which induced the Government to make that grant have ceased now. It is true, as has been stated, that the Cunard line is not now running to New York, but it has been called off by the exigency of the war in Europe; but there is nothing to show us that it will not be reëstablished. Beyond all question the expenses connected with the running of a steamer between Liverpool and New York, have been increased in the last two years, and no reason has been given for altering now the determination of Congress in making the grant at that time, which would not as fully have existed then. When you have a further appeal made by your citizens, showing that, having embarked in this matter, they are still, after five years' service, losers by their contract, is it asking too much to have this restriction removed, so that they may not be liable to be called here at each successive session of Congress, to defend the grant which was made to them in 1852, when they succeeded in showing that the amount then granted was but a fair compensation for the services performed?

It may be perfectly true, therefore, that, within the terms of the contract originally made, you are only bound to pay a certain sum per trip, and that, under your additional grant, though you are bound to pay $33,000 per trip, you have the power to revoke the additional allowance if you see fit; but unless some malperformance is shown on the part of the contractors, or the fact is proved that they receive exorbitant profits, though it may be in your power, I deny the equity and justice of such an act on the part of the Government of this country. The two reasons which I have specified are, in my judgment, the only two which could justify that act.

Again, Mr. President, we are told, as another reason why this power to give notice should be retained, that an offer has been made to run mail steamers on this line by another person (Captain Vanderbilt) for a much less sum than is now paid by the Government to the Collins line. Mr. President, suppose it be so; I think I do no injustice to Captain Vanderbilt in saying that, though he is a very shrewd and a very sagacious man, thoroughly acquainted with steamboat matters, and a very enterprising man, yet his offer, uncertain as it is in many respects, should not be regarded. Sir, the circumstances are these: He comes here, in my judgment, as an interloper. When, five or seven years ago, the Government was willing to enter into a contract which he might have entered into as well as others, when the business was new and untried, and all the difficulties connected with it were to be encountered, he shrunk from it, and left the hazard to others. Yet now, when what was then a new line, running against an established line, has become itself an established line, he steps in, and offers to perform it for a less sum, although the contract which was made by the Government with the other parties who have undergone all the expense and difficulties and hazards of a new enterprise has not expired. He offers to perform this work for a less sum, having the benefit of their knowledge, and of their previous labor in *establishing* a line successfully, which is the great difficulty in all transactions of this sort. Sir, this proposition meets with no favor at my hands.

But further, Mr. President, I doubt the whole character of the proposition, and I will give the reasons for it. On our tables were laid, after this bill had passed the House, printed propositions from Captain Vanderbilt, which disclose nothing but the fact that he is willing to contract to run a line, without any description of the vessels which he would employ, and without any allegation as to the time which he would make between Liverpool and New York, for $15,000 a trip. That is the proposition? When, in answer to the honorable Senator from Tennessee, [Mr.

JONES,] I showed that, within the terms of that offer, such a line might well be run, and make a profit, while the Collins line, running at the speed that they do, would experience a loss—that, running inferior vessels, and running at a slower speed, such a line might be kept up for that sum, and yet that the Government would lose by the operation, in postages, an amount quite equal to the difference in cost between the two lines, then the Senator from Tennessee stated that Captain Vanderbilt had assured him that he was willing to make the Collins time, or the Cunard time, I do not know which, for $15,000 a trip. Sir, when a man comes here, and has his agents here for the purpose of acting upon the legislation of Congress, and preventing the passage of a provision intended for the benefit of men who entered into a contract when the business was one of uncertainty, indeed almost an unknown business, and when it was impossible to estimate the expenditures which would have to be incurred, when he occupies that position, lies by, and makes no such proposition while the matter is being investigated before one body, and not until he finds that it is carried, and that his schemes are defeated, does he come forward with his verbal assurance that he would do the same work for a less sum; are we to legislate on such a state of facts, and take the chances of whether he will comply with that assurance or not? Such considerations ought not, in my judgment, to influence the legislation of Congress.

Further, Mr. President, on the 3d March, 1853, under an allegation that the Collins line, and other established lines, were expensive, you authorized the Postmaster General to advertise for proposals for the transportation of the mail between New York and Liverpool, as well as on other lines; and in answer to those proposals where was Captain Vanderbilt? No offer whatever came from him; no proposal was made by him to run a line then for $15,000 a trip. No proposition came from any source to establish a line, except one from the Galway company, which proposed to leave the sum to the discretion of Congress, and that was considered such an entirely vague proposition as to be unworthy of notice. Now, I ask, having gone through with that process before, if this offer was intended as a fair and *bona fide* offer, in regard to the matter of the expense for equal service, whether it would not have been made when the advertisements were issued, two years ago, and when this extra allowance had been in operation for nearly one year?

Mr. President, I consider this as a mere effort, when I look at the whole circumstances of the case, made by an opponent of this line on personal grounds, or from some other cause, (I do not know what; nor if I knew it would I state it here in the Senate; but it bears on its face indelibly the impression of something of that kind,) to defeat a proposition which he supposes will be beneficial to men and interests to which he is opposed. That certainly would never get my sanction, that would never influence my determination as a legislator.

I concede the ability of Captain Vanderbilt. I believe he is a millionaire, and that he is an enterprising man, and one of great shrewdness and capacity for business; but suppose that this offer were made by him; I ask if a question of dollars and cents would induce the Government of the United States, when it had previously entered into a contract for a period of ten years, with contractors who had embarked in the business at its solicitation, and had invested a large capital on the faith of the contract, who have lost money by the operation so far, to suffer them to be destroyed because there exists a power to withdraw the allowance and permit another party to come in and make profits at a time when—by the energy, the skill, and the enterprise of the previous contractors—they were about to be in some measure remunerated? I trust such a consideration will never influence the Senate of the United States.

Mr. President, this matter has been spoken of as if a new contract were proposed to be made by the bill under the consideration of the Senate, which has been sent to us from the House of Representatives. It is not so. The proposition is this: You are asked, under the bill from the House of Representatives, to release one of the terms of the contract which renders uncertain and unsettled the compensation which is given to those contractors, and which also, if it is released, provides that they shall build an additional ship, which will be useful for future purposes, as well as for the present. That cannot be called a new contract; it is simply a modification, or an abandonment rather, by Congress, of the right of revocation inserted in the original contract. There is no proposition to extend the time of the original contract; there is no proposition to establish a new line by these old contractors. They ask you whether, in justice not only to the country, but to them, you will not give them a certainty that they shall receive the compensation, within the terms of the contract, for the period during which it was given to them after full investigation? They ask whether you will not give them a certainty that it shall be continued during the remaining period of the original contract into which they entered, and on the condition that they shall construct an additional vessel? This is no new contract. I view it as a proposition to carry out, under this bill as it comes from the House, our original contract with the parties, in substance, in good faith, and according to the object of Congress at the time it was made.

I have stated that this contract has been performed in substance and in good faith on the part of the contractors. Let me endeavor to show that. Will any gentleman deny that as regards the postal service, the contract with Collins and his associates has been fully and faithfully carried out? You stipulated for no time. You stipulated for a certain number of vessels; but your most important stipulation was for the trips to be performed; have they failed in that? No. As to time, have not these men constructed their vessels not only regardless of expense to themselves, but in order to carry the mails in the quickest possible time, and have they not run all sorts of hazards? Have they not succeeded in giving a superiority, in point of time, to your postal service over the postal service of the established line of Great Britain, which had existed for years anterior? They have, therefore, I say, performed their contract in good faith. That they have built one vessel less than was specified is immaterial. They have performed the contract by making the trips regularly according to its terms, and making them in the quickest time, though the contract did not so require. They have made the best time that could be made, and they have spared no exertion or expense to do that.

Take the single item of loss, to show how this thing operates, which occurred within the last six months. In running up the Irish channel, one of their steamers ran into a vessel, and sunk her. That will cost them $100,000, because the courts of justice usually decide under general principles, where a steamer runs into a sailing vessel, the steamer is responsible for the injury which is done. That was not an act of carelessness; it was an act which may frequently occur, because that channel is densely crowded with vessels. It is also very liable to fogs; and yet, unless these steamers run with a certain degree of speed, they would not carry out the wishes of the commercial people of this country, in giving speed to the transmission of the mail. It is in order to accomplish that object, that they run these hazards, and these hazards they have to pay for. I recollect, on my voyage in the Pacific, we nearly came in collision with another vessel. We were running slowly at the time, about eight knots an hour. The fog was so dense that we could not see ten or twelve feet ahead, and by a rapid shifting of the helm, we barely escaped running down a vessel which must otherwise have been lost, but which, fortunately, we merely grazed, and passed without injury. These are matters of frequent occurrence, because the channel is always crowded; the fogs are incessant at particular periods of the year; but the people of this country want speed, and, in order to accomplish that, they must hazard the vessels, and run the risk of experiencing such losses. I mention this only as an incident to show that it is not through negligence that these things occur, but from a desire, regardless of expense, to carry out, in good faith, as regards the postal service, their contract with the Government, not only making their trips regularly, but making them in a time not equaled by any other line.

Mr. President, I come now to the question connected with the war steamer clause. These vessels were constructed, as indicated in the policy of the Government, for the purposes of war as well as for the purposes of the postal service in peace, and the Government has the option of taking them at a valuation. It was alleged in 1852 that they were useless for purposes of war. I admitted then what I have some doubts about now—that as between the side-wheel steamer and the propeller, the propeller was the most efficient vessel for purposes of war. I doubt it now. I shall not enter into that vexed question. I shall not venture to controvert the much superior information and knowledge on naval subjects of the honorable Senator from Florida, [Mr. MALLORY;] but there are some matters connected with this that I will allude to in order to show that he is under an error in his allegation as regards the inutility of these vessels for war purposes. I may express it as a general result, first, that of all the steamers that you have had built under this policy, the Collins line alone have complied substantially with the terms of the contract in building their vessels to suit war purposes. If it be true, according to the view of the honorable Senator from Florida, that a war steamer must be able to engage at the distance of pistol shot, broadside to broadside, then the Saranac is not a war steamer; the Susquehanna is not a war steamer; you have no war steamers in the Navy unless they be the Princeton and the San Jacinto. Where does the honorable Senator obtain his authority? He has disavowed that of Charles Stewart. Now, with all my respect for the honorable Senator, I would rather take the opinion of one of the most distinguished captains of our Navy, who has been fifty years in the service, and is thoroughly acquainted with the arts of seamanship, in regard to the fighting capacity of a vessel, than that of the honorable Senator from Florida.

Mr. President, you have the opinion of Commodore Stewart, and I want no higher opinion. I am always willing to avail myself, in matters of that kind, of the opinions of those who are particularly instructed in them. You have the opinion of Commodore Stewart, that those vessels are built for the purposes of war; you have the same opinion from Commodore Perry—and I will state further, that although originally Commodore Perry thought it might be necessary to remove the upper decks, in the event of preparing them for war steamers, he does not now entertain that opinion, as I understood from him in a personal conversation within the last few weeks. That such vessels could not fight at pistol shot I admit, but the capacity of such a vessel for war purposes does not depend on that. It is perfectly true, that, in former times, when you had sailing vessels alone, of necessity, when vessels encountered each other hostilely, they were brought into close contact in order to determine their relative superiority, because one vessel, controlled by such an element as wind, though she might have the advantage of speed, in taking her position, could not maintain that while firing upon her adversary so as to do her material injury, and prevent her approach; but with the element of steam as a motive power, where there is a decided superiority in the velocity of the vessel, then the vessel having the superior velocity, though she may not have the same number of guns on board, beyond all question, must overcome the vessel which is inferior in speed.

If a vessel is capable of carrying ten-inch guns, and throwing those projectiles used in modern warfare, one of which, the honorable Senator tells us, would be sufficient to destroy a ship if it struck her near the water line, does it not stand to reason, that if that vessel has four or five knots greater speed than her adversary, no matter what is the relative strength of the two, she can, with such an element as steam, take her position at such a distance as effectually to throw her shot, whilst exposing only her bow to the attack of her opponent? It is perfectly well known that there is an angle within which, if the bows of the vessel fall, a shot will glance when it strikes; and these vessels are constructed so sharp as to come within that angle, and, bow on, they encounter little risk of injury from a hostile vessel.

I have had a conversation, of which I took a short memorandum, with the chief engineer of your Navy. He has been in your service fourteen years. He has sailed, under the orders or permis-

sion of the Government, six voyages in the Arctic, and six in the Pacific. He has been four years in the Mississippi, and twenty-one months in the Saranac. He considers that there is no comparison in the capacity for war purposes between the Collins steamers and these vessels; that one could overpower the other, with nothing like an equal armament, with the utmost facility, owing to the difference of speed; and to illustrate that, having sailed in them all, he told me that he considered—he had no doubt—that, against a gale at sea, these Collins steamers could make five knots an hour, while any steam frigate in your Navy would be carried astern. He told me that the Collins steamers were stronger built than either of those frigates I have mentioned; that the depth being greater—the depth of the Collins steamers is six feet more than that of the Mississippi or Saranac—made them stronger for the purpose of performing their duties on the ocean. It is not, however, necessary for me to enter into the details of these matters here, even were I fully master of the subject.

Well, sir, with the superiority of speed to this extent, the vessel takes her own position; with her bows to her opponent, (unlike a sailing vessel, she can keep that position with steam, or she can go backwards or forwards,) she remains in the same relative position, spite of the efforts of her opponent to get out of it, and she remains with an elevation above the water, which by some is made an objection to these vessels, with a power in consequence of this superior elevation which gives an increased range to her guns. She, therefore, has the opposing vessel, no matter what her armament, completely in her power with the aid of only one or two of these modern implements of warfare. This is the statement which is made to me, and it seems to be rational. Would there be any difficulty in a vessel, under such circumstances, taking her own position? And if she has power to take her own position, she avoids the danger to herself, and exposes her adversary to her shot, one or two of which striking would be sufficient for the purpose of destruction. To say that vessels have always hitherto fought within pistol-shot, is to go back to the time when wind and sails were relied upon, and it is a frail argument to assume that vessels must engage now as formerly, when a new motive power has been introduced, and when velocity is not only accompanied by the ordinary superiority of one sailing vessel over another, but by the power to take a fixed relative position and retain that position. That, it seems to me, alters the whole course of naval warfare as between such vessels.

I might pause, Mr. President, to enter into many more details in reference to this, but I will only further state that I have read over a work published by Mr. Stuart, formerly an engineer in the Navy—a very beautifully illustrated work—in which he gives the dimensions, voyages, and time—the fastest, slowest, and mean time—of every frigate in the Navy; and there is not one of them that, in strength or in velocity, has approximated to the Collins line. Details are given in regard to the whole; but I am not sufficiently acquainted with the technicalities of the matter to introduce them here.

Shall I be told, then, that these men have not complied with their contract to build for you vessels suitable for purposes of war, when they have built vessels better than any which you have in your naval service? A remarkable evidence of the strength with which these vessels have been built, is, that with all the voyages they have made, including winter passages, and by the northern route, too, there has been but one of them caulked during the whole time, and that was the Atlantic, and she was found to require very little in that way. Sir, from all the information I have been able to acquire—and I have endeavored to ascertain the facts correctly—I consider that these vessels are far superior to any steam frigates that you have in your Navy, quite equal to any steam frigate in the British Navy, and superior to most of the steamers in the merchant marine of Great Britain. As regards the speed and other qualities of these vessels, I will advert briefly to some opinions of competent authorities, one of which was read by the honorable Senator from Michigan—that of Commodore Stewart, of the Navy. Another is that of Captain McKennon, of the British Navy, who certainly was not prejudiced in favor of the American steamers. He gives the unqualified opinion that the Baltic is, out and out, the fastest vessel afloat. His language is very strong, and I will read it:

"I tell them again plainly, however unpleasant to myself, that there are no ocean steamers in England comparable with the Baltic."

This is the language of a distinguished officer in the British service. Then he says:

"I am only doing justice to these magnificent vessels in stating that they are, beyond any competition, the finest, the fastest, and the best sea boats in the world. I am sorry to be obliged to say this; but, as a naval officer, I feel bound in candor to admit their great superiority."

He gives the details of his passage in the America, one of the Cunard line; he sailed in both the Baltic and America, and he states that there can be no comparison between them at all.

Again, sir, there is another high authority that touches all these questions, and that is Commander Lynch, of your own Navy. Certainly he is a man of science and capacity. Having been a passenger on one of these vessels, he writes about the Arctic:

"I examined her closely, and do, as far as I am capable of judging, consider that in strength and beauty of construction, in stability, combined with buoyancy, in dryness, and in speed, she surpasses any other vessel, *national* or mercantile, I have ever known; and I have three times before crossed the Atlantic by steam, and twice commanded steamers."

Will you tell me, in opposition to the authority of such high sources, that these vessels are not adapted for the purposes of war? They have strength, velocity, and capacity beyond all question. That is the opinion which is expressed by officers who are in your own service. But further, I may state a fact which is within my own knowledge, and which may be found to be so if trial is made, on the question of strength. The only objection which is made to these vessels on the score of their armament is that they have one deck more than ordinary naval steamers, and that the upper deck, which is very elevated, is not strong enough to bear an armament. Some say it cannot be sufficiently strengthened; but those acquainted with the subject say it can be strengthened for the purpose easily and readily. It will give an advantage if strengthened, so as to carry ten inch guns. Of that there can be no question, because it would give them a greater range, and with their velocity they could take their own position. As regards the walls of these vessels, they are two inches thicker than the walls of the Franklin seventy-four. But it is said that they have not strength to sustain an armament on the upper deck. The weight of a ten-inch gun is 65 70-100 weight; no more. These vessels carry in their ice-houses every trip, a solid mass of fifty tons of ice on this very deck; and yet I am told that they could not carry the ordinary armament of ten-inch guns on their upper deck, and ten thirty-two pounders on the lower deck!

Again, being without bowsprits, these vessels can, with facility, train their guns to fire from the bow; and with their velocity, with a capacity to carry even two ten-inch guns only, they would be the most formidable steamers that you could employ in your service. I have seen no sufficient authority to convince me that the upper deck of these vessels is not amply sufficient, even without additional strengthening, to carry a sufficient armament, and fire with that armament; but if we increase the strength by a few stanchions, in order to sustain the upper deck, there can be no question about it. It may be said that the mere weight of the cannon is not the difficulty. I have heard gentlemen say that one of these vessels would fall to pieces if you were to attempt to fire a gun from her. I have read the report of the answers of an officer in the British service, who was examined before a committee of the House of Commons in detail, who was a practical man, who had been previously appointed as superintendent for the purpose of making experimental practice in gunnery, and who was fully acquainted with the subject. He tells us, in his answers, that the steamers in the British commercial marine are generally from five hundred to one thousand tons burden, and no more,—this was before the Collins line was established;—that they can carry from thirty-two to sixty-eight pounders, and fire them without any risk of danger to the vessels, and that, in such vessels as those of the Cunard line, there is no difficulty whatever in carrying ten-inch guns and firing them. That is his testimony, which is given in detail. I shall not trouble the Senate with reading the whole of it; but I shall read one or two of his answers:

"J. R. Englefue called in, and further examined.

"Chairman. Have you any addition to make to the evidence you gave on a former day? Yes; one point is with reference to the weight of guns for second-class sized steam vessels."

That is the British marine service.

"I think I was not sufficiently explicit on the last occasion; that is, I merely stated that they were capable of carrying guns. I now wish to state that I think they are all capable of carrying sixty-eight-pounder guns.

"In addition to the thirty-two-pounder guns which you formerly stated they could carry on their quarter decks? Yes.

"Mr. Corry. Is that a sixty-five cwt. gun? Yes.

"Mr. Anderson. When you speak of second-class steamers, you mean second sized steamers? Yes; of from five hundred to eight hundred tons.

"From your experience and knowledge of the steam vessels in her Majesty's service, do you consider it possible to fit mercantile steamers of the same size with equal armaments? Yes, certainly.

"What further fittings would you require? would you require any additional fittings to those which have been already spoken of? No; except builtings, and places for the pivots for shifting the slides round."

Then, at the close of his deposition, he says:

"In order to show practically the facility with which merchant steamers can be armed and equipped in every way as steam frigates, I particularly invite the attention of the committee, and more particularly those of its members who are familiar with such matters, to the fact of the 'Bombay' steamer, now in the East India docks, and in every way equal in fittings to any of her Majesty's vessels, and equally efficient in every respect. This vessel has been fitted to carry two ten-inch guns, and ten medium thirty-two-pounders, and, in my opinion, could carry with ease the heavy thirty-two-pounders, or a proportionate number of sixty-eight-pounders, thereby rendering her equal, in every respect, to any of her Majesty's paddle-wheel steamers of the same tonnage. This is a case which, in my opinion, completely sets at rest any doubts as to the capabilities of our merchant steamers for war purposes. The vessel is on the spot; can be seen and surveyed by practical men. The 'Ganges' is another instance of the same sort, and can be seen at Blackwall."

Now, I venture the assertion, that neither of the vessels there mentioned approximates in speed, tonnage, strength, or capacity, for the purposes of armament, to any one of the Collins steamers. I submit, therefore, that these vessels are adapted to the purposes of war, though not able to fight broadside to broadside; and that there is not a vessel in your Navy, that, when armed with a proper crew, they could not demolish. But the honorable Senator from Florida [Mr. Mallory] tells you, as I understood his statement, that the British Government has abandoned the use of the side-wheel steamers, and converted them into propellers. With great deference to that honorable Senator's opinion, I must beg leave to doubt whether, in a single instance, the British Government has ever made such an alteration.

Mr. MALLORY. The honorable Senator mistakes the statement which I made. It was not that side-wheel steamers had been converted into propellers, but that where the alteration had been made from their sailing ships, it had been into the screw propellers; and that the paddle-wheel steamers had been condemned as war steamers.

Mr. BAYARD. I understand that perfectly; but the honorable Senator will excuse me—though he might not have intended it—and I hardly supposed at the time that he did, but I did not wish to interrupt him—he did use the expression that they had taken off their side wheels. I cannot be mistaken, for I was sitting near him at the time. He did not intend it. It was one of those slips of the tongue which will take place in the course of debate. I am perfectly aware of the fact which he states, that Great Britain has adopted the auxiliary power of steam, by means of propellers, to make some of her ordinary line-of-battle ships steamers. I am aware of all that; but it determines nothing as to the question of the relative superiority of a side-wheel steamer constructed for the purposes of war, compared with a propeller. You could not convert a line-of-battle ship into a side wheel steamer, though you might put a propeller into it. It would be impracticable from the original construction of the vessel. It is a disputed question, I admit, as to the relative merits of the two, but beyond all question the side-wheel steamer,

would be inferior in an engagement broadside to broadside; I consider, however, that velocity—with modern projectiles, if there is a decided superiority on the part of the paddle-wheel steamer, which I believe there is, more than compensates for increased vulnerability. That is a matter of opinion; but still the experience of Great Britain is such that she employs them both; and in the present war, the fleets in the Baltic, and in the Black Sea, there is, as far as I have seen in the official reports—and I have paid attention to them and endeavored to ascertain—no preference expressed by any officer against the side-wheel steamer in any of the conflicts which have taken place, and they have had vessels of both kinds engaged in the operations in those seas. I admit that it is a controverted question among naval men. I admit that further experience alone can ultimately determine it; but, in my judgment, sustained by the opinion of Commodore Stewart, the element of velocity decidedly overbalances the superiority which the propeller would otherwise have, from being less vulnerable than the side-wheel steamer; and that velocity is the first requisite, in a steamer, for the purposes of war.

As regards this question of velocity, I know it has been sometimes said that the propeller might be made equal in speed to the side-wheel steamer. I have yet to see a given instance. The honorable Senator alluded to the voyage of the Himalaya to Australia. I should like to see a repetition of the voyage, and have the time, distance, the character of the sea she traverses, and the difficulties she has to encounter; for all these things must enter into the question of relative speed, and when you have found a screw steamer crossing the ocean, at all seasons of the year, by the most boisterous passage, with the speed and regularity of the Collins line, I shall be willing to admit the propeller to be of equal velocity with the side-wheel; but until you give me something approximating to that, I beg leave to entertain doubts.

I believe, sir, I have stated all that I deem necessary to vindicate my own vote. It sums up in this way: A contract was originally made by the Government, for a new enterprise, with certain citizens, at a specific sum, with a view to carry out two avowed objects on the part of the Government, to transport its mails, to prevent the entire postal service from falling into the hands of a foreign Government in time of peace, and that the vessels might be used for the purposes of war, if war should come. For the purpose of carrying out that policy, at the solicitation of an officer of Government, Collins and his associates entered into a contract. In the performance of that contract, in the prosecution of a new enterprise, they sustained losses. There were difficulties and expenditures encountered which no foresight could calculate upon. They subsequently made application to the Government, first, to advance them a portion of the sum to be subsequently repaid, and which has been repaid out of their annual allowance. Afterwards, finding that, under the competition with the British vessels, having to run a line against an established rival line, the expenditures were so great, and their losses so serious, that they could not proceed without enlarged compensation, the Government, upon looking at the whole facts of the case, granted them an additional allowance on the ground, as I suppose, that, having entered into the contract, in which the objects of the Government had been, certainly, as regards the postal service, effected, it would not allow those who had embarked their capital to carry it out, to become losers under the technical operation of the contract. That additional allowance contained a proviso that Congress might, after a certain period, terminate it. They now apply to have that uncertainty removed, because they have experienced, and you have experienced, that a capricious exercise of the power may be made, at any moment, when there is not more than a quorum of either House present. Under these circumstances, deeming that it would be more equitable and just, and better serve the objects intended to be accomplished—believing that, in point of fact, these men have carried out, without regard to expense, their contract with the Government, in its essential particulars of constructing vessels of the proper kind, and performing the terms of the contract in the transportation of the mails, I feel myself justified in voting for the bill of the House, which will prevent the question from ever again coming before Congress, until the contract terminates.

Mr. PETTIT. Mr. President, I vote for the House bill—

First. Because it encourages American shipbuilding, and this is *necessary*.

Second. It encourages a spirit of enterprise in commerce among our fellow-citizens.

Third. The ships *rival* England in steamship navigation of the ocean; and this is a subject of great and just pride to our citizens.

Fourth. It is due to our national character to carry our mails abroad.

Fifth. It is due to Collins & Co. from the past *implied*, if not explicit, intention of Congress.

Sixth. It will furnish a strong, efficient, and reliable arm of defense in time of war.

Seventh. It is the cheapest way of raising and maintaining a Navy, to increase which is my ardent desire.

I shall not detain the Senate by elaborating each of these positions.

The PRESIDING OFFICER, (Mr. Weller.) The question is on the amendment of the Senator from Ohio, [Mr. Chase.]

Mr. PETTIT called for the yeas and nays; and they were ordered.

Mr. BELL. I have paired off with the Senator from Arkansas, [Mr. Johnson.] As he is not in his place, he requested me to consider the engagement of last night as still standing. I should vote "no," and he would vote "aye."

Mr. DODGE, of Wisconsin. I have paired off with the honorable Senator from Maine, [Mr. Hamlin.]

The question being taken by yeas and nays, resulted—yeas 16, nays 30; as follows:

YEAS—Messrs. Adams, Butler, Chase, Clay, Dawson, Evans, Fitzpatrick, Geyer, Hunter, Jones of Tennessee, Mallory, Sebastian, Slidell, Toombs, Toucey, and Wells—16.

NAYS—Messrs. Allen, Badger, Bayard, Benjamin, Brainerd, Bright, Brodhead, Brown, Cass, Clayton, Cooper, Douglas, Foot, Gillette, Gwin, James, Jones of Iowa, Mason, Pearce, Pettit, Pratt, Rusk, Seward, Shields, Stuart, Thompson of Kentucky, Thomson of New Jersey, Walker, Weller, and Wright—30.

So the amendment was rejected.

Mr. JONES, of Tennessee. I take it for granted that the minds of Senators are entirely made up on this question, and although I should like to submit some remarks in reply to what has been said, I forbear to do so. I content myself with offering the amendment which I withdrew yesterday, to strike out the provision in the bill taking away the power to give notice, and in lieu of it, to insert:

And that the Secretary of the Navy is hereby directed to give the notice provided in the first section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year, ending the 30th of June, 1852," approved the 21st day of July, 1852, to terminate the arrangement for the additional allowance for the transportation of the United States mail between Liverpool and New York in the Collins line of steamers, as therein provided.

Mr. ADAMS called for the yeas and nays, and they were ordered; and being taken, are as follows:

YEAS—Messrs. Adams, Butler, Chase, Clay, Dawson, Douglas, Evans, Fitzpatrick, Hunter, Jones of Tennessee, Mallory, Mason, Sebastian, Slidell, Toombs, Wells, and Wilson—17.

NAYS—Messrs. Allen, Badger, Bayard, Benjamin, Brainerd, Brodhead, Brown, Cass, Clayton, Cooper, Fessenden, Foot, Gillette, Gwin, James, Jones of Iowa, Pettit, Pratt, Rusk, Seward, Stuart, Sumner, Thompson of Kentucky, Thomson of New Jersey, Toucey, Walker, Weller, and Wright—29.

So the amendment was rejected.

The bill was reported to the Senate without amendment.

Mr. HUNTER. I renew the amendment of the Committee on Finance, to strike out the clause which takes away the power to give notice, and on that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 25; as follows:

YEAS—Messrs. Adams, Brodhead, Brown, Butler, Cass, Chase, Clay, Dawson, Evans, Fitzpatrick, Hunter, Jones of Tennessee, Mallory, Mason, Morton, Pearce, Pratt, Sebastian, Slidell, Toombs, Toucey, Wade, Wells, and Wilson—24.

NAYS—Messrs. Allen, Badger, Bayard, Benjamin, Brainerd, Bright, Clayton, Cooper, Douglas, Foot, Gillette, Gwin, James, Jones of Iowa, Pettit, Rusk, Seward, Shields, Stuart, Sumner, Thompson of Kentucky, Thomson of New Jersey, Walker, Weller, and Wright—25.

Mr. PEARCE. I move to amend the clause, by adding at the end of it:

Provided, That the proprietors of said line shall agree to such a modification of their existing contract as shall stipulate for the payment, for the residue of the term limited in the original contract, after the 31st day of December, 1855, of $25,000 per trip, instead of $33,000 which they now receive, and the Postmaster General is hereby directed to make such modification of the contract.

Mr. President, I will state, very briefly, the reasons which induce me to offer this amendment. I have thought that the allowance made to the proprietors of this line was too large, while I have also thought the allowance made by the original contract was too small. The original contract provided for $385,000 a year for twenty trips. By the act of 1852 we added six to the number of trips, an increase of thirty per centum in the service; but considering that those trips were, for the most part at all events, to be performed during the stormy, wintry months, it seemed to me that it would be right to estimate the service at rather more than thirty per centum. As the service was required to be performed at a season more than usually stormy and inclement, I was willing to add to the $385,000, stipulated in the original contract, thirty-three and a third per centum for the additional trips, which would have been about $513,000. But the ships which they constructed were much larger and of greater power and speed than those which they originally proposed. The increase of size may be estimated at fifty per centum above the estimation of the original contract.

Now, I do not propose to add fifty per centum increase to the amount allowed for the performance of the service, because, without doubt, a part of the expense which they have thus sustained must have been incurred in the spirit of commercial speculation, with the view of an increased amount of passage money and freight. I think it is right to allow them something for the increased tonnage, speed, and power of the vessels, as being a benefit to the mail service; but I do not think it is proper to allow them the whole. I propose, therefore, by this amendment, to give them $650,000 a year, which, I think, would include a liberal addition to the $513,000, to which they would be entitled if we were to increase the original contract price by thirty-three and a third per centum for the amount of additional service which we have required. I do not care to inquire whether the investment of the company has been successful, and, of course, not to examine the amounts of expenditures and receipts; for the taking of this contract to carry the ocean mails does not require the Government to guarantee the success and profit of a scheme which, in its origin, looked quite as much to the returns of freight and passage money as to the compensation for carrying the mails. Neither do I think that this Government can properly undertake to sustain the company against the rivalry of foreign competition, however much our public spirit and national pride may be interested in the triumph of American skill, in the building and management of these fine ships.

But, sir, I shall say no more, as I find the Senate is not in a condition to hear, and I speak to unwilling ears. When no order is kept, I will not speak.

[During the taking of the last vote there was great interest manifested to ascertain the result, and the closeness of the vote led to much speculation in an under tone throughout the Chamber. This was the disorder to which Mr. Pearce alluded.]

The PRESIDING OFFICER. There is too much noise in the Chamber. The question is on the amendment of the Senator from Maryland.

Mr. BADGER called for the yeas and nays; and they were ordered.

Mr. PRATT. Mr. President, I do not know that I precisely understand the amendment of my colleague; and I rise as much for the purpose of getting information, which I desire to govern my vote, as for any other purpose. The proposition of my colleague seems to me to be obnoxious to the objection which existed to the proposition of the Senator from Ohio. The bill is a bill making an appropriation of money due to these persons for antecedent services. I looked, therefore, on

the amendment of the Senator from Ohio—which made it a condition to the receipt of money already due to these persons that they should assent to any modification of the contract—as a violation of the contract itself. Now, it appears to me that the amendment which is offered by my colleague is obnoxious to the same objection. If I am correctly informed—and, if I am not, I want information from any source—we owe these parties for two years' mail service; and the primary object of this bill is to pay the debt which we owe. I apprehend that, on a bill which is intended simply to pay what we owe, you cannot properly impose a condition that they shall not be paid unless they consent to a modification of the contract. I agree with my colleague, that the compensation which they receive is, perhaps, larger than it ought to be. I am perfectly willing to modify it, if we can in good faith do so. According to my conception, however, we have no right to say to these persons, "we will pay you the money which we owe you, provided you will agree to take less than the sum which, under the existing contract, you have a right to receive." That is the difficulty which I have in sustaining the proposition of my colleague.

Mr. PEARCE. I have entirely misconceived the bill if such be its effect. I understand that the appropriation contained in the clause to which I have moved this amendment, is an appropriation of $858,000 for the fiscal year ending the 30th day of June, 1856.

Mr. PRATT. Is it not for the last year?

Mr. PEARCE. No, sir; but as I read the section it contains an appropriation for the next fiscal year. Certainly I should not offer any proposition requiring the parties to enter into an arrangement of this sort, as an amendment to a section providing for payment for services already due. I do not so understand it. The section is, I believe, for payment of the sum which, under the existing contract, they will be entitled to during the course of the next fiscal year. I can only satisfy myself thoroughly about it by examining the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

Mr. PEARCE. I beg leave to say now that I am satisfied, from what I am informed by the clerk of the Committee on Finance, that I am right. My amendment is to the first section of the bill, which provides for the next fiscal year. The third section of the bill provides for the deficiencies of last year. The objection of my colleague, therefore, does not apply to this case.

The question being taken by yeas and nays, resulted—yeas 23, nays 25; as follows:

YEAS—Messrs. Adams, Bright, Brown, Butler, Chase, Clay, Dawson, Evans, Fitzpatrick, Geyer, Hunter, Johnson, Jones of Tennessee, Mallory, Mason, Morton, Pearce, Sebastian, Slidell, Thompson of Kentucky, Toombs, Toucey, and Wells—23.

NAYS—Messrs. Allen, Badger, Bayard, Benjamin, Brodhead, Cass, Clayton, Cooper, Fessenden, Foot, Gillette, Gwin, James, Jones of Iowa, Pettit, Rusk, Seward, Shields, Stuart, Sumner, Thomson of New Jersey, Wade, Waller, Wilson, and Wright—25.

So the amendment was rejected.

Mr. CLAYTON. Mr. President, there was a misapprehension at the time the vote was taken on the proposition of the chairman of the Committee on Finance to strike out the clause in the bill as it comes from the House, which takes away the power to give the notice. The vote on that motion stood twenty-four to twenty-five. I voted among the twenty-five. There was a misapprehension on the part of my honorable friend from Missouri, [Mr. GEYER,] who supposed that he and I had paired off on that question. I now desire to give him a full opportunity of recording his vote. I move to reconsider the vote by which that amendment was rejected, in order to give him a chance to do so. I hold myself bound in honor to give him an opportunity to record his vote, under those circumstances. I move to reconsider the vote by which that amendment was rejected.

Mr. TOOMBS called for the yeas and nays; and they were ordered.

Mr. CLAYTON. Having made the motion to reconsider, I wish to state that I shall vote precisely as I have done heretofore. I have made the motion, because I desire to give my friend from Missouri [Mr. GEYER] an opportunity to record his vote in favor of the reconsideration. It will be observed that, if we had both voted, the result would not have been effected in any way. Still, he is entitled to have his vote recorded on the question, as I think; and now, having said that much on that part of the subject, allow me to add a few words in regard to the proposition itself.

Mr. President, I have not troubled the Senate with a word before on this question. I have desired to listen, and not to speak, and although I have regarded this as a very important question, I shall not now detain the Senate for many minutes. I look upon this as a question deeply affecting the commercial interests of this country. We are in the midst of a struggle, which has been raging since the commencement of the year 1850, with the greatest maritime Power on earth for the supremacy of the seas. That contest commenced at the time the British Government passed a law repealing the navigation laws of that country, which had stood for two hundred years, and which were regarded as the bulwark of the maritime superiority of Great Britain. No entreaties, no implorations of our countrymen could induce them to change their position on that subject; but on the occasion to which I have alluded, influenced by considerations which I am not now at liberty to enter into, owing to the shortness of time which I feel ought to be allotted to me, they challenged the United States to a competition on the principles of what was called freedom of trade, by opening their own ports for the indirect trade, on condition that we should open ours. Thus the carrying trade became the subject of rivalry—the prize offered to victory in the contest between these two great nations.

At the time the proposition was made by Great Britain, I was one of those who advised that this Government should enter into the competition without hesitation or delay. A distinguished gentleman, [Mr. Webster,] who had preceded me in the office which I then held, had given an opinion that, under the act of the 3d of March, 1817, the British proposition could not be accepted without the consent of Congress. To have asked the consent of Congress at that time, would have been equivalent to rejecting the proposition. We acceded to the proposition as it stood, construing the act of 1817 as giving us the power, and we hazarded everything on the result. My anticipations of that day have been fully realized. Owing to the influence of our own republican institutions, the character of our seamen and merchants—all the latter deriving their consideration from the former—we have beaten Great Britain in the carrying trade. The result has been, that in five years during which the competition has existed, we have progressed so far that, instead of being the second commercial nation in the world, we are now the first. Our commercial tonnage, at this time, exceeds that of Great Britain herself.

Sir, this struggle is still raging. It is one of the greatest of all the contests that ever existed between contending nations. We rely upon our republican institutions; Great Britain relies on her peculiar institutions; and the question is, which shall evince their superiority? Under such circumstances, for the honor of the country, when not only its prosperity, but its glory, depends upon that struggle, I am not willing to be behind Great Britain in anything which shall tend to put my own countrymen on terms of full and complete equality with her.

The question now before the Senate has bearings and relations far beyond the topics which have been introduced into the debate. The question is, shall we carry on this contest by the aid of British steamers conveying the mail; or shall we, on the other hand, see to it that the mail is carried in American bottoms as ancillary to the exertions of our seamen and merchants, and vindicate our superiority as well in those steamships as we do in the sailing vessels of the ocean? I look on the intelligence which is brought to this country by our steamers as absolutely necessary for the success of our commerce, as necessary to our complete success in that contest to which I have pointed the attention of the Senate. So looking on this question, I am willing to make some and great sacrifices in order to sustain my own countrymen in the struggle. I believe, from the best information I can get, that the expense of the Canard steamers to the British Government has been greater than the expense of the Collins steamers to this Government. But I do not intend to regard the expenditure of a few thousands of dollars when that sum is necessary to be expended to sustain the highest interests of the country.

Mr. President, I do not enter at large into the debate in which other gentlemen have freely indulged in regard to how much benefit we have received, or how much Congress has conferred upon the Collins line of steamers. That part of the subject has been fully discussed by others; but I desire to suggest that in accepting the British proposition we reserve to ourselves exclusive and important privileges and rights for our own commerce which they did not reserve for theirs. They gave up the registry law of their own country. They gave up the exclusive right to build their own ships. Any people in the world may now build ships for them. It is not so here. Our ship builders retain a complete monopoly over ship building, and that great manufacturing interest is protected to the extent of utter prohibition. So it is in regard to the coast-wise trade. We have not suffered others to compete with us in our coasting trade though Great Britain has yielded us the right to participate in her colonial and intercolonial trade. These may be justly deemed as great sacrifices made by us to give the advantage to our commercial marine. I do not propose to consider the question whether these prohibitions ought to be continued, but by referring to these facts I desire to show that you have made much greater sacrifices, in order to sustain your commercial marine, than you are now called upon to make by voting this sum out of the Treasury for sustaining the Collins line of steamers.

Mr. President, the eyes of the world are now directed to Great Britain and the United States. If we gain the advantage in the contest, as we think we have done already, it can be attributed to nothing but the superiority of our republican institutions over the institutions of Great Britain. Our success will vindicate our claim to the superiority of our institutions, as compared with this. I would not, for any consideration like that of the sum of money which has been voted for the Collins line of steamers, hazard our success in any degree. I would not agree that Great Britain should keep the post office for us, or carry all our mails. I would not lose the benefit of the intelligence which we receive so much the more speedily by these Collins vessels, than by hers.

I forbear to discuss the question whether the propositions of others are likely to be more advantageous to us, if accepted, than those of the Collins line, solely because that subject has been so fully and ably considered by others, and especially by my colleague. Satisfied that we ought not to hazard the loss of the benefits which the whole commercial and business community derive from this line by abandoning a certainty for an uncertainty, I shall cheerfully give my vote to sustain the Collins line. As to the retention of the power to give the notice to abandon the contract, which the amendment of the House relinquishes, it has been shown by others that the only effect of such a power has been, and will be hereafter, to harass the contractors with constant alarms and apprehensions essentially retarding the efforts, and paralyzing the energies of the contractors.

Mr. TOOMBS. Mr. President, the discussion having been reopened, and the time of the Senate repeatedly occupied this morning by the friends of the measure sent to us by the House, I shall avail myself of my privilege to make a few remarks in reply to the Senator from Delaware, [Mr. CLAYTON.]

Nothing has satisfied me that this whole proposition is without an argument to support it, more than the ability and ingenuity which have been attempted without producing one. The gentleman from Delaware says, in the first place, that this is a question as to the superiority of American shipping over British. Well, sir, what is the question? The very eminent and distinguished Senator from Delaware says that is it. I conceive it to be entirely different. You made a contract in 1852, by which you gave these men hundreds of thousands of dollars as additional compensation, and you only retained the same right over it which

you have over every contract for the transportation of the mails, by sea and land. You have provided, what is provided in regard to every mail contract in America, that it may be rescinded. The question now is, whether you shall give up that power. It is not a question of gratification to the friends of liberty in Europe, as the Senator from Delaware supposes, to see whether the Collins ships shall get in ten minutes before Cunard's. This is the idlest of all the pretenses by which it is attempted to deprive the Government of a substantial right, without a consideration. Nobody has offered one. Are you going to give an advantage to American shipping in this country by conferring the greatest monopoly that ever has been seen since the Revolution to this day? Is that the way to build up our institutions? Is that the way we have succeeded? Is it by going back for centuries to all the restrictions, to all the monopolies, which disgraced and retarded mankind for five centuries? That is what the gentleman says it is. You are going to build up an American marine, and you are going to make it compete at home and abroad with all the world, by giving a monopoly here!

Sir, the question before us is not even a question of monopoly, on which the gentleman puts it, and if it were, I should oppose it. The question is, whether the American Senate and House of Representatives will give up a wise restriction which they placed on this contract, that they might, on giving six months' notice, reduce the additional compensation, if, in the judgment of the two Houses on the information before them, it should be proper to do so. Why do you say that those who are to come after you shall not have this power, which is provided for everywhere in all the mail contracts of the United States, and in every little act of incorporation? Why, sir, only the other day when a bill was pending to allow the people of Georgetown the privilege of subscribing to the stock of a railroad company in this District, the American Senate, *nem. con.*, voted that they would not allow that act to pass without a right being reserved to repeal it whenever Congress should think proper. It is done every day. In every contract for carrying the mail in the United States, this right is reserved. In regard to every steamboat, railroad, horse-mail, foot-mail, every mail-carrier, and penny-post in the United States, the right is reserved to take away the contract when you want to do it. It is a just and wise provision. Why should a majority attempt to do away with that right here and maintain it in all other cases? Why should there be an exception here? Is it proper to build up American navigation by giving to these people a benefit which is conferred upon nobody else? You have imposed on them that condition to which every one else, doing similar service, is subjected, and now it is proposed to take it away.

I would take away the whole contract, for I have opposed it for ten years, but I have never succeeded, and do not expect to succeed. I have never supposed that I could succeed in resisting it. I have not supposed, and I do not suppose, that a job of this character can be resisted under this Government. I have a duty to perform, however, and I intend to perform it. I will resist what I believe to be injurious to the Commonwealth. I will resist what I believe to be unjust. The consequences are with those who have equal power, equal rights, equal duties. I have nothing to say to those who differ from me on this question; but it being, in my judgment, injurious to the public service to take away a power which, I consider, may be important; I cannot consent to it. It may be very important for many reasons, in maintaining the very competition of which the Senator from Delaware has spoken. Why should you give an unlimited, boundless confidence to Collins that you give to nobody else? Suppose, after you give it to him, he will not carry on the rivalry, where are you then? There is no condition in the bond that Cunard shall not be allowed to beat him. The very pretences which you urge are shown not to be true on the face of the contract. Have you any condition that Collins shall beat the Cunarders? Though you give him a large amount of money, there is no provision in the contract that he shall run over the ocean even in thirty days. You bind him with no conditions. You have bound everybody else. You bind every man who contracts with the Post Office Department, except E. K. Collins & Co. Why? The country will ask the reason.

Again, sir, the Senator from Delaware has said, that if the Collins line succeeds, it will prove the superiority of republican Government over monarchy. Mr. President, with great deference to the Senator from Delaware, I must say that there are some statements, I will not call them arguments, as unanswerable from their absurdity as from their reasoning.

Mr. CLAYTON. I think the honorable gentleman has mistaken my view.

Mr. TOOMBS. No, sir; I took down the Senator's language.

Mr. CLAYTON. What I said was that the success of the American mercantile marine, in the great struggle going on with England since 1850, in virtue of the arrangement made at that time between the two countries, would be, and I endeavored to demonstrate that it would be, a vindication of our own institutions. On that question I am perfectly willing to meet the gentleman from Georgia.

Mr. TOOMBS. The British Government have never pressed any such race. They get double the service that we do for the same money that we pay. It is not considered to be a very great advantage to a man if he ties both hands behind him; but that is our position on this question. The British Government get a weekly mail service for the same sum of money for which we get a semi-monthly one. That is under an extravagant monarchy, which we have attempted to get rid of. Why, sir, we have made it the pride of our republican Government, that every man in this country is equal. We have boasted that we have no titles, no monopolies, no bounties, but that every man was free to follow the bent of his own genius as he pleased; that he asked no aid from the Government; that he wished no protection, but simply desired to be let alone. We have said that monarchies give exclusive privileges, exclusive orders, monopolies, restrictions, and bounties, so that they grind labor for the benefit of favorites. Now we are to imitate them in that race; here, to-day, in the American Senate, we are called upon to do it.

We, sir, are giving Mr. Collins twice as much money as England gives Cunard, and it is said that the whole honor of the American nation is concerned in Collins beating Cunard. That is the argument of the Senator from Delaware. No man can dispute that that is the only ground upon which we are called to do this; and yet Cunard performs fifty-two trips a year for less mo. than Collins does twenty-six. That is the official statement. I know I have heard it whispered about in the lobbies outside, that there is a great deal of money given by the British Government which nobody ever hears of; but, sir, the responsibility of the institutions of Great Britain is as perfect and accurate, and much more so, than our own. No dollar is ever voted out of their Treasury but by act of Parliament. The proceedings of Parliament are public; they are known; and if the Cunard line get any other money than that which is voted for them, it is surreptitiously got. It may be given by patriotic Englishmen out of their own pockets. If patriotic American Senators wish to imitate the example, and take money out of their own pockets, and not go to the Treasury of the Union for the purpose of benefiting Mr. Collins, though I might condemn the act, I should not allude to it, for it would not concern me, as a public man here. What they give is by law; and all the talk of their giving more is for the purpose of deluding and deceiving those who wish to be deluded and deceived—who want pretexts and excuses to do what cannot be vindicated in any argument for the public interests.

Now, sir, I do not think that the proper way to promote American navigation is to give a monopoly to one company, and to provide effectually that nobody else shall run a steamship to Great Britain. I consider the navigation laws, to which the Senator from Delaware has referred, as bad laws; and I believe he does; but under them we retain a rivalry amongst our own countrymen. Here he is taking away that rivalry, and giving to one company $858,000 a year advantage over anybody else who wishes to enter into this race with the British. Patriotism is a very excellent thing when well applied; but I do not think that is the proper way to show it. I have heard a great deal said about British rivalry. I take it that that is an expression used by many honorable gentlemen who have no better argument. When these vessels cannot beat each other in a fair race, but it requires us to pay our vessels double the amount of money which the British Government pay theirs, simply for the advantage of five or ten hours in a trip, I feel that the race has lost all reasons for rejoicing in my mind. I believe it is a rule with racers that, if they run together in an even race, it is a fair business; but if you give your man twice as much money in a mere physical matter which money can command, and you are satisfied with that triumph over the British, I am not. But, sir, the Senator from Delaware imagines that the friends of liberty all over Europe are looking at the expedition of the Collins line over the Cunarders.

Mr. CLAYTON. Not at all.

Mr. TOOMBS. Did not the gentleman say that the friends of liberty in Europe looked to these ships?

Mr. CLAYTON. I referred to the struggle between the two countries, undoubtedly—not in regard to this line particularly, but to the contest which was going on under the arrangement of 1850, for the indirect trade of the world.

Mr. TOOMBS. When you get up the contest for the indirect trade of the world, and open the struggle to everybody, I am with you; but I do not think the proper way to accomplish that is to give a monopoly to the Collins line. I understood the gentleman to say, that the friends of liberty in Europe looked to the speed of these ships. I am perfectly willing, however, to take his explanation in his own words. I know how apt I am to misunderstand others, and to be misunderstood myself; and therefore I take the gentleman's words to be exactly as he states them. Then he says, the friends of liberty in Europe are looking with interest to the struggle between America and England for the trade of the world. Sir, I am willing to go as far as he who furthest goes on that point. In my judgment no policy would be more injurious to the attainment of that result than the one which I have heard advocated by the Senator from Delaware. Sir, I would command the high roads of this continent, but I would not go in copartnership with the British for them. I would take a different mode, and I would command what I could get from the independent sovereignties of this continent, fairly, without sharing it with England, or any other foreign Power.

But how ridiculous is the idea that the whole question of the superiority of American commerce, to which foreigners are now looking with so much interest, is to turn upon whether this Congress shall surrender its power over the Collins line or not. We have the power now to take away a certain portion of their contract, and before God and the country I say that the only question is, whether we shall surrender that power which it is our duty to keep? You may talk about it as much as you please, you may rave about it as much as you please, but that is the real question.

The argument of last night is now abandoned; and I am glad that it is. We were then told that the reservation of this power disturbs legislation, that it controls other measures, that perhaps it has had a bad influence on our action. Now, the argument is returning to the naked question, shall we take away from the United States, whom we represent, the power to discontinue the present extravagant compensation if, in the judgment of the honorable men who are to succeed us for the next five years, the owners of this line are not carrying out the contract, and are not maintaining American superiority with fidelity? Shall we at once surrender all the control of the Congress of the United States over this matter, which was reserved by solemn contract when we paid $500,000, and threw it into the hands of E. K. Collins and company? This proposition is not to reduce the pay, to do nothing except to take from the Congress of the United States the power which they now have, of terminating this contract, if, in their judgment, it shall not be faithfully carried out.

The gentleman from Delaware cannot show one

reason in the contract for what he has stated. There is no obligation in the contract requiring Collins & Co. to beat the British. That is not in the bond. There is no such stipulation. We are to trust to this company to vindicate the national honor and the national marine, and we are to take away from the American Congress the power to judge independently whether they have or have not done it, and to withdraw the extra compensation. That is the whole question. It is magnified into national honor, national glory, and patriotism; but all these are appeals to the follies of mankind when there is no reason to offer upon so plain and direct a proposition.

Mr. CLAYTON. Mr. President, I certainly do not design to answer that part of the speech of the honorable gentleman from Georgia, which repeated what was stated so often in the debate before, and which was so well and ably answered before I said one word in regard to this measure. The questions he has touched had been sufficiently discussed; and when I rose it was for the purpose of presenting my own peculiar view of the subject, and to say what I believed, that at this time the rivalry between the commercial marine of Great Britain and that of the United States in consequence of President Taylor's acceptance of the British proposition made in 1849, for the free navigation in the indirect trade, was now attracting the attention of the world; that it was a mighty struggle, and I thought it was easily demonstrable that our superiority was owing to our institutions. That superiority has been vindicated since the struggle commenced on the 1st January 1850, and is shown by the fact that we now have more tonnage than Great Britain herself, although, before the freedom of navigation conceded by her repeal of her navigation laws in 1849, she was far ahead of us in this particular. I thought this great consideration was worthy of being taken into view at this time, when we were about to vote on this bill. I said that this measure of protection to the Collins steamers was ancillary to the great American interests in that controversy. I think so still. Nothing which has been said by the honorable Senator from Georgia has induced me to doubt it. Our commercial men gain more speedily and surely commercial information by this means than by any other. I said also that I was unwilling to trust the whole of the mails between Europe and this country in British hands; that I desired it to be in American hands, and that we should compete successfully with them, and beat them with steamers on the ocean as we had done with sailing vessels.

The honorable Senator, who has entirely misconceived and misrepresented my remarks, has dwelt on the stale charge against the Collins line, that it is a monopoly. Why, sir, would he abolish this and every other line established on the same principle; would he permit Great Britain, which has created—what he calls a monopoly—a monopoly in her behalf, by building up the Cunard steamers, and sustaining them constantly by large drafts from her Treasury; would he permit her alone, without competition, to navigate the ocean, and carry the mail for us between Great Britain and this country? I think the Senator from Georgia, himself, on calm reflection, would not agree to that; but he repeats the cry, raised by himself and by others who spoke before him, that this is a monopoly. How? Because we do not give the same sum of money, and the same inducement to others. Monopoly? Why, sir, we must first build up one line that will, at least, compete with the British monopoly; and the question now is, shall the British have the monopoly entirely confined to themselves. That is the true question which is presented to the Senate. When the British Government shall choose to abandon their monopoly, we shall cheerfully agree to leave the competition open to all, or refuse to sustain any one line of steamers in preference to others. He might as well at present raise the cry of monopoly against our Navy, because the privilege of building men-of-war is not equally encouraged by the Government, whether men, with or without skill in naval architecture, undertake to build them for us.

Mr. President, I certainly did not intend to say, and I know I did not say, that the question of the superiority of our republican institutions depended upon the Collins line of steamers, although the Senator from Georgia has chosen to put those words in my mouth, and to reply to them; but I did say, and I verily believe, and I think any man who will reflect on the subject will concur with me, that the reason why, since Great Britain challenged us to a trial upon the ocean for the indirect trade of the world, we have beaten them in that trial as we never did beat them before, on account of their restrictions upon navigation, is to be found entirely in our republican institutions. I thought so at the time President Taylor agreed to open the ports of the United States to Great Britain, and accept her challenge, and for that reason I advised him to do it. I have been confirmed in it since. What gives us our superiority? Sir, the American captain feels that he is a free man in his own country, and the American merchant feels that he also is a man equal to any here of the same merits in other respects. There is no caste here, thank God! there is no degradation from caste; there is no elevation from titles of nobility; there is no aristocracy here. When the British captain goes into the counting-house of the British merchant, he goes with his hat under his arm, and often looks like a free negro on a Saturday afternoon, in a country store, humbled at the presence of one superior to himself. When the British merchant meets my lord the duke, or my lord the marquis, or the earl, in the street, he doffs his beaver; he is below him; he feels that he is inferior, and there is no equality between them, and there never can exist any equality under their institutions.

But here, sir, the American sailor, the American captain, and the American merchant feels as deep an interest in society as any men among us. It is owing to the republican institutions of our country that the American proves a superior to the British captain when he takes command of a ship. It is owing to the character which our republican institutions confer upon all the men who are engaged in our mercantile marine, and owing to that alone, that the American ship is always in better order and neater trim, and always makes her voyage in a shorter time than the British. It is owing to this that there is more energy displayed by the American who does not, as those on the other side of the water do, often lay-to for a day or two, and go to sleep, while the American, impelled by every consideration which can make life desirable and happy, carries all the sail he can on the voyage, and is never known to strike a topsail while a mast will carry it.

Sir, I know that the patience of the Senate will not allow me now to go at length into this subject; but I say again to the Senator from Georgia, that I attribute the whole superiority which we have exhibited in this great struggle, to this consideration. The world, I think, will inquire why it is that, after the year 1850, when the commercial intercourse between the two nations was fully opened, and all the restrictions on indirect trade between the two countries were taken off, the American marine went ahead of the British, so that our commercial tonnage now exceeds theirs by more than a hundred thousand tons. Why is it, everybody will ask, and all will be compelled to make the answer, and they can make no other true answer than the one which I have given. Is this not, then, a glorious triumph for our republican institutions?

I have said that I spoke of the performance of the Collins line in this mighty contest as ancillary to our whole commercial system; and I put it to the honorable Senator, can he not see, and does he not feel that the maintenance of this line is immensely important to us in this view? Our commercial men engaged in this commerce now so deeply, want intelligence at the shortest possible moment, to enable them to maintain the competition. The Senator says the Collins line are not bound to give it to us by their contract, but they have given it to us; and in the fact that they have heretofore given it to us without being bound to do so, we have the best guarantee in the world that they will give it again. I do not entertain any doubt upon the subject. If he does, he may be justifiable in the vote which he gives; but having some acquaintance with the men, I have full confidence that the same pride which has stimulated them heretofore to give us the superiority in speed, will induce them to continue it; and there are not wanting sufficient motives of interest to impel them to the same course. They will feel that when their contract is terminated, if they perform it well, they will be entitled to a favorable consideration from this Government hereafter. They know that they will have forfeited their own self-respect, as well as the respect of Congress, and of this Government, if they fail. They know well the great motives of interest which led us to adopt the course we have taken, and I therefore repeat that I have confidence that we shall have all the benefits we have enjoyed, and even still greater if this bill passes.

Would the Senator from Georgia, would any other Senator, feel willing now, if there should be a sudden outbreak against us on the part of any European Power, that the whole mail between Europe and the United States should be in the hands of a monopoly, as he calls it, supported by Great Britain? Does the honorable gentleman expect private individuals in this country, without aid from their own Government, to maintain a rivalry with the Cunard line? No one, I venture to say, entertains such an idea; no one can imagine it for a moment. The private fortunes of no gentlemen in this country would permit them to enter successfully into, and maintain, such a rivalry as that. And the question recurs, are you willing now, while there may be at any moment an interruption of the pacific relations between this country and some European nation, to allow all the mail carriage between Europe and the United States to be in foreign hands—in the hands of British monopolists, if you choose to call them so? I would not. The British Government has shown heretofore that it has no hesitation whatever in putting its hands into the British Post Office to read, or even to stop, intelligence which it did not desire to be conveyed, connected with the foreign relations of that country. It has even arrested foreign correspondence. I am not willing to trust to it alone again. No, sir. If a British fleet, or a fleet from any other country, were to start from the shores of Europe, I want the Collins line to bring the intelligence that it is bound here, and that it is expected to attack us. If such a possible case as that should occur, I want an American ship to bring the intelligence; I want men who have American hearts in their bosoms, and who feel as I do, and as I am sure the honorable Senator from Georgia himself does, to have control of the ship that brings it.

I thought it proper to offer these few remarks, because I made the motion to reconsider. Let me say to gentlemen who voted as I did upon the question that I have been impelled to make that motion by a consideration which I cannot resist. My honorable friend from Missouri believed that he had paired off with me. Under such circumstances, it is no question with me whether a contract was really entered into between me and him, but I intend to give him the privilege of recording his vote on this motion, in justice to him, and having done that, I shall vote against the reconsideration in justice to myself.

Mr. GEYER. Mr. President, I rise to make my acknowledgments to my friend from Delaware for affording me an opportunity of recording my vote on this question, in which I have taken much interest. This morning I thought I had paired off with him. I knew myself to be too unwell to remain in the Chamber during the day, and I left it for a few minutes under the impression that I had paired off with him, intending to go to my lodgings. Before I left the building, however, I was informed that the vote had been taken, to my surprise, because I had no anticipation that it would be brought up at so early a moment. Coming into the Chamber I learned that the Senator from Delaware cast his vote, under the impression which was, no doubt, made on his mind, that he had not paired off with me. I had made the application, and I interpreted his answer according to my request. I regret very much that in this indulgence afforded to me, the time of the Senate, so very important at this period of the session, should be occupied; and I will not abuse it longer by entering into this debate. I cannot forbear, however, to bring the honorable Senator from Delaware back to the question.

The question is not whether we shall discontinue the effort to outstrip the Canadians, but whether we shall pursue in our own hands, by

reserving the power to put an end to the contract, the certainty, if it is in the power of these contractors, to maintain the speed at which they have run their vessels. The additional compensation was voted to the Collins line, in 1852, because of their extraordinary performances. We voted them $16,800 per trip more than would have been necessary in order to maintain the speed of the Cunarders. Now, sir, after having voted the money, and having exacted from them terms by which we compel them to maintain the speed, it is proposed that we shall abandon all the security which we have reserved to ourselves for the performance of their engagements.

The honorable Senator from Delaware, in one view of the subject, states the question properly. We are now proposing to place annually in the hands of these contractors $858,000, relying exclusively on their pride, having no other security; for they are not bound to maintain their speed by any contract into which they have entered. They do maintain it only because the $858,000 annually depend upon their performing the service for which that compensation was contemplated. Now let us see how interest will operate against pride.

Sir, it is said by Mr. Collins himself that the cost of the superior speed of the Collins over the Cunard line is $16,800 the voyage in and out, and the difference between making New York instead of Boston the end of the voyage, costs the Collins line $9,810. We have voted, and cannot now get rid of it, a bounty, a discrimination in favor of New York against Boston of $9,810 multiplied twenty-six times in the year. That we cannot get rid of, nor can the owners of the Collins line, for they must make New York their terminus. But, sir, reject the amendment proposed by the Committee on Finance, and then where is your security? You present a temptation for them not to excel the Cunard time, to the amount of $16,800 per trip, or $436,800 per annum. Whenever you withdraw your power to coerce the performance of the speed which is required now, and has been performed heretofore, you present an interest equal to $436,800 per annum to weigh against the pride of beating the Cunarders, and in the five years it amounts to $2,184,000.

Now I put it to the honorable Senator from Delaware, whether, in his private transactions, he would be willing to entrust an amount of money equal to that, in the hands of any man, or present a temptation to him, relying exclusively upon his pride to fulfill his engagements. Sir, I think I hazard nothing in predicting, that while Mr. Collins may have an interest in this line, something like a show of the performance heretofore, will be kept up; but it may pass into other hands, and I do not want to present, even to him, the temptation of $436,800 a year to violate what we have a right to insist upon under the appropriation of 1852, as part of our contract according to the terms of that act. I should be perfectly willing to repeal that proviso if stipulations were required that would compel them to perform the service in the time which Congress had in view when that appropriation was voted. Until that is done I cannot consent that they shall be trusted to the whole amount of the appropriation annually, and rely exclusively on their pride.

Mr. PEARCE. I wish simply to state, that on this question I have paired off with the Senator from Vermont, [Mr. Foot.]

The question being taken by yeas and nays upon the motion to reconsider the vote rejecting the amendment of the Committee on Finance, resulted—yeas 24, nays 24; as follows:

YEAS—Messrs. Adams, Brodhead, Brown, Butler, Cass, Chase, Clay, Dawson, Evans, Fitzpatrick, Geyer, Hunter, Johnston, Jones of Tennessee, Mallory, Mason, Morton, Pratt, Sebastian, Slidell, Thompson of Kentucky, Toombs, Toucey, and Wells—24.

NAYS—Messrs. Allen, Badger, Bayard, Bell, Benjamin, Brainerd, Bright, Clayton, Cooper, Douglas, Gillette, Gwin, James, Jones of Iowa, Pettit, Rusk, Seward, Shields, Stuart, Sumner, Thomson of New Jersey, Walker, Weller, and Wright—24.

So the motion to reconsider was not agreed to. The bill was then ordered to a third reading, and read the third time, and the question being "Shall it pass?"

Mr. JONES, of Tennessee, called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 26, nays 22; as follows:

YEAS—Messrs. Allen, Badger, Bayard, Bell, Benjamin, Brainerd, Bright, Brown, Cass, Clayton, Cooper, Douglas, Gillette, Gwin, James, Jones of Iowa, Pettit, Rusk, Seward, Shields, Stuart, Sumner, Thomson of New Jersey, Walker, Weller, and Wright—26.

NAYS—Messrs. Adams, Brodhead, Butler, Chase, Clay, Dawson, Evans, Fitzpatrick, Geyer, Hunter, Johnson, Jones of Tennessee, Mallory, Mason, Morton, Pratt, Sebastian, Slidell, Toombs, Toucey, Wade, and Wells—22.

So the bill was passed.

TERRITORIAL POLICY.

SPEECH OF HON. H. C. GOODWIN,

OF NEW YORK,

In the House of Representatives,

February 27, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. GOODWIN said:

Mr. Chairman: I have given the necessary notice, and have sought, and shall still seek, on the first proper occasion, to introduce a bill prohibiting slavery in the Territories of Kansas and Nebraska, and forbidding its introduction or establishment in *any* Territory of the United States. On this subject of the policy which should be adopted by the General Government in relation to the vast territorial possessions—organized and unorganized—of the United States, sufficient to constitute of themselves an empire, exceeding in limits the broad domains over which Rome, in the palmiest days of her power, reigned as the imperial mistress of nations, I desire to offer a few remarks, and involving, as whatever policy that may be permanently adopted, most vital principles and divine truth, that underlie the deep foundations of our civil superstructure; forming that solid granite strata on which rests the very pillars of our national greatness and success; giving birth to influences that are not to be confined within the narrow boundaries of the present, but reaching far into the future, will, with irresistible power, impress their character upon, and, as I firmly believe, control the destinies of our country. I trust I may be enabled to approach its consideration animated by that spirit of unselfish patriotism which regards the interests and welfare of the whole Union—that love of truth, humanity, and moral right which should always inspire an American Representative in the discharge of his duties.

Before entering upon the threshold of this discussion—for so unlimited is the field it opens and inexhaustible the theme it presents, that, in the brief hour allotted me, I can hardly hope to do more—it is perhaps proper for me to remark that I am fully conscious of the embarrassments which surround me; for, in addition to my own inexperience, and the disfavor and impatience with which the agitation of these questions are by many here received and listened to, I cannot but feel deeply sensible of the wide disparity and marked contrast that must be exhibited between any efforts of my own and those of my distinguished predecessor* on this floor. Here, with his prowess and triumphs as an orator, and abilities as a man, fresh in your recollections, I shall not, I am sure, be charged with indulging in the language of eulogy, or unmeaning compliment, when I say that his attractive and commanding eloquence, his high intellectual endowments and mental culture, have given him a position rarely attained in the arena of forensic effort; while the fascination of his social powers, his expansive benevolence and Christian philanthropy could not but win the regard and compel the respect of the members of this honorable body. And although I cannot hope to command the attention, nor receive the consideration so deservedly accorded to his superior eloquence and ability, I shall proceed, with the permission of the committee, to express briefly my views in relation to these questions, in the rightful settlement of which all sections of the country are alike deeply interested, and in so doing I shall offer no apology for speaking plainly and fearlessly; for while it is far from my desire to awaken bitterness of feeling, to renew any unnecessary strife, or wantonly wound the sensibilities, or treat with disrespect the opinions and prejudices of others, yet I believe it to be the solemn duty of the Representatives of the free States to speak out boldly and firmly, giving true, free, and adequate utterance to the deep feeling and earnest convictions that so universally pervade the northern mind in regard to the subject of the encroachments and extension of slavery. The action and measures of the Government for the last quarter of a century, the startling realities of the present, and those "coming events" that "cast their shadow before," imperatively require it, every consideration of public welfare and real patriotism demand it, and however the sentiments I feel impelled to express may be *here* received, and whatever of disapprobation and censure I may *here* incur by their utterance, yet, following in the clear pathway of duty, indicated by the dictates of my conscience and the convictions of my judgment, sustained by the knowledge that I am only giving expression to the almost unanimous views and opinions of an intelligent and patriotic constituency, I shall be content to await patiently the popular verdict, confident that, so surely as truth will triumph, the lessons of the past and the teachings of the future will vindicate the wisdom and rightfulness of the policy I advocate.

Mr. Chairman, I cannot concur with the sentiments expressed on this floor by the distinguished member from Missouri [Mr. Benton] and others, that all attempts to restore the clause of the Missouri compromise, which prohibits slavery in the Territories of Kansas and Nebraska, will prove unavailing; that further resistance and agitation should cease, and that the discussion of this question is now untimely and useless. There are many reasons, and, to my mind, convincing and unanswerable ones, why this contest should be maintained by the friends of freedom with all the vigor, spirit, and determination that a just and sacred cause can inspire; considerations that render the continued agitation and discussion of the policy of excluding slavery, not only from these, but from *all* the Territories of the Union, eminently meet and proper. It is well known, sir, that during the last session of Congress, when, unexpectedly and without warning, the bold proposition to repeal the Missouri compromise, to abrogate the "ordinance of freedom," in its application to these Territories, was forced upon the attention of this body, the proceeding was regarded by the whole country with utter surprise and astonishment. So far from its having been demanded by any expression of the public will, even the South had not asked it; no voice from any part of the country, either through the medium of the press, petitions, or public assemblies, had asked it; it had never been made an issue, nor discussed before the people; not a vote had been cast, nor a Representative elected in reference to it. This measure, of the greatest practical importance, working an entire change in the policy of the Government, ruthlessly overthrowing the barriers erected by the wisdom and patriotism of the past to stay the progress of slavery, and yielding up, in violation of public honor and faith, (so far as the legislation of Congress could do it,) to that now dangerously powerful institution, territory, rivalling in resources, fertility, and extent, the original States of this Union, was thus suddenly, and in a period of profound quiet, thrust upon the country. Its advocates, as if fearful—nay, conscious—of the result, refused to submit it to the *people*, and await their judgment, the issue was arbitrarily withheld from that *high tribunal* wherein is vested the real sovereignty of the land; and while there existed no color of necessity for immediate action, this legislation, *unauthorized* by the people, and involving their interests and welfare to an extent beyond the power of human judgment to measure, was hurriedly consummated. Its introduction and agitation created a degree of feeling, anxiety, and excitement rarely paralleled in our political annals. The press and the pulpit, institutions of learning, religious associations, the people in primary assemblies, and the Legislatures of sovereign States uttered their solemn protests. From commercial emporiums and inland cities, the numerous villages and settlements of the North, the East, and the West, came earnest voices of expostulation, remonstrance, and stern rebuke; the awakened masses petitioned Congress against the adoption of

*Hon. Gerrit Smith.

a policy that would place "*free territory*" at the mercy of an institution whose character is written in the fearful wrongs, the ruin, and desolation it has wrought; and when, in the face of these overwhelming popular demonstrations, in defiance and contempt of the public will, this measure, sustained and pressed by the strong arm of Executive power and patronage, aided by the votes of Representatives who had closed their ears to the entreaties and mandates of those who clothed them with "brief authority," was forced through the Halls of legislation by trampling upon the ordinary rules and correct principles of legislation; its final consummation caused the quick-pulsed billows of indignation to rush up from the depths, and surge over the troubled and heaving surface of the great deep of public sentiment, foreshadowing the gathering and breaking of that tempest which has since swept with resistless force over the face of the free States, burying in graves that know no political resurrection those who, although from the free North, yet had disregarded her convictions, sympathies, and conscience—who were deaf to the voices of freedom, justice, and humanity.

Sir, since the passage of this bill—since this policy which aims to strike down liberty in her own sanctuary, and raise up slavery, has become a law—the people have spoken in the manner provided to give form and authority to the expression of their will—through the ballot-box. Elections have been held in twelve of the States of this Union, containing a large proportion of the population of the whole country; the issue was distinctly made before the people; and most emphatic and conclusive is the verdict of condemnation they have rendered—everywhere the supporters of this measure were utterly overthrown and prostrated. The results have broken the power and paralyzed the strength and influence of the Administration. The immense patronage of the Executive is insufficient to redeem proffered pledges to supply with "lucrative places," and thus quarter upon the people the long list of the wounded and disabled who have fallen in this conflict, under the withering ban of the people's disapprobation. Already one hundred and seventeen Representatives, pledged to restore the prohibitions of slavery, have been returned to Congress. The senatorial elections, thus far, have achieved glorious triumphs for freedom. The Legislatures of Illinois and Michigan, States, in times past, distinguished for their subserviency to the slave power, have passed resolutions censuring the action of their Senators, and instructing them to vote for the restoration of the Missouri compromise. I thus hastily refer to these subsequent results that now form a part of the history of this eventful transaction, to show that, if the people had not been misrepresented and betrayed, this infraction of a solemn and time-honored covenant, this high-handed outrage on the rights of the North and the cause of freedom, could never have been accomplished.

Sir, the theory of our representative Government requires that these clear indications and expressions of the popular will should be *here* fully understood, considered, and respected; those clothed with executive or legislative authority should realize in their action that they are not the masters but the servants of the people; that it is not the part of Government to environ public sentiment with metes and bounds, to bid its strong tides to ebb and flow at its behests. The attempt is as vain and fruitless as that of Canute to sway the trident of Neptune, and speak the advancing waves back to their ocean bed. It is idle for members here to insist on silent acquiescence and shameful submission. The people have demanded that Congress should reconsider its legislation, undo this great wrong, and restore to freedom the fair heritage torn from her grasp by fraud and injustice. New England, with that staunch firmness and alacrity that partakes of the spirit of her pilgrim founders and her revolutionary battle-fields, has demanded it. The States of the great West—those Titans of the prairies, the youthful, but vigorous, offspring of the blessed ordinance of 1787—have demanded it. Redeemed Iowa, the only free child of the Louisiana purchase, Pennsylvania, and the Empire State, with a voice fitly symbolized by the thunders of her own Niagara, have demanded it. These potent responses of the *people* forbid a cessation of agitation and discussion; *they* urge Congress, with voices that may not be unheeded, to return to the pathways wherein are discernable the foot-prints of the early fathers of the Republic, and which are thickly studded with the land-marks erected by their wisdom and patriotism.

Mr. WITTE. I wish to ask the member from New York a question. Did I understand the gentleman to say that the voice of Pennsylvania has demanded the restoration of the Missouri compromise?

Mr. GOODWIN. I so regard it.

Mr. WITTE. I beg to say that the member from New York does not understand the estimation in which the people of Pennsylvania regard it. It has not so spoken. I say so in their name.

Mr. GOODWIN. Are not the majority of her Representatives elected to the next Congress in favor of the restoration of the Missouri compromise so far as to exclude slavery from these Territories?

Mr. WITTE. If a majority of the Representatives of Pennsylvania in the next Congress are in favor of the compromise, they do not represent the majority of the State.

Mr. GOODWIN. I would rather take the decision of the people of that State, as pronounced by her electors, than the opinion of any man.

Mr. HENN. As the gentleman has included Iowa in that sweeping charge, I wish to say to the gentleman that my successor is as strong a Nebraska man as ever was in this House, and he was elected upon that issue.

Mr. GOODWIN. Can you say that of Mr. Harlan, the Senator elect?

Mr. HENN. No, sir; I refer to Mr. Hall. And I will say to the gentleman from New York, that no senatorial election has taken place in Iowa constitutionally.

Mr. GOODWIN. How do the Representatives from Iowa stand in the next Congress?

Mr. HENN. Just as this does.

Mr. GOODWIN. What was the result of the election for members of her Legislature in regard to that question?

Mr. HENN. I will say to the gentleman, that the House of Representatives of Iowa passed anti-Nebraska resolutions, and the Senate indorsed the Baltimore platform.

Mr. GOODWIN. What are the views of the Senator elect, and of the Governor, who canvassed the State upon that direct issue?

Mr. HENN. He was elected on the Maine quor law, as much as on any other ism.

Mr. GOODWIN. Then, sir, anti-Nebraska and anti-liquor were joined together. They go well in company.

Mr. Chairman, I need not refer further to the results in these States. There, as in the State of New York, other issues may have entered somewhat into the canvass, but it is folly to attempt to conceal the great fact that it was the annulling of the slavery restrictions of 1820, and the violation of the spirit of those of 1787, to which circumstances had given the sanctity of constitutional enactments, that so deeply stirred the public mind, and mainly produced the decisive and overwhelming results the country has witnessed, of the Empire State and the verdict of her people. I can speak with full knowledge and authority, for I am from them and of them. I have felt the throbbings of the popular pulse. There is no mistaking her utterances, sir. A high sense of honor, a just appreciation of the dignity and sacredness of human rights, an irrepressible sympathy for the weak and wronged, and an inherent abhorrence of oppression in all of its forms, are sentiments inseparably intertwined with the very fibers of her great heart, its every life-beat is for freedom and against slavery; upon this issue she is on the side of justice, humanity, and good faith, and she has responded to the voices of her sister States as "deep calleth unto deep." And here, sir, let me say to the honorable member from North Carolina, [Mr. Ruffin,] who has this evening spoken in terms of disparagement and derision of the North and of the State of New York, and ridiculed and sneered at their abhorrence of the institution of slavery, which he declared to be "the greatest of political, social, and moral blessings," that in these vain attacks he but wastes his breath, and exhausts to no purpose the "stores of his rhetoric," and the "brilliants" of his fancy. From such impotent attacks New York needs no defense; she pleads her own cause; "there she stands" in her colossal greatness and massive strength, with that proud and expressive motto, "Excelsior," emblazoned on her front, by the general consent of her sister Sovereignties, in reality, as in name, the Empire State of this glorious Union. With her inexhaustible resources that are being steadily developed, her immense population and great wealth, earned by honest industry and *free* labor, with her vast commerce, her cities and villages, her system of common schools, and her great works of internal improvements, she challenges the respect and admiration of the world. Sir, as one of her humblest sons, I love to dwell upon the State of New York. While Egypt can boast of her grand and gigantic pyramids, Rome of her coliseum, her lofty domes and towers, and Greece of her graceful columns, and the beauty of her ruined fanes and temples—works that display the perfection of art and the power of genius, New York can point with just pride to her free schools, to her system of internal improvements, with its hundreds of miles of railroads and canals, the grand highways of commerce, trade, and travel; links that bind the prairies of the West to the shores of the Atlantic; works of real utility and practical beneficence that stand forth eloquent and impressive monuments of the wisdom and foresight, the energy and enterprise of her citizens. Sir, people educated in her schools, and reared under these influences, can never sanction the extension of slavery and the limitation of freedom.

Mr. Chairman, other recent developments require that this question should receive the renewed attention of Congress. It will be remembered that when this proposition was under consideration, its advocates, both in the Senate and in this House, insisted that those who were pleading for good faith, who stood up to the last against the consummation of this odious measure, were battling for a mere abstraction, that this was but the assertion of a principle, and that, so far as slavery was concerned, no practical effects could flow from it; that Nature's statutes, the soil and climate, shielded Kansas and Nebraska from the inroads of slavery—this was vociferously proclaimed to the whole country.

Senator Badger, of North Carolina, said:

"I have no more idea of seeing a slave population in either Kansas or Nebraska than I have of seeing it in Massachusetts—not a whit."

Senator Butler, of South Carolina, said:

"It is certain that Kansas and Nebraska will never be slaveholding States."

Senator Everett, of Massachusetts, said:

"I am quite sure everybody admits that this is not to be a slaveholding region."

Many others of both Houses expressed the same views. Representatives from the free States who gave it their support, as if in the condition of those on whom the malediction of the Scriptures had fallen: "Having eyes, yet they would not see, and ears, yet would not hear;" insensible to the signs of the times, and not realizing that there could be a North, seized upon this pretext as an excuse for, and a justification of, their actions. What has been the result? But a brief period has elapsed, and the disguise is now unblushingly thrown off, and the purpose of making Kansas a slave State is openly avowed. It is declared that this was the issue there made, at the late election of a Delegate to represent that Territory in Congress, and slavery is yet exultant over the triumph there achieved.

Sir, the scenes attendant upon that election illustrate the arrogant and aggressive spirit of this institution—its defiance of all "law and order." Armed bands of men from the neighboring slave State of Missouri flocked in great numbers to this Territory, and, at many of the precincts, surrounded the polls, overawed the inhabitants, cast their ballots, and usurped the rights of the citizens of Kansas, and thus, without the color or pretense of being residents of the Territory, controlled and impressed upon its first election the seal of proslaveryism.

And now, communications and addresses are paraded in the public prints to show that slavery will thrive and prosper in Kansas; that its soil

and climate are favorable to the existence and growth of that institution; the prices current of men and women are published, ranging from $800 to $1,500, as evidence of the state of the market and the demand for human chattels. If, sir, all of the Representatives from the free States who supported this measure, and without whose aid it could not have become a law, could have realized, what seemed so apparent, that its chief end and aim was to exclude freedom from, and plant slavery in, these Territories; if they could have seen the results that have followed, and others that are foreshadowed, it would, perhaps, be unjust to suppose that a sufficient number could have been found so recreant and subservient as to have secured by their votes its passage. And now that there is no longer concealment, now that the form and shape it has assumed is familiar to all, Congress should awaken to the disgrace and infamy of planting, by the legislation of a *free Government*, slavery, the guiltiest of all despotisms, with its long train of blighting influences, in territory where, but for *that legislation*, the soil would never be cursed with its presence.

It is not my purpose to enter into a full discussion of the issues involved in the repeal of the Missouri compromise. The history of this legislation, its tendency, and purposes are yet fresh in the recollections of all; they are engraven on the public mind in characters that will not be easily effaced. As the bill I propose to introduce seeks to restore "the slavery restrictions" to the Territories of Kansas and Nebraska, I shall briefly glance at some of the main features of the controversy. In 1819, Missouri, a Territory organized from that vast area known as the Louisiana purchase, which our Government had acquired by a treaty with France, applied for admission into the Union as a slave State. This at once brought to an issue the question of applying the principles of the ordinance of 1787 to this and the other Territories of the United States. The House of Representatives insisted that Missouri should not be admitted except on the condition of the prohibition of slavery; the Senate took the opposite ground; thus the doors of the Union were closed against Missouri as a slave State. The whole country was shaken by the bitter and exciting contest that ensued.

In this crisis a compromise was proposed. It was warmly urged by the South, and reluctantly assented to by the North. That compromise provided that Missouri should be admitted as a slave State, and practically, that in all territory south of 36° 30' slavery should be free to enter, but that in all territory north of that line slavery should be *forever prohibited*. This was, in effect, at that time, a southern triumph. Announcing its adoption, Charles Pinckney said:

"At this moment we (the South) have carried the question to admit Missouri, and all of Louisiana south of 36° 30', free of the restriction of slavery. It will give the South in a short time six and perhaps eight members of the United States Senate. It is considered here, by the slaveholding States, as a great triumph."

It has given the South *six* Senators and *thirteen* members of this House, while Iowa is as yet the only free State formed from this whole Territory. This is the *compromise* that was annulled, this the *compact* that was violated by the legislation of last session—leaving the South in the full enjoyment of the fruits of that compromise, and wresting from the North the sole consideration that had been guarantied to her—the exclusion of slavery from those Territories—and leaving them an easy prey to this institution. The compromise of 1820, public honor, and good faith, require Congress to restore the prohibition of slavery to those Territories.

Sir, the bill which I propose not only seeks to restore the ordinance of freedom to the Territories of Kansas and Nebraska, but to exclude slavery from all the other Territories of the Union. This was the policy of the fathers of the Republic. They did not, like the honorable member from North Carolina [Mr. RUFFIN] regard the institution of slavery as a great political, social, and moral blessing. The honorable member sneeringly denounces the northern abhorrence for this institution which dethrones manhood, puts out the light of intellect, and reduces to the level of brute beasts and creeping things, beings created in the Almighty's image—they did not consider it worthy the eulogy bestowed upon it by the honorable member. In this respect, Mr. Chairman, though an humble individual, I am proud to stand on the same platform with George Washington, the Father of his Country, with Thomas Jefferson, with James Madison; a platform composed of the principles of all those great apostles of human freedom, who were baptized in the blood of the Revolution, and whose locks were sprinkled with the waters of that political Jordan through which they passed to the promised land of freedom.

I fear, Mr Chairman, that I am consuming too much of the time of the committee. [Cries of "No!" "Go on!"]

Mr. FLORENCE. I will ask the gentleman a question. While the gentleman is speaking of what he chooses to call freedom, it occurs to me that the opponents of what has been called the "Nebraska iniquity," the gentlemen from New York, [Messrs. HUGHES, HASTINGS, and others,] were not remarkably successful before the people. How was it that they were stricken down? I do not want to interfere in New York politics, but, inasmuch as the gentleman made a sweeping charge, I thought it best to make the suggestion which I have made.

Mr. HUGHES. I ask my colleague to yield the floor to me to reply to the gentleman from Pennsylvania.

Mr. GOODWIN. Certainly, sir.

Mr. HUGHES. Mr. Chairman, I had no intention of entering into the debate this evening.

Mr. FLORENCE. I put the question to the gentleman from New York, [Mr. GOODWIN,] and would like the answer from himself.

Mr. CAMPBELL. I call the gentleman from Pennsylvania to order.

Mr. FLORENCE. I am not out of order, and do not intend to be called to order by the gentleman from Ohio.

Mr. CAMPBELL. I call the gentleman to order, and shall keep calling him to order so long as he is out of order.

Mr. FLORENCE. I should like to know how the gentleman gets the floor to call me to order.

Mr. GOODWIN. I yield the floor to my colleague, [Mr. HUGHES.]

Mr. FLORENCE. I put the question to the gentleman; and would rather have the answer from him. I do not ask his colleague to confess. I am not a father confessor.

Mr. GOODWIN. I am quite ready to answer the honorable member, but, at the request of my colleague, yield the floor to him.

Mr. HUGHES. Inasmuch as the gentleman from Pennsylvania has put himself in the position of a catechist, he certainly ought to allow those to respond who have been called by name. He ought not to insist on an answer from my colleague in a matter of which, perhaps, he knows nothing.

But to the point, Mr. Chairman; in pursuance of what I believed to be the wish of my constituents I did oppose to the utmost the passage of the bill to organize the Territories of Kansas and Nebraska. My action was from an honest conviction that I was truly representing the people who had confided their interests to me.

I returned, was a candidate for reëlection, but was not reëlected. There were four candidates in the district; and I can assure the committee, that at the next session there will be seen in the seat which I now occupy a gentleman who will oppose, inch by inch, step by step, and to the extremity, every effort made for the extension of slavery over any of the fair domain of the country. [Cries of "Good!" "Good!"] Sir, if called on to repeal the enactment of this Congress, to which I have already referred, he will go boldly to his object. Thinking that I have represented my people, I have acted as I have; but, sir, I am as sand in the balance to what that gentleman will do, and to the lengths which he will go. He is a warm, ardent Seward Whig; when I have said thus much, I presume that I have clearly defined his position. So far as the people are concerned it is, perhaps, due to them to say, that I believe they had the fullest confidence in their representative. The district which I have had the honor to represent upon this floor for two years, is politically opposed to me. It gave eleven hundred majority for General Scott as the Whig presidential candidate, while I was elected by three hundred majority. They have now claimed their right, and sent a Whig to represent them.

Mr. GOODE. I understand the gentleman from New York to say—I hope I misunderstood him—that he and the great body of northern Representatives in this Hall represent a constituency who mean to press to its passage a law prohibiting slavery from Kansas and Nebraska.

[Cries of "Certainly."]

Mr. GOODE. They mean to pass a law that slavery shall not be extended into the area of Territories belonging to the United States.

Mr. GOODWIN. Yes, sir, where it does not now exist.

Mr. GOODE. I understand the gentleman to say that slavery shall not be extended into any of the Territories of the United States; and that the northern Representatives will oppose the admission of Kansas as a slave State.

Mr. GOODWIN. If I were to be here I should vote against Kansas coming in as a slave State.

Mr. GOODE. Do the body of northern members represent a constituency of a like feeling? I wish it to be known. Let the southern people know the issue which is to be presented, which is presented in the United States Congress.

Mr. GIDDINGS. I will answer, if my friend from New York will permit me. Ohio has spoken her sentiments by eighty thousand majority.

Mr. GOODE. I do not care what is the majority.

Mr. GIDDINGS. Ohio will stop slavery from going into Kansas, Nebraska, or any other Territory of the United States.

Mr. GOODE. Do it! We defy you!

Mr. GOODWIN. I ask, Mr. Chairman, why in the name of justice, of right, of humanity, should not the North demand that slavery shall be excluded from Kansas and Nebraska—from all the Territories of this Union where it does not now exist? It is my belief that the principle of this exclusion was involved in the compromises which went before and prepared the way for the framing of the Constitution, that if the adoption of this principle had not been acceded to by the South, and established by a solemn ordinance in the nature of a compact between the States, the clauses in regard to the reclamation of fugitives from service, and in regard to slave representation, concessions so favorable to the South would never have found a place in that instrument, and although the grounds of this compromise are not set forth in the letter of the Constitution, yet it was to that concession that it, in a great measure, owed its existence. That concession to northern sentiment was the main, if not the only, substantial consideration for allowing the slave power to deform the Constitution with those two obnoxious provisions, for a slave representation and for the reclamation of fugitive slaves. It was thus one of the corner stones on which the Constitution and Union rested, one of the original compromises that entered into their formation.

Mr. MAXWELL. The remark just made by the gentleman from New York is one which I cannot understand without a more specific reference to the compromise to which he alluded than he has made. I should like to inquire of him, what is the particular character of that compromise to which he refers, and which forbids the southern people to come into any territory—common territory of the United States—with whatever property they may possess, making a distinction between our right to go to such territory and the right of the northern people to go to such territory with whatever property they may possess. Sir, I should like to inquire what is the character of that compromise which contains such a proposition, and what part of the proceedings of the convention which framed the Constitution, recognizes the right of the northern people, and denies the same right to the southern people?

Mr. GOODWIN. It is not proposed to deny to the southern people any right enjoyed by northern people. It gives you the same right to carry the same property into the Territories which northern people are allowed to carry there. The North seeks to exclude slavery from the Territories, and the prohibition excludes equally North and South from such power. When honorable members talk

of a common right to carry property to the common Territories, they are seeking to do more than that, they propose to transplant there, a peculiar, social, and political institution essentially local in its character, and which the public law which obtains among States and sovereignties does not recognize. Beyond the force of the local law, which, by a notorious abuse of power transforms a man to a chattel, he ceases to be property. The possession and ownership of that which may be rightfully held as property, may be vindicated by principles of universal law, but this idea of property in man depends upon the statutes of slave States. The character of property does not go with the person upon the free soil of a free Republic, under a Constitution formed under a compromise by which slavery was to be excluded from all the common soil of the Republic.

But to return to my argument upon that compromise. And, sir, I will tell you upon what I base that compromise, and upon what the ordinance of 1787 rests. I have not time to enter into a minute historical argument, but I believe this great fact, viz: the exclusion of slavery from all the territory of the Confederacy as a condition for slave representation and slave reclamation—is clearly deducible from the history of the Congress of the Confederation, and from that of the convention that framed the Constitution. I shall merely present a condensed statement of some of the principal facts which authorizes this conclusion. In 1784, Virginia and other States ceded to the General Government the vast extent of territory lying northwest of the river Ohio, this comprised all of the territory that was in the possession, or under the jurisdiction of the United States at the period of the formation of the Constitution, as early as 1784. Indeed, on the very day of the cession, Thomas Jefferson—whose doctrines and ideas I would commend to those who believe slavery to be a great political, moral, and social blessing—introduced in Congress a plan for the government of said territory, providing, among other things, that slavery should be *excluded* therefrom after the year 1800, but the measure was defeated. In 1785, Rufus King, of New York, proposed in Congress a similar act of legislation, which that body also refused to adopt. It was then claimed by Representatives from slave States, that the citizens of their States should have the right to settle in said territory with their slave property, while a large majority of the people were determined that slavery should be excluded, and the question remained unadjusted.

It is to be observed that the session before referred to constituted all the public territory in the possession of the United States, or within its jurisdiction. It was all that was expected to be had in all time, for the idea was not then entertained of acquiring territory by purchase or treaty. Neither under the Constitution, or by any other act, had they provided for any territorial extension, and in the settlement of the then pending question they applied a principle which they supposed would cover all the territory that would ever be within the limits of the Union.

Well, sir, what were the next steps towards a solution of these difficulties? We find that in May, 1784, the third year after the cession of their lands by the States, a convention met at Philadelphia to reorganize the Government, and perfect the union of these States. The old Congress of the Confederation was at the same time in session in the city of New York. In the convention, also, the subject of slavery, and questions arising therefrom, prevented cordial union among the members of that body upon any plan of a Constitution. The South demanded the right to reclaim fugitive slaves, and the North insisted, not only that slavery should not be recognized by the Constitution, but that slaves should not be taken into account in apportioning the Representatives of the different States. Here we behold a striking coincidence, and the circumstances compel the conclusion that there was a full understanding between the two bodies convened at Philadelphia and New York. The Congress of the Confederation was considering plans for the proper government of the northwestern territory, and on the 9th of July, 1787, a committee was appointed to report thereon, and on the 11th of that month the committee reported. Its chairman was a Virginian.

Mr. GOODE. Name him.

Mr. GOODWIN. I think it was Mr. Nicholas.

Mr. GOODRICH. If the gentleman from New York will yield to me for a moment, I desire to read a paragraph, which I have in my desk, upon this point, for the information of the gentleman from Florida, [Mr. Maxwell.] During the discussion in the United States Senate, while the compromise measures were under consideration, Mr. Webster, on the 7th of March, made a speech upon that subject, in which, after referring to the sitting at the same time of the Congress of the Confederation and the Convention which framed the Constitution, he says:

"There was a perfect concurrence of opinion between these respective bodies, (the Congress that passed the ordinance and the Convention that framed the Constitution,) and it resulted in this ordinance of 1787."

When Mr. Webster sat down, Mr. Calhoun rose, and here is what he said:

"He [Mr. Webster] states very correctly that it [the ordinance] commenced under the old Confederation; that Congress was sitting in New York at the time, while the Convention sat in Philadelphia, and that there was concert of action."

Concert of action in regard to the *question of slavery.* Mr. Calhoun added:

"When it [the ordinance] was proposed, as I have good reason to believe, it was upon a principle of compromise, first, that the ordinance should contain a provision similar to the one put in the Constitution with respect to fugitive slaves, and next, that it should be inserted in the Constitution; and this was the compromise upon which the prohibition of slavery was inserted in the ordinance of 1787."

These are Mr. Calhoun's words. You will find them in his speech.

Mr. GOODWIN. Yes, Mr. Chairman, that exhibits the idea I wish to express. The ordinance provided that there should "be neither slavery or involuntary servitude in said Territory, except as punishment for crime," &c. Thus this measure which had been defeated when introduced by Jefferson three years before, which was voted down when presented by Rufus King two years before, and the consummation of which had been successfully withstood for three years, was now adopted by the votes of all the Representatives North and South, save only Robert Yates. I ask why this sudden change? Before, for three years, the South had continually defeated it, now they are unanimous in its favor. Without a dissenting voice they accept the ordinance proclaiming that slavery should be forever excluded from the Northwest Territory, then all the territory that our legislation could affect. Immediately upon this, the Convention proceeded with its work, and at once agreed to do, and did, what it before had been unable to do, namely, provided for the reclamation of fugitives from service, and for a representation in Congress for slaves, and upon this basis, in consideration of the freedom of the Territories, the Constitution, as regards these clauses, was adopted.

These proceedings in these two bodies, founded on mutual considerations and concessions, want nothing of the elements of a solemn compact between the contending States; and one of the sections of the ordinance provides that it shall be regarded as in the nature of a compact between the several States, and the States and Territories to which it was applicable. The Constitution of the United States, recognizing the obligation of the compact formed in the Congress of the Confederation, gave to it a further approbation and sanction. From this concurrence of circumstances I claim for this ordinance a validity and solemnity equal to those of the provisions of the Constitution itself.

Mr. GOODE. I understand the gentleman from New York to say, that the ordinance of 1787 met with universal approbation at the South.

Mr. GOODWIN. I state that it received every southern vote in that Congress.

Mr. GOODE. The Continental Congress which adopted the ordinance of 1787 is the body of which the gentleman speaks?

Mr. GOODWIN. Yes, sir.

Mr. GOODE. Then I wish the gentleman to have the candor to state that, whilst the southern States voted for the ordinance of 1787 as a form of government for the territory northwest of the Ohio river, they voted against that provision of the ordinance which contains the prohibition of slavery; and that Mr. Jefferson and one other individual were the only men from the South who cast their votes in the Continental Congress in favor of that provision of the ordinance of 1787. Is not that true?

Mr. GOODWIN. I am speaking of its final adoption by that Congress.

Mr. GOODE. Is not that the truth?

Mr. GOODWIN. Let me state what I understand to be the facts.

Mr. GOODE. Search the record. Search the Journal. That is the fact.

Mr. GOODWIN. The honorable member seems to be excited.

Mr. GOODE. Well, sir, I ought to be excited [Cries of "Order!" "Order!"]

Mr. GOODE. Nobody can call me to order about a matter of this sort.

The CHAIRMAN. The gentleman from Virginia is out of order. Does the gentleman from New York yield further to the gentleman?

Mr. GOODWIN. No, sir; the gentleman does not want me to do so, as I understand it. I am speaking of the vote on the passage of this ordinance of 1787, and I declare that my recollection is that not a single Representative in Congress, either from the North or from the South, save one, voted against it.

Mr. GOODE. Mr. Jefferson voted in favor of that provision of the ordinance of 1787 which excluded slavery from the Territory, and so did a Representative from North Carolina, but the body of the slaveholding States voted against that provision when the question came up on inserting it in the ordinance of 1787, as a form of government for the Territory.

Mr. GOODWIN. I think I have yielded sufficiently now.

Mr. GOODE. We of the South have yielded sufficiently, God knows!

Mr. GOODWIN. I trust you will have to yield still more.

Mr. GOODE. Well, I do not think we will.

Mr. GOODWIN. I have given my recollection of the vote on the passage of the ordinance of 1787, which included this provision. I may be mistaken. My recollection does not partake of infallibility.

Mr. UPHAM. If I may be allowed to make a statement which I think all gentlemen who are familiar with the records of that period will affirm to be correct, I will make it briefly, in reference to the point at issue between the gentlemen. It is true that the southern Representatives in the old Congress did vote almost unanimously against the restriction clause when introduced by Mr. Jefferson, and when introduced by Mr. King. But, sir, when, on the 9th of July, 1787, a committee was appointed, of which Mr. Carrington of Virginia was chairman, for the purpose, and under instructions, forthwith to bring in an ordinance for the establishment of a civil government in the Northwestern Territory, that committee did bring in a report two days afterwards, on the 11th of July, and that report was precisely the ordinance of 1787 as it passed the next day, with the exception of the sixth article. The committee made no report on the 11th in reference to the question of slavery; and if gentlemen will go to the library of Colonel P. Force in this city, they will see in print—printed at the time—the report which that committee made. He will show you the original document which was laid on the table of the members, and you will there find attached to that printed document, by a wafer, a fly-leaf some two or three inches square, on which the sixth article is found in the hand-writing of Nathan Dane, of Massachusetts; and that sixth article is substantially Mr. Jefferson's restrictive clause with a proviso, which proviso is the obligation to submit to the reclamation of fugitive slaves. That proviso was offered by Nathan Dane that day as a compromise, as a make-weight. The offer was at once accepted, and every member of that Congress from the southern States and from the northern States save one, on the 12th of July, recorded his vote on the Journal in favor of that restrictive clause. The whole proceeding is exhibited in the most interesting form and shape; and what is most peculiar and really striking and affecting in the case, is that that very document—printed, not in the style in which we print our bills now, but in a style adapted to the simple habits of the revolutionary

age—that original document, which Colonel Force will show you, is the identical document which was laid on the table by Nathan Dane, and to which he attached that fly-leaf, containing his amendment, which, accepted and inserted, is the sixth article of that immortal instrument—every southern member in the Congress voting for it.

Mr. GOODWIN. As I before said although the doctrine that slavery shall be excluded from the Territories is not declared in express words in the body of the Constitution, it essentially forms part and parcel of it; it is one of the corner stones upon which it rests. To establish the other compromises it was necessary to express them in the instrument, as it created the rights and privileges which constituted them, and they had no existence aside from the Constitution, but this great principle of exclusion had to be established (and unalterably as was supposed) before the Constitution could come into existence. The fathers of the Constitution intended to give it a permanency equal to that of the provisions of the Constitution; as their action and its language shows:

"It is hereby ordained and declared by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and the States in the said Territory, and forever remain unalterable unless by common consent."

Then follows the clause prohibiting slavery, and the Constitution, when subsequently adopted, seemed, as before noticed, to have in view the recognition of this compact, and provided (article six) that engagements entered into before its adoption should be as valid under this Constitution as under the Confederation. Neither the Constitution or laws provided for, nor did the fathers anticipate, the acquisition of additional territory. The principle they sought to establish was the *non-extension* of slavery, its exclusion from *all* the territories of the United States, its *limitation* to the States where it already existed. The simple fact alone of the application of the ordinance of 1787 to *all* of the territory then belonging to the United States establishes this. To this policy the South acceded, and received her consideration therefor in the advantages secured to her by the compromises in the Constitution. Therefore it follows, as a matter of justice and right, that this policy, so long as the South is enjoying the benefits secured to her by these considerations, should be extended over all of the territory subsequently acquired by the United States, especially over that portion wherein slavery did not exist at the time it was acquired. To admit slavery into free territory; to break down the barriers that arrest its progress, is to destroy one of the compromises on which the Constitution rests, and would violate the spirit of a compact interwoven with the existence of the Constitution. I hold, therefore, that the prohibition of slavery should not only be restored to Kansas and Nebraska, but be applied to all of the Territories of the United States.

POWER OF CONGRESS TO EXCLUDE SLAVERY FROM THE TERRITORIES.

Mr. Chairman, I am aware that it is claimed by some that Congress has not the power to exclude slavery from the Territories of the Union. Now, the Constitution authorizes Congress to "make all needful *rules and regulations*" respecting the Territories of the United States. When we remember that *rules* and *laws* are synonymous terms; that the commentators define law to be a *rule* of action, and thus give to the clause the same force as if the word *rules* was changed for that of *laws*, it seems very clear that the power to legislate for the Territories is expressly delegated to Congress. This would, of necessity, include the right to prohibit slavery therein.

But if the Constitution was silent, there is another source from which Congress derives the right to legislate for the government of the Territories. The power to acquire territory, by conquest or treaty, carries with it the right to govern and control it when acquired. The territory ceded to the United States by other nations, was ceded "in full property and sovereignty" upon the cession; all the power these nations possessed over these territories became vested in our Government, subject only to the restrictions of the Constitution; their power to exclude slavery therefrom—and that they had the power no one will deny—was transferred to the United States, and as the legislative power is vested in Congress, and there is nothing in the Constitution forbidding Congress to exclude slavery from the Territories, the conclusion is inevitable that Congress does possess this power; and, possessing it, is responsible for the necessary and rightful use of it. An unbroken line of precedents, from the first foundation of the Government down to the present time, also establishes the existence of this power.

Others, sir, while they admit that Congress may possess this power, insist that its exercise would be a usurpation of the rights of the people, and with the cry of non-intervention and popular sovereignty—quack phrases used as a garb to conceal the enormity and wickedness of the designs of slavery propagandists—demand that the walls of circumvallation, which our fathers, fresh from the Revolution, inspired by that spirit that was with and upheld them, in those days that "tried men's souls," had sought to erect around this institution, should be overthrown; that all compromises or covenants, however solemn and binding, that place obstacles in its pathway, should be violated; that slavery should be left unrestricted to acquire new power and possessions. Disguise it as you may, this is practical intervention against freedom, and in behalf of slavery. The sham non-intervention and popular sovereignty of this policy are used like the "silver veil" which the false prophet and imposter, "Mokanna," as described in the "Veiled Prophet of Khorassan," had flung over his features, as his deluded followers believed,

—"to hide from mortal sight
His dazzling brow, till man could bear its light."

But, in fact, to conceal their terrible deformity and ugliness—but the similitude and deception does not stop here—this imposter chief could also use the "words" and "ideas" of liberty to delude and betray, for there was

—"emblaz'd
On the white flag Mokanna's host unfurl'd
Those words of sunshine, '*Freedom to the World.*'"

And when, by perfidy and crimes unutterable, this mocking fiend had lured his followers to destruction—involved in common ruin, from which there was no escape—he raised the veil and, "as in death's agony they gazed," they beheld, not the promised light of a beaming brow that was to save them from the terrors of death,

"But features horrible*r* than hell e'er traced
On its own brood;—no demon of the waste;
No church-yard Ghole caught lingering in the light
Of the bless'd sun e'er blasted human sight
With lineaments so foul, so fierce as those.
Tho' imposter now, in grinning mockery, shows"—
"There ye wise saints, behold your light, your star,
Ye would be *dupes* and *victims*, and ye *are*."

So this policy, adopted at the last session of this body, beneath these "popular phrases," exhibits, when the veil is raised, the deformed and horrid features of slavery, exulting over its triumph and the delusion of its "dupes and victims." Unless Congress exercises its vested powers to exclude slavery from the Territories, "those features" will become impressed upon all the institutions of our country.

Mr. Chairman, to show the necessity of congressional legislation to exclude slavery from the Territories, I had intended to speak of the political, social, and moral evils of that institution, as portrayed by Washington, Jefferson, Madison, and all of the early statesmen of the South—as exhibited in the experience of the past, and as evidenced by its present influences—of its destruction of the rights of free labor, making honest industry a badge of degradation and dishonor; thus rendering it impossible for free and slave labor to exist together; of its confining the advantages of education and knowledge to the few, and withholding them from the many; of its baneful effects in exhausting the soil, dwarfing the energies, and paralyzing the enterprise of the people who dwell underneath its dark shadow, but time will not permit, and I must draw my remarks to a close.

Sir, it is only by fulfilling the purposes and pledges of the fathers of the Republic in excluding slavery from the Territories, and by divorcing the National Government from all connection with, and responsibility for, this institution, that peace and quiet can be restored, and this vexed question settled. We seek not to penetrate the limits of the States to interfere with the institutions therein; there we leave the subject to be controlled and regulated by your local laws. But, sir, in the national domain over which the national flag waves we claim; the soil shall not be darkened by its presence. Until these "covenants of the fathers," expressed and implied, are observed and executed, there will be strife and agitation and the continued unrest of the public mind and excitement of the people, awakened by the fresh aggressions of slavery, are as the unquiet heavings of the "billows gathering on the ocean's breast," and the cry wrung from outraged humanity, the wail of the sea-bird that tells the coming of the storm.

Sir, this question, by the force of its importance and the magnitude of the interests at issue, demands the attention of Congress; involving great questions of human rights, the fundamental principles of Government, and the honor and welfare of the only Republic upon the face of the earth, it rises in its proportions to a grandeur and sublimity, by the side of which other questions of Government policy are dwarfed into insignificance. It cannot be evaded. Like the fabled sphinx of old, it stands by the way side that leads to our country's future; and the riddle it propounds must be solved by the legislation of Congress. May that legislation be such as becomes a people upon whom a beneficent Providence has showered with so prodigal a hand the rich blessings of well regulated and enlightened freedom.

TERRITORIAL POLICY.

SPEECH OF HON. JOHN LETCHER,

OF VIRGINIA,

In the House of Representatives,

February 27, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. LETCHER said:

Mr. Chairman: I have listened with a great deal of attention, and no small degree of surprise, to the speech just delivered by the gentleman from New York, [Mr. Goodwin.] We are all citizens of the same Government; we all have a common interest in this Union, and it is well enough for us, coming from different sections of the country, to understand the precise position which each is to occupy for the future. The gentleman commenced his remarks by stating to the committee that he meant to speak candidly and frankly—that he meant to give us of the South notice of the position which the North occupied, that we might understand hereafter the course of events. Now, sir, I desire to know, in order to a correct understanding, whether it is the national sentiment of the North, so far as that gentleman is aware, that, at the next Congress, an attempt is to be made to repeal the fugitive slave law, or to modify that law in such a manner as to annex to it the condition of a jury trial in the place in which the absconding slave may be arrested?

Mr. GOODWIN. I cannot tell what the decision of the whole North would be on that question, but I, for one, speaking for myself, should be very happy, indeed, to see it done.

Mr. LETCHER. As I understood the gentleman from New York, awhile ago, he undertook to speak, not only for himself, but for the Empire State. He undertook to declare what the public sentiment of that State was on the great question in which the South was interested, and in which the existence of the Union itself was concerned.

Mr. GOODWIN. The gentleman did not understand me correctly. In speaking of the sentiment of the North, and the sentiment of the State of New York, I spoke of the decision they had rendered in reference to the repeal of the Missouri compromise, and that there was a great majority there in favor of the restoration of the restriction of the Missouri compromise, excluding slavery from these Territories.

Mr. LETCHER. I will come to that question in due time. Let us get back to the point. I want to ascertain, and it is due to that section of the country from which I came, that it should know, whether it is the settled and fixed purpose of the North to undertake to interfere with the

fugitive slave law, either by a repeal or by such a modification of its provisions as shall render the law no longer a safe and efficient protection for us in the recovery of our slave property.

So far as that point is concerned, let it pass, as the gentleman finds difficulty in answering my question, and let me come to another point. I desire to know whether it is the settled policy of New York, or whether it is the settled policy of the North, in a future Congress, to attempt to revive the Missouri restriction.

Mr. GOODWIN. I understand that a great majority of the electors of the State of New York are in favor of restoring the slavery restriction to the Territories of Kansas and Nebraska, and are opposed to the introduction of slavery therein.

Mr. LETCHER. That is frank, and I understand exactly what the position of the gentleman is. I understand it to be openly proclaimed that, at the next session of Congress, an attempt is to be made to bring about this result; and I imagine, from the manner in which the gentleman speaks, and from the sentiments which have been uttered by the gentleman from Ohio [Mr. Giddings] to-night, that this is their fixed and settled purpose, and even the sanctity of the Union or the preservation of the Government will not prevent them from making the effort.

I desire to know, upon the third point, what is the settled policy of the State of New York, or the northern portion of this Confederacy, in regard to the exclusion of slavery, by congressional prohibition, from the Territories—the common property of the nation. A gentleman suggests here, that this necessarily embraces the point to which I have already referred. I will ask, then, whether it is the settled policy of the North to resort to northern power in this House, for the purpose of excluding, in all time to come, by the exercise of congressional power, slavery from the Territories of Kansas, Nebraska, or any other, which has been acquired by the common blood and common treasure of this country?

Then, upon the fourth point, I desire to know how the Empire State and the North stand. Are they in favor of passing a law here at a future session of Congress abolishing slavery in the District of Columbia?

Mr. GOODWIN. I cannot speak, of course, in relation to the action of the North upon this subject.

Mr. LETCHER. Well, of the Empire State, then.

Mr. GOODWIN. I have no doubt that the State of New York would be in favor—I certainly am—of submitting the proposition to the people of this District to determine whether they would abolish slavery therein or not.

Mr. LETCHER. It will be recollected by every gentleman who has recurred to the history of past events, that, upon one occasion, a Representative from the State of New York introduced upon this floor a proposition, which was adopted by this House, to abolish slavery in the District of Columbia.

I have now obtained the answers to the questions I proposed, and these answers are pregnant with meaning to the South. It is important to us that we should understand the purposes and objects of the northern people. It is important to us, for the reason that the South should come here at the next session with a spirit of determination prepared to resist any effort of this sort on the part of the North, be the consequences what they may. If this Union cannot be preserved upon terms of equality, and if the territory of this country, acquired by the common blood and common treasure, is not to be open alike to the North and the South, then we desire to be informed of the fact; and whenever the crisis comes, the Union must be dissolved, whatever may be the regret that will attend its dissolution. I, for one, regarded as one of the most conservative men in my own State, and unwilling to believe that there was a settled purpose of this kind anywhere, am yet prepared for the result, whenever these issues shall be forced upon us by the people of the North. I shall stand by the rights of the land in which I was born, and in which, I trust, my bones shall repose. I ask nothing here but what I am willing to accord to others; and so long as I have life, or voice, or an arm to raise, they will be raised in defense of the rights, institutions, and honor of the glorious South. The Union has its benefits and blessings. I acknowledge them all; but a Union based upon other principles than those of equality has no charms for me. I come from a State which has maintained her rights in times past, and which will stand by them in all time to come, with equal firmness. Whenever an attempt is made to strike down her institutions, and interfere with the rights of her citizens, the North will find that Virginia can and will exhibit a spirit of stern resistance, that she will stand by her rights and institutions to the death.

Mr. HUGHES. If the people of the State of Virginia, or, more particularly, of the district which the gentleman represents so ably upon this floor, felt it to be for their interest, and that the right belonged to them to do it, to ask for the abolition of slavery in the District of Columbia, would the gentleman then vote for such a proposition?

Mr. LETCHER. I hold that we have no right to meddle with it at all; that Congress has no business to pass a law interfering with it; that it is an usurpation of power, which can lead to nothing but mischief.

Let me say another thing to the gentleman from New York. God knows the gentleman went far enough last year with the anti-Nebraska party in this war against the institutions of the South; yet it seems that *he* did not go far enough for his constituents, and he was thrown, therefore, overboard, and a regular Seward Whig sent here in his place. It seems that the gentleman did not go far enough. Out of the Democrats sent here to this Congress how many are left to tell the tale? Is there a solitary one sent to the next Congress who voted for the Nebraska bill?

Mr. HUGHES. Not one.

Mr. LETCHER. There is the evidence of what is the feeling of the Empire State, to which the gentleman over the way [Mr. Goodwin] referred, and this is one of the States where they say a great national party has sprung up, that is to preserve the Union, that is to keep off agitation so far as the question of slavery is concerned. Here is the evidence—a solid column of anti-Nebraska men, prepared to vote for a repeal of the fugitive slave law, to resist the introduction of slavery into the Territory of Kansas, even if the people of that Territory wish it; and, if I understand their sentiments, they are ready to vote against the admission of Kansas, if it shall apply for admission into this Union as a *slave* State. Is it not so? What member from the North on this floor will deny that such are the opinions of the people he represents on this floor?

Mr. HAMILTON. I have the floor, I believe, but I merely wish to say now that it is not my purpose to interrupt this general debate. I wish to say something to-morrow on the Army appropriation bill.

Mr. HUGHES. I only wish to say that there is an election coming off in Virginia.

Mr. LETCHER. I feel very little concern about it, so far as my own election is concerned; for my friends, both Whigs and Democrats, who have always shown me so much kindness, assure me that I will have no opposition.

Mr. GIDDINGS. Will the gentleman from Maryland yield the floor a few minutes, as I wish to reply to the gentleman from Virginia?

The CHAIRMAN. The Chair will remind the gentleman from Maryland [Mr. Hamilton] that he obtained the floor fifteen minutes before ten o'clock. Does he yield to the gentleman from Ohio? [Mr. Giddings.]

Mr. LETCHER. If I am taking the time of my friend from Maryland, I shall resign the floor at once.

Mr. CAMPBELL. I suggest that, by unanimous consent, the gentleman from Maryland shall be allowed to take the floor for as much time as he wants, within an hour, after this running fire is concluded.

[Cries of "Agreed!" "Agreed!"]

The CHAIRMAN. The Chair will not decide that that can be done until to-morrow morning.

Mr. GIDDINGS. I will express to the committee my gratification at having the privilege of exchanging sentiments with the able gentleman from Virginia, [Mr. Letcher,] who represents a different section of the country from that which I represent. I am pleased to say that the gentleman from Virginia and myself can talk over this matter like men, as become statesmen, without undue excitement. I am willing—having held a seat here for some time, and expecting to continue here for some two years more—to say to this House and the country what I understand to be the northern sentiment prevailing in the free States, *so far as I understand it;* and I wish to do it in a dispassionate manner, that all shall explicitly comprehend my views. I do understand that, in the convention which framed the Constitution, it was understood, most distinctly and explicitly, that slavery was a State institution, confined to State jurisdiction, with which the Federal Government neither had nor should have any power to interfere.

Mr. LETCHER. I want the gentleman to come to the present issue. I want to know what we may expect now, not what has occurred heretofore.

Mr. GIDDINGS. I will do so. Mr. Gerry declared in that Convention that slavery was a *State institution;* that while the Federal Government had no jurisdiction over it we should be careful to lend it *no sanction.* To this that body lent an implied approval, no member dissenting from it, but all apparently coinciding with the view of Mr. Gerry. Now, sir, I say to the honorable gentleman from Virginia, and to the House, that the freemen of the free States intend to carry out in practice this doctrine of the Constitution and of the fathers of our Republic. We intend to separate this Government and the people of the free States from all responsibility and all guilt of sustaining oppression, of upholding slavery, and direct its action to the encouragement of liberty, virtue, and the elevation of our race. Our people intend to be purified from the crimes and iniquities of slavery and the slave trade. While we leave the institution with the slave States, untouched by our legislation; while we guard all the States in the enjoyment of their privileges, we will protect our own rights with equal assiduity.

Now, sir, in order to do this—for I only rose to state to my friend what I understand to be the issues involved in the present conflict as to slavery in the District of Columbia, to which the gentleman last alluded—I will first reply, that we will secure to the people here "*popular sovereignty.*" We will repeal the laws which we have enacted, which now sustains slavery and the slave trade here, and leave the people of this District to maintain their "*popular sovereignty,*" of which we heard so much from my friend and his party at the last session of Congress. I mean *all* the people, black and white, permitting each to be sovereign of his own conduct, so long as he interferes with the rights of no other person. That we will not, by the law of Congress, rivet the chains, nor put hand-cuffs upon our fellow-men here; that we will withdraw our power from the support of slavery, and leave the whole people of this District to enjoy their popular sovereignty. I do not think we shall ask the people of the District whether we may separate ourselves from the support of slavery here; we will do it of our own emotion, our own judgment. We will not share the guilt, nor the disgrace, of upholding the slave trade here, of sustaining the practice of rearing boys and girls for the market in this city. We are not going to interfere with slavery here; we will cease to interfere with that institution; but we will encourage freedom, not slavery. We do not intend to say that men here shall be *free.* God and nature have said that—and we will protect the rights which our Creator has conferred on mankind.

And I further say to the gentleman, that, in the next place, we will take good care to follow in the footsteps of Jefferson, and of the Congress of 1787, and exclude slavery from every foot of territory belonging to this Government by *law of Congress.*

I say again, I have had some experience here, and expect to be a member of the next Congress; and I do expect, as I expect to live and get back here, to see the next Congress bring in a bill, and pass it through this body, that shall strike the chains from every slave within the territory of the Federal Government. This, sir, is the great and principal issue on which nearly all men of all parties at the North unite, which no party can withstand. Some may hesitate on other points, but this is one on which we intend to unite in all

elections, making it a test with all candidates for office; but we will do it without excitement. [Laughter.] With this, however, is connected another, the exclusion of any slave State which may seek admission to the Union. We will never give to another State the odious superiority over ourselves of holding an influence over the free States proportioned to the number of their slaves, allowing five slaves to be equal to three of our freemen. The man who would thus degrade the freemen of the North will be regarded as a traitor to northern honor and northern interests. We intend doing this, and I would respectfully say that no threats of dissolving the Union will deter us. That mode of frightening our people has been too often, and too long resorted to. It has lost its prestige. It has ceased to frighten our school girls. We hope to act like statesmen, like men who have their country, and their country's good at heart, who labor for freedom, for the happiness of mankind. We expect to maintain the rights which we ourselves hold under this Government. We intend that freedom, the liberty of man shall be the objects of this Government, and not slavery. Understand—for I have been misrepresented for twenty years—I have never thought of interfering with the rights of the slave States; I have never maintained upon this floor, by the way side, by the fire side, nor have I, in public or in private, intimated that we possess the power to interfere with slavery in the States. On the contrary, I repeat, that while we protect the Constitution, and assiduously maintain it in its full force, we will take care to maintain the rights which it confers upon the North, as well as the privileges of the South; we will maintain the rights of the free States, as well as those of the slave States. Our rights in Ohio are equal to those of the other States. We mean to wield the Government for the purpose of maintaining the freedom of every foot of soil subjected to the laws of Congress, and against the extension of the slave power by admitting any new slave State.

The next point, Mr. Chairman, is that of prohibiting the sale of any human being under process issued from the Federal courts. We will not prostitute the process of the Federal courts to the purpose of selling men and women at public auction. I want my friend to understand this issue in its full length and breadth.

Next, we will repeal the law of 1807, authorizing the coast-wise slave trade. We will not protect the slave trade on our southern coast, nor will we lend our power to encourage men while dealing in slaves. The pirate that hangs at the yard-arm on the coast of Africa is less guilty, in our opinion, than the man who deals in Christian slaves in this city. We will, therefore, repeal the law referred to, which authorizes the transportation of slaves under the flag of the United States. It is *our* flag, and it shall not be prostituted to such damnable and disgraceful purposes. We will purify it, and leave slave-dealers to take care of their slaves in their own manner. We will not suffer our moral purity to be contaminated by this infamous traffic in human flesh. We will lustrate ourselves from it. We will purify the Government from it. Do not talk about the dissolution of the Union; we mean to elevate the people of the *southern* as well as those of the northern States. Our object is the increase of intelligence, virtue, and happiness of all the people.

Mr. Chairman, besides all this we are of the opinion that we shall let the slaveholders catch their own slaves. We will not go one step beyond the law of 1793. That law gave no process, but allowed the slaveholder to catch his slave if he could, and permitted the slave to escape if he could. That law was signed by Washington. It was an enactment of those who had framed the Constitution in part. That law gave no process, authorized no officer to issue process, made it the duty of no officer to arrest a slave; nor did it require northern men to aid in such arrest, nor to pay the expense of taking such slave back to servitude. The law of 1850 is, in all these points, unconstitutional. Our feelings revolt at these provisions—we will not carry them out, nor will we obey them. I therefore say that the furthest extent to which we will go will be to restore the law of 1793. We will not catch your slaves for you. It is humiliating, degrading to our natures. Why, sir, let me ask the gentleman from Virginia whether he would turn out, run after, and catch a slave for any other man under Heaven?

Mr. LETCHER. Go on.

Mr. GIDDINGS. Will you answer? I will reply to any question propounded to me on this important subject. But as the gentleman from Virginia does not answer, I will ask the gentleman from Pennsylvania, [Mr. WITTE,] whether he would run after, chase down, and catch a slave for a slaveholder?

Mr. LETCHER. I have not surrendered the floor to the gentleman. I want him to go on. When he concludes I intend to comment on the revelations which he has made, and may yet make before he concludes.

Mr. GIDDINGS. I am commenting on the last point. We will live up to all our constitutional obligations; there we stop. If you can catch your slaves when they get away into our northern States, do it; we will not catch them for you; we will not appoint officers for the purpose of catching them; we will not pay for catching them. The Constitution imposes no such obligation upon us. Catch your slaves as you can, but do not ask us to lay aside our feelings of manhood, our moral principles, our independence, and self-respect to catch them for you.

Mr. Chairman, I can just here give an illustration. A fugitive slave came to me and asked my advice as a lawyer. It was when we were under the old law; and I did not hesitate to advise and counsel those who called on me. Looking the man full in the face, I said: "Do you believe, sir, that God created you with the soul and feelings of a *man*? That He endowed you with the inalienable right to life, liberty, and happiness?" "I do," was his prompt and earnest reply. "Have you the manhood to assert and defend those rights?" "I have," said he. "*Then do it*," was my reply. "I cannot defend you; but, were I in your place, I would defend my liberty while I could wield a weapon." I do not hesitate to tell them that they are *men;* that *we* shall not stop them. We let them know that we can do nothing; that they are left to their own manhood for protection.

I wish, Mr. Chairman, no misunderstanding in this matter. We will not be catchpoles for southern slaveholders. We will stand purified from the institution. No law will, no law can, compel us to catch the slaves. There is, there can be, no law which will force northern men, elevated and intelligent freemen, to turn out and give chase after runaway slaves. We have had demonstration of what I say lately in Wisconsin. There it was attempted to involve freemen in this slave-catching policy. You have seen the result. Popular sentiment is opposed to it. Our feelings of humanity, our principles of Christianity forbid it; our constitutional rights are opposed to it.

Mr. LETCHER. The gentleman has got through with all my queries to him, and he is now branching off on other subjects.

Mr. Chairman, I am very well satisfied that I gave the gentleman from Ohio [Mr. GIDDINGS] the opportunity for the interruption which he has made. He has stated, with that frankness and that candor which he has uniformly exhibited when discussing this question, the sentiment and purposes of the North, so far as he has been able to learn it. We all know that he is well posted up as to the sentiment of the northern people, as to their purposes and objects, so far as any action, present or future, connected with slavery is concerned. He says they are for repealing the fugitive slave law; that they are in favor of allowing the South to recover, as they best can, the slaves who have run away from their owners when they have reached a free State. He says, also, that he is for that sort of legislation that will remove slavery from the District of Columbia, the navy-yards, and all other territory owned by the United States. He says that he is in favor of preventing the inter-State slave trade, and for confining slavery to the States where it now exists; that he is not disposed to allow slavery to go into any of the Territories of the United States; but that, on the contrary, he is determined, and the North are determined, to restore the Missouri compromise line, and to prohibit slavery forever from the Territory of Kansas, even though the people of that Territory may be unanimously in favor of its introduction.

Mr. GIDDINGS. I ask the gentleman to allow me to correct him in one particular. The gentleman speaks of my proposing to prevent the inter-State slave trade. That is not precisely my position. So far as the transportation of slaves from one slave State to another internally, is concerned, I have nothing to do. It is the coastwise slave trade upon the high seas that I propose to prevent. Congress have the right to make regulations for the navigation of the high seas, and I desire that this shall be one of them.

Mr. LETCHER. Very well; take it as it is now stated, and it presents a point which it is utterly impossible for the South to yield. It is pushing this interference to an issue where it would be disgraceful for the South to attempt to shun it, and she will not attempt to shun it. To accede to the terms thus dictated to her by the North, is basely to surrender all claim to her property, and to admit that wherever it goes beyond the limits of a slave State and enters a free State, it becomes, in the language of the gentleman from Ohio, "sovereign" in the State to which it may flee for the time being.

Mr. Chairman, under such circumstances as these, the gentleman from Ohio says he has no idea that I, or any one who comes from the South, would be inclined to sever the bonds of the Union—that we have talked too much upon that subject—and that we will submit hereafter, as we have always submitted heretofore. In other words, that there is not spirit enough in the South—that there is not manliness enough in the South—to stand by southern rights, to uphold southern interests, to protect southern property, and to defend slavery whenever it shall be assailed by our enemies, from any quarter whatever! Sir, do northern gentlemen entertain this opinion of us? Do they believe that we have been reduced to so abject a position, that we have not the courage to assert our rights, nor the power to defend our property? If such is their opinion, then their conduct in endeavoring to bring about a dissolution of the Union, by forcing upon us the measures indicated to-night, is precisely what might have been expected. They ought not to desire a longer connection with us. They will find, sooner or later, if these questions are pressed, that they have been sadly mistaken. If we cannot be considered as the equals of the gentleman from Ohio, and the equals of those whom he represents upon this floor; if the North are determined that we shall not have peace on this vital subject; if they are determined to press it at all hazards; regardless of consequences to themselves and to us, be it so. We shall have the agreeable reflection of knowing that we are not to blame; that the evil results cannot be charged upon us; that the North, and the North alone, are to blame. If the Union shall be dissolved, they cannot say we did it.

But the gentleman from Ohio says the North will not submit to have her rights interfered with. Sir, will the gentleman be good enough to tell us when and where the South has ever interfered, either directly or indirectly, with the *rights* of the North? When have we of the South endeavored to take away—to *steal*, by the aid of "*underground railroad*," by force or fraud, or by any other means—the property of the citizens of the North? Have we ever made such an attempt upon the constituents of the gentleman from Ohio? Never, sir, never! I believe the gentleman professes to hold to the doctrine of State rights, as declared in the resolutions of 1798 and 1799. I think the declaration he has made to-night is very much the same, in substance, with that made a few days ago by Mr. WILSON, the Massachusetts Senator, in the other end of the Capitol. These two gentlemen hold very much the same opinions in reference to State rights, slavery, the fugitive slave law, the Nebraska bill, and other questions of a kindred character. They both hold to the doctrine that the North shall declare the law, and the South shall have the glorious privilege of submission. The North is to make its demands, and the South is to yield a prompt obedience to those demands. The North is to prescribe its rules, and the South are to comply with them promptly and without a murmur.

Now, let me tell the gentleman from Ohio that, whatever he may think of the spirit of the South, he will find that there is a spirit there that will

not submit to such requirements. I speak to the gentleman as coolly and calmly as I ever uttered a sentiment in my life, when I say that men of all parties in the South—Democrats, Whigs, by whatever name known, or by whatever organization they are united—will be found faithful in the hour of trial, to the rights, interests, honor, and institutions of the section of the country in which their lot is cast. They will never consent that the southern section of country shall occupy in this Union, that craven, base, and degraded position which he has assigned to us. Whenever that day shall come, the gentleman may rest assured that the South will be a unit. That all party lines and all party divisions will be obliterated. That there will be one party in the slave States known only as the defenders of southern rights. Whenever we must surrender our *rights*, or give up the Union, there will be no hesitation in making the selection. We can live without you. We can manage our own relations. We have the means among us that will give us wealth and power, and far better is it that we should go and live by ourselves than that we should submit to such unrighteous and iniquitous demands as have been asserted here to-night. The time has come when the South must prepare to defend her institutions against the aggressive spirit of the North.*

The gentleman thinks the South has no spirit. Sir, let him wait until the next session of Congress, when these measures shall be attempted to be carried out, and he will see of what stuff the South is made. He will see whether we shall quietly sit here, and whether our constituents will tolerate the idea of our quietly sitting here and submitting to such injuries as he has proposed to inflict upon us. The sunny South is our home. It is the land that gave us birth. It is the land in which is deposited the bones of our ancestors. Within the bosom of my own State sleep Jefferson, and Henry, and Madison, and hosts of others whose deeds have illustrated and adorned the annals of our country. And, sir, shall we permit our enemies to invade the sanctity of those homes and those firesides? No, sir; the South will be protected and defended by her sons, at whatever cost, and you will find that there is spirit enough left to repel any attempt at interference with our rights or our interests.

Now, sir, there is still one other point to which I desire to allude. I wish to know from the gentleman from Ohio whether he indorses the sentiments contained in the correspondence which appeared a few days ago in the American Organ of this city.

Mr. GIDDINGS. Will the gentleman be a little more explicit? I do not know precisely to what he alludes?

Mr. LETCHER. I mean the correspondence between Mr. Ellis and Mr. Wilson, the Senator from Massachusetts?

Mr. GIDDINGS. I indorse that part of it written by Mr. Wilson, fully. I do not know much about that of Mr. Ellis.

Mr. LETCHER. Do you indorse all the sentiments expressed by Mr. Wilson?

Mr. GIDDINGS. I do indorse all the sentiments expressed in that correspondence, so far as to say, that the Federal Government has no power of interference with the existence of slavery in the States. My friend must know that I have laid down that doctrine in express terms, but a little more in detail than it is contained in that letter.

Mr. LETCHER. Well, let me try the gentleman on another point a little more explicitly.

Mr. GIDDINGS. A moment if you please. What we intend to do is to purify this Government from the institution of slavery, and leave that institution entirely with the States.

Mr. LETCHER. Upon the principle, I suppose, that, as we inherit it from the North, their children feel the stain of it and want to relieve their ancestors from it.

Mr. GIDDINGS. Well, I can go into that question if the gentleman wishes it.

Mr. LETCHER. Stop a moment. There is another question which I wish to put to the gentleman. Suppose he had been interrogated on the question of slavery, and the power of the Government over slavery, what would have been his answer?

Mr. GIDDINGS. I do not believe I should have done it better than Mr. Wilson.

Mr. LETCHER. Would you not have gone a little further than he does?

Mr. GIDDINGS. I might have gone more into detail. But if I had undertaken to do it in a brief and comprehensive manner, I should probably have done it in nearly the same terms as he has done. His letter contains everything that I have said to-night, only I have elaborated and gone more into detail.

Mr. LETCHER. I should like to know whether the gentleman from Ohio and Mr. Wilson both belong to the same organization—the Know-Nothings?

Mr. GIDDINGS. No man will impute that to me. I know something. [Laughter.] I have known enough, at all events, to keep me here for twenty years. [Renewed laughter.]

Mr. LETCHER. I know the gentleman is not practically a Know-Nothing. I know that very well. But whether he is theoretically a Know-Nothing, and *practically* upon the same platform with Mr. Wilson with regard to the slavery question, is what I want to know.

Mr. GIDDINGS. My friend, I suppose, asks me if I belong to that political or moral organization called Know-Nothing in the common language of the day. I can say to my friend, that, individually, I "know nothing" about that organization whatever, either by precept, example, or anything else, excepting, of course, what I have seen in the public press. [Laughter.]

Mr. LETCHER. I find that nobody has any personal knowledge about that organization. They all "know nothing" about it. [Renewed laughter.] And I have yet to see the first man upon this floor—although it has been proclaimed that a number of seats in this Hall are occupied by Know-Nothings—who will acknowledge that he is one. The gentleman from Massachusetts [Mr. Banks] could not be screwed up to it the other day, although every man in this House would swear that the gentleman is a member of the order. [Laughter.]

Mr. BANKS. No one asked me the question.

Mr. LETCHER. Well, then, I ask it now. Will the gentleman answer me?

Mr. BANKS. What?

Mr. LETCHER. Do you belong to the order of Know-Nothings?

Mr. GIDDINGS. One moment, if you please. I want to answer the gentleman from Virginia.

Mr. LETCHER. Oh, I cannot get anything out of you. [Laughter.]

Mr. GIDDINGS. I only want to say that I do not belong to any organization of that kind, whatsoever.

Mr. LETCHER. Very well. That is frank.

Mr. GIDDINGS. I have no knowledge of any such organization.

Mr. LETCHER. Now, let me try the gentleman from Massachusetts. Does he belong to the organization called Know-Nothing, that has been the subject of comment by the gentleman from North Carolina [Mr. Ruffin] to-night?

Mr. BANKS. I belong to an organization—not that I know that it is called by the name of Know-Nothing—but that answers the description that is generally understood by that name in my own town. Nobody has asked me the question before. I have never declined to answer it, and nobody has "screwed me up to it."

Mr. LETCHER. Then I have gotten one anti-slavery gentlemen here to acknowledge the corn. [Great laughter.] He is the first. Now, many others are said to be here, and I should like to know of the gentleman from Massachusetts, since he acknowledges himself to be a high priest in the organization, how many of his followers are members of this House?

Mr. BANKS. I do not know one.

Mr. LETCHER. It is very remarkable that the gentleman should be the head of a family, and know none of his children—is it not? [Laughter.] I take it that the gentleman is about as nearly a *practical* Know-Nothing as you could well get. [Renewed laughter.] I have heard it said that it is one of the rules of this organization to know nothing, to know nobody, to say nothing, to hear all they can, to retail all they hear, and to make the best use of all they hear, and I think, after the last answer of the gentleman from Massachusetts, the House will have no difficulty in arriving at the conclusion that the party has been pretty accurately described.

Now, let me call attention to another fact in connection with this matter. Here is Senator Wilson, who is said to be a Know-Nothing. That is a conceded fact, as I understand. I take it the gentleman from Massachusetts knows the fact.

Mr. BANKS. I do not.

Mr. LETCHER. Does the gentleman mean to deny that he and Mr. Wilson are brethren in the same organization, sailing under the same colors, and struggling for the same ends?

Mr. BANKS. Mr. Wilson and myself have long been struggling for a change in the politics of Massachusetts. Whether he is a member of the organization to which the gentleman alludes, I never knew, and have no knowledge any more than from what the gentleman says is the general report.

Mr. LETCHER. Then there is a general report to that effect, and it is most remarkable that gentlemen living in the same State, one the leader of the Know-Nothings from his State in this House, and the other occupying the same position in the Senate, and that each should not know whether the other belongs to the organization! [Laughter.] It does strike me as most extraordinary that there should be an organization which they say is sweeping over the country from North to South and from East to West, obliterating all old party lines, breaking up all old party organizations, burying all "old fogy" politicians and demagogues, and building up all things anew, and which is to give us a sort of political millenium, and yet of these two men of political prominence, residing in the same State, having the same political objects in view, and struggling for the same political ends—the relief of their State from the power of the party that has hitherto controlled it, under the lead of Webster and Everett, and yet neither knows whether the other belongs to the organization!

Mr. GIDDINGS. Let me put one interrogatory to the gentleman?

Mr. LETCHER. Not just now.

Mr. GIDDINGS. One short question only.

Mr. LETCHER. I have no doubt the gentleman from Ohio feels sympathy for his brother Abolitionist from Massachusetts, and would like to get him out of this scrape.

Mr. GIDDINGS. I answered your question.

Mr. LETCHER. Yes; the gentleman answered me frankly enough.

Mr. GIDDINGS. Then let me ask if you are a Know-Nothing? [Laughter.]

Mr. LETCHER. No, sir; neither practically, theoretically, morally, socially, or in any way.

Mr. GIDDINGS. That is the usual answer. [Roars of laughter.]

Mr. LETCHER. Let me say to the gentleman more than that: that whenever I shall join a society, whenever I shall get my own consent to join a political organization, that I shall not have the manliness to say I am a member of, I trust I shall not be here, nor in any other position where confidence shall be reposed in me by a just and generous constituency, such as I represent here. [Cries of "Good!"]

But let me get back to the point I was discussing. Here, then, is Mr. Wilson, admittedly elected to the Senate of the United States by a Know-Nothing Legislature—one almost unani-

* The following extract from the Richmond Whig, February 27, 1855, shows that I am not mistaken in the temper and patriotism of the South; all our people will be true:

"We have thus given only a brief sketch of the debate last Friday, in order to let the southern people know its true purport and character. It is useless to say that when these doctrines of Wilson and Wade are attempted to be carried out by Congress, there will be an end of the Union. The South will not submit to such Abolition incendiarism. If they shall succeed in their purposes, it will, indeed, be a dark day for the country. Upon them, however, and those who sustain them, will rest the responsibility and all the consequences. As much as we love and revere the Union, we had rather see it shivered into a thousand pieces than submit to the degradation which Seward and his vile confederates propose to heap upon the South. It is for them, not for the South, to determine whether the Union, hallowed in so many respects and for so many reasons, shall survive or die."

mously so. There was one lonely Democrat there, I believe—the only poor soul who could muster votes enough to get into the body, (laughter)—and there were some four or five Whigs, but the remaining four or five hundred all belonged to this organization. Is it not so? I pause for a reply. Now, I have heard that none of those men are *bogus* Know-Nothings, in the popular acceptation of the term, but that they are all of the real genuine stripe. Can the gentleman from Massachusetts tell me how that is?

Mr. BANKS. I cannot say.

Mr. LETCHER. The gentleman "*cannot say!*" Well, sir, I take it that the people of the South will want *to know* before they are disposed to go the full length in this matter.

Well, let us come still nearer home. There is the State of Pennsylvania, in which an election for Senator was to take place to-day. There is a strong party of Know-Nothings in the Legislature of that State. We know that they have been in trouble for some considerable time in regard to the election of a Senator, and we have seen in the papers which reached the city this morning the letter of General Cameron, *their* candidate, announcing his platform of principles, and it is the identical platform which has been laid down here to-night by the gentlemen from New York, [Mr. GOODWIN,] and the gentleman from Ohio, [Mr. GIDDINGS.] Now, how is it, that with an organization professing to be *national*, and to have no other object in view but the preservation of the Union, the perpetuity of our institutions, and the glory, honor, and prosperity of our common country, that whenever they are called upon to elect officers, their candidates come in on anti-slavery platforms? How does that accord with the principle of *nationality* that is claimed for the organization?. How does it harmonize with that devotion to the Union, that anxious desire to preserve all our institutions, to build up our trade, and to advance everything that is the common property and the common glory of *all the citizens* of this great nation? How do gentlemen undertake to explain these facts? Yet so it is. That is the result. Here is the New York election. Here is the Pennsylvania senatorial election. Here is the Pennsylvania congressional election, where even the Nebraskaites and the Democratic anti-Nebraskaites were swept down in one common wreck. Here is the congressional election in New York, which they say, was brought about by Know-Nothings.

Mr. WITTE, (interrupting.) Will the gentleman from Virginia allow me to make a remark which bears upon this point of his speech?

Mr. LETCHER. Certainly.

Mr. WITTE. It is this: that there is not one single member from Pennsylvania who will come to this House, in the next Congress, for the first time, as an anti-Nebraska man, who has not been elected by a combination of what there is of the Abolition element in our State, with Know-Nothingism and anti-Nebraskaism.

Mr. LETCHER. I am very much obliged to the gentleman for his information.

Mr. WITTE. I desire that point to be clearly understood, because I do not wish the old Commonwealth to be misrepresented, and the title "Democracy" to be prostituted. I want it to be distinctly understood that every member not a Democrat, who comes here for the first time in the next Congress has obtained his seat by an unholy coalition between the three elements which I have designated: Abolitionism—what there is of it in the State—anti-Nebraskaism, and Know-Nothingism.

Mr. FLORENCE. With a sprinkling of Maine lawism.

Mr. LETCHER. I am very much obliged to the gentleman from Pennsylvania, [Mr. WITTE,] for the facts he has furnished. Now, sir, let us look at some of the other States. Here is the State of Ohio, for instance. Will there be a solitary Nebraska man from that State in the next Congress, because, if I understood the gentleman from Ohio, [Mr. CAMPBELL,] some time ago, he said there would not be a Nebraska man from that State in the next Congress?

Mr. CAMPBELL. Not one, thank God!

Mr. LETCHER. "*Not one, thank God!!*" Put it down, sir, as the gentleman uttered it. When you come to the State of Indiana, how many do you think are left there to tell the tale?

A MEMBER. Two.

Mr. LETCHER. Mr. MILLER and Mr. ENGLISH are the only two left in that State. What brought about these results there? Was it the same thing as in the State of Pennsylvania? Was it brought about by Know-Nothing influence? Was it the same thing which has brought new members and a Senator here from the State of Illinois? Was it the same thing which brought so many new members here from the State of Wisconsin? And these, I believe, embrace about all the elections, save that of Massachusetts, which have occurred since last fall.

A MEMBER. Michigan.

Another MEMBER. New Jersey.

Mr. LETCHER. Yes, there is Michigan. I had neglected that, and New Jersey, where the same result is effected. Here then comes, last of all, the State of Massachusetts. She sends an entire new delegation, I believe, with the exception of two. What was the cause of that change, sir? Were not the gentlemen who are now here strong enough in their opposition to Southern institutions and to Southern rights, to secure the retention of their position? Did they differ in respect to the fugitive slave law, or on any other question from the gentlemen who will appear here in the next Congress? The only difference between them sir, is, I imagine, that those who come here in the next Congress come fresh from the people, come with all the feelings, with all the animosities, with all the prejudices which have been engendered by this combination in Massachusetts, and, therefore, with a more bitter and more determined spirit to accomplish their purpose, cost what it may. The result in Massachusetts is an admitted Know-Nothing triumph, and in many of the other States I am informed that the Democratic party was defeated by the power and influence of this new organization. I do not charge that the southern Know-Nothings sympathize with the views of northern Know-Nothings on slavery.

[Here the hammer fell.]

FREE LABOR AGAINST SLAVE LABOR.

SPEECH OF HON. L. D. CAMPBELL,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1855.

In reply to Mr. STEPHENS, *of Georgia.*

Mr. CAMPBELL said:

Mr. CHAIRMAN: It is now past ten o'clock in the evening of one of the expiring days of the Thirty-Third Congress. I rejoice, as the country rejoices, that we so nearly approach the hour of its dissolution. The history of this Congress, I fear, sir, will prove to the future that we have done more of evil than of good. I look back in vain upon the pages of its Journals for proof that we have done much that is either calculated to promote the great interests of our own nation, or the cause of humanity at large. It is not my purpose now to review our acts in detail. It is enough to say that when this Congress and the present Administration came into power under a pledge to economy, it found our National Treasury full to overflowing. If measures enough have not already passed to drain it, means will be provided before next Sabbath morning, not only to draw from the sub-Treasury vaults the last dollar of the people, but such, sir, I predict, as will compel the Executive to call upon the incoming reform Congress to issue Treasury notes to enable it to raise the means necessary to carry on the Government.

Again, sir, when we were first convened, that sectional strife which had so often disturbed the national harmony and endangered the perpetuity of the Union had happily subsided, and the whole country rested upon the assurance that it had secured its long-desired repose. Sir, I cannot, without deep emotion, again call attention to the condition of public sentiment produced by that reckless act of this party, which, regardless of plighted faith, and defiant of popular will, repealed the Missouri compromise. We came here full of hopes of future harmony—we separate with hearts full of fear that the storm which the uncalled-for Nebraska act has occasioned will not be allayed without serious results to the great interests of our common country. If it brings woe to our people, let this Administration and its party be held responsible, because in every branch of the Government they have held unlimited power.

Mr. Chairman, I propose to reply to the last speech of the gentleman from Georgia [Mr. STEPHENS] upon the repeal of the Missouri compromise. There are some remarkable incidents connected with the controversy between us which call upon me to do so. That controversy originated in the consideration of the bill proposed by the gentleman from Indiana [Mr. MACE] to exclude slavery from Kansas and Nebraska. When I entered this Hall on the 14th day of December, the gentleman from Georgia had the floor, and was discussing its merits. I had no expectation of embarking in the discussion until, when near the close of his speech, he undertook to prove, in substance, that the labor of a slave in Georgia was more successful than the labor of a freeman in Ohio. Sir, this proposition, in such a crisis as this, involved a principle worthy the consideration of any statesman in any civilized land upon the face of the earth.

But there were other considerations which prompted me to meet the gentleman in controverting so startling an assumption. I had left behind me in my native Buckeye-land, where the foot of slavery never made its imprint, brothers, kindred, true and trusty friends, laboring freemen in every branch of industry. I should have been recreant to my duty here, false to every impulse of my nature, and treacherous to the great cause of human freedom, to have permitted the gentleman's comparison and statistics to remain unanswered. I obtained the floor after he had spoken his hour without any interruption from me, and proceeded to reply. I yielded to him in my hour, thirty-three times, as appears by the record revised by himself, and I afterwards submitted the reporter's notes to him for revision, and such additions as he chose to make explanatory of his views. Under this state of facts, I had reason to believe the controversy was closed. But a month afterwards, the gentleman again took the floor and delivered a premeditated and elaborately prepared assault upon my reply, charging among other matters, that I had *sized his argument to my capacity to reply to his!* Sir, it is a matter of indifference to me as to how *high* an estimate the gentleman may place upon *his* "argument," or how *low* he may scale *my* "capacity" to meet him; this House and the country will give to each of us our just level. When I arose to correct one of his statements, with haughty mien, he replied to me that my interruption had no pertinence, and then, again, he said "Be brief, sir, I have no time to spare." May I not, under such circumstances, suggest that the gentleman discovered that he could not "size" his courtesy in debate by the extent of the task he sought to perform, in assuming that slave labor was superior to free labor!

Again, sir, the honorable gentleman would seem to demand for his statistics and arguments great force, for he told us he was "never wrong." I cannot set up for myself such infallibility! I am often wrong; but in this contest I feel a consciousness that the right is with me, and until I am satisfied of my error, neither contemptuous contortions of countenance, violent gesticulations, nor high-toned annunciation can move me one hair's breadth from my position.

Again, sir, the honorable gentleman seems to assume for himself a very elevated position, and to assign to me a very humble one. In alluding to our controversy of December 14th, he compares me to the "wild boy of the forest, with bow and arrow, attempting to shoot into the moon!" Without questioning the gentleman's good taste, I submit to the stigma of the "wild boy of the forest." There is quite as much truth as poetry in it, for bears were very plenty

"Around the hut where I was born,"

and, in boyhood, it was occasionally my lot to traverse the forest paths in night's dark hours, when the wolf howled behind me. And, Mr. Chairman, I shall not controvert the claim which the gentleman's figure sets up—that he is the veritable man

in the moon! I stood at my desk when the gentleman delivered his speech, as I am here now,

"With bended bow, and quiver full of arrows,"

ready to "shoot at folly as it flies," whether to the green cheese of the moon, or to the sweet potatoes of Georgia!

The honorable gentleman is adroit in his effort to escape the consequences of the issues he had the temerity to present to this House. I shall bring him back to them in due time, after disposing of the outside matters he has introduced. I quoted him as saying "*the South asks nothing*," and he charges me, therefore, with "putting words in his mouth which he did not utter!"! It is due that I should give the gentleman the benefit of his language as published in his first speech as revised by himself. He said:

"But when did we ever come up and ask any aid from the Government of the United States? The constant prayer of the South to you has been to stay your hands. *All that we ask of you is, keep your hands out of our pockets. That is all that the South asks, and we do not get even that.*"

Now, sir, may I not ask whether the gentleman's complaint has not for its foundation a mere quibble? The substance of his charge is, that the free States have been *robbing* the South. In what manner has this alleged plunder been perpetrated through the General Government? Let us briefly examine.

Have we robbed you through our tariff laws? In 1816, Mr. Calhoun was the advocate of a protective tariff. The free States never demanded protection until, under the system proposed by the South, they had been induced to invest, in permanent manufactories, buildings, and machinery, their capital. Then they claimed that, in good faith, the system should be continued. In 1824–'28 the system was advocated by southern statesmen, such as Jackson, Benton, Eaton, Richard M. Johnson, and others. Besides, sir, every branch of southern industry has been as fully protected by all our tariff laws as those of the free States. There is no injustice in this branch of Federal legislation. If there is, I challenge the gentleman to show it.

Have we robbed you through our improvement laws? I assert, without the fear of contradiction from any source, that in all the bills that have ever passed Congress for the improvement of rivers and harbors, the slave States have received a much greater amount from the National Treasury, according to their Federal representation, than the free States. Such was the case last session. It is so now. In the future, you will not complain if, in this branch of legislation, we say, "*keep your hands out of our pockets!*"

Have we robbed you in expenditures for acquiring additional territory? On a former occasion I asserted that the free States had never asked for the acquisition of new territories, and attributed to southern demands all the acquisitions since the organization of the Government, to wit: Louisiana, Florida, Texas, California, Utah, and New Mexico, and the Mesilla valley. These annexations, the result of southern influence, including the war with Mexico, (the fruit of annexation,) cost the Federal Government *more than two hundred millions of dollars*, and furnished a legitimate item in reply to the charge of robbery.

The gentleman goes into an elaborate calculation to prove that a portion of this territory is in northern latitudes. The truth of this proposition does not affect my point. The acquisitions are all the result of southern demands upon the Federal Government, the purpose being to strengthen the *political power of slavery*, which has always been successful. The repeal of the Missouri compromise, and the admission of slavery into Kansas and Nebraska, consummate this policy of the slave States; because our national history shows that no free State has ever yet been formed from territory from which slavery had not been positively excluded by law.

Have we robbed you through the postal arrangements of the General Government? Look, sir, into the last page of the President's message and accompanying documents upon our desks. We have here the figures of an annual robbery. The figures stand thus:

Slave States, cost of mail transportation	$2,087,225
Slave States, postages, &c., paid	1,487,984
Deficit	$599,241
Free States, postages, &c., paid	$4,393,056
Free States, cost of mail transportation, &c.	2,381,877
Overpaid	$2,011,179

The free States pay more than $2,000,000 above the cost of their mails, whilst your slave States (Georgia being a leading defaulter) are annually nearly $600,000 behind. Our people are taxed for the letters you receive, and the day is not far off when they will say to you, through the solemn forms of law, "*keep your hands out of our pockets!*"

Mr. Chairman, the gentleman's *last* speech discloses a purpose to evade the issues of our first controversy. I am, therefore, induced to follow him briefly in his filibustering wanderings to Cuba. He wants to annex that rich island. Inasmuch as Spain will not sell it, he seems to propose that our people should become land pirates, and take it through the process of throat cutting. In reference to our objections to his ideas of acquisition, he says: "I see none but an obstinate, fixed, and blind *dogmatical nonsense!*" And in another part of his speech he says:

"My record may stand as it is made up. I have no desire to change or modify it in the least; not even to cross a *t* or dot an *i*. *By it, as it stands, I am willing to abide while living, and by it to abide when dead.* It was not made for a day, or for an election, but for all time to come."

Mr. Chairman, the honorable gentleman has called attention to his record, with all the solemn forms of a "last will and testament!" I had occasion, on the 14th of December, to look into his record, and will now take up other parts of it, with a view to ascertain whether he had not as well add a codicil, by way of explanation. He seems to regard my argument as deficient in power compared to his own. I choose, therefore, to reply to his late demonstration in favor of taking Cuba whilst Spain refuses to sell it, by the forcible remarks which his record shows he made in this Hall on a former and similar occasion. I read from the Congressional Globe, volume 19, page 163. During our war with Mexico, an obstacle to a treaty of peace was presented in the refusal of Mexico to dispose of her territory. On the 2d of February, 1848, the honorable gentleman gave utterance to the following noble sentiments. He seems now to repudiate them. I have a right to appropriate them to my present purpose, and to adopt them as my own. By doing so, I have assurance that I quote authority that will command from the honorable gentleman more attention than the offspring of my own intellect.

"The *sine qua non* for peace in the instructions to Mr. Trist, was to take New Mexico and California, and pay $15,000,000 or $20,000,000. No man can be mistaken. The reason that peace was not made, was because Mexico was unwilling to sell a portion of her country; and the avowed object in now continuing it, is to compel and force her to make the surrender, or to take the whole of it.

"Sir, I take this earliest opportunity of saying that I shall never tax my constituents for any such object. If they wish to contribute their substance to sustain a policy so odious and detestable, so entirely at war with the most sacred principles upon which their own Government is founded, they must send some other person here to lay the taxes. I never shall do it.

"The President assumes, if I understand his position, that the honor and interest of this country require us to make this demand of Mexico. Sir, I wholly dissent from any such doctrine. *The honor of this country does not and cannot require us to force and compel the people of any other to sell theirs.* I have, I trust, as high a regard for the national honor as any man. It is the brightest gem in the chaplet of a nation's glory; and there is nothing of which I am prouder than the high character for honor this country has acquired throughout the civilized world—that code of honor which was established by Washington and the men of the Revolution, and which rests upon truth, justice, and honesty, which is the offspring of virtue and integrity, and which is seen in the length and breadth of our land, in all the evidences of art, and civilization, and moral advancement, and everything that tends to elevate, dignify, and ennoble man.

"This is the honor of my admiration, and it is made of 'sterner,' purer, nobler 'stuff' than that aggressive and degrading, yea, odious principle now avowed, of waging war against a neighboring people to compel them to sell their country. Who is here so base as to be willing, under any circumstances, to sell his country? For myself, I can only say, if the last funeral pile of liberty were lighted, I would mount it and expire in its flames before I would be coerced by any power, however great and strong, to sell or surrender the land of my home, the place of my nativity, and the graves of my sires! Sir, the principle is not only *dishonorable*, but *infamous*. As the Representative upon this floor of a high-minded and honorable constituency, I repeat, that the principle of waging war against a neighboring people to compel them to sell their country, is not only dishonorable, but disgraceful and infamous. What! shall it be said that American honor aims at nothing higher *than land, than the ground on which we tread?* Do we look no higher in our aspirations for honor, than do the soulless brutes? Shall we disavow the similitude of our Maker, and disgrace the very name of man? Tell it not to the world. Let not such an aspersion and reproach rest upon our name. I have heard of nations whose honor could be satisfied with gold, that glittering dust which is so precious in the eyes of some; but never did I expect to live to see the day when the Executive of this country should announce that our honor was such a loathsome, beastly thing, that it could not be satisfied with any achievements in arms, however brilliant and glorious, but must feed on earth, gross, vile dirt; and require even a prostrate foe to be robbed of mountain rocks and desert plains. I have no such notions of honor; and I have quite as little opinion of that policy which would spend fifty or a hundred millions of dollars in compelling the Mexicans to take fifteen or twenty millions for New Mexico and California, on the score of public interest."

Mr. Chairman, further back in the gentleman's "record," which is to "stand as it is made up," I find wholesome suggestions from him, pertinent to his present proposition to take Cuba. In vol. 16, page 950, of the Congressional Globe, his record shows that he said to the American people, from his desk in this Hall:

"We can only properly enlarge by voluntary accessions, and *should only attempt to act upon our neighbors by setting them a good example.*"

Again, he repudiates filibustering for other nations' territories:

"Fields of blood and carnage may make men brave and heroic, but seldom tend to make nations either good, virtuous, or great."

Still further back in the pages of the gentleman's "record," by which he abides, "dead or alive," he spoke well on the proposition of annexing Texas. On the 25th January, 1845, (Congressional Globe, vol. 14, page 190,) he is reported as follows:

"Much as he regarded the luster of the 'lone star,' (and he would let it gleam on,) he admired the brilliant galaxy of the present Confederacy of our glorious old twenty-six States, as they now existed, more. And rather than that star, shooting from its orbit and coming into ours, should produce confusion, he should say let it gleam on alone, and remain where it was."

It will be remembered that during the pendency of the Mexican war the question was raised here, whether we should exact from Mexico any of her territory as a condition of peace. On the 22d of January, 1847, (Cong. Globe, vol. 17, p. 240,) he offered in this House the following resolution:

"*Be it therefore resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the present war with Mexico 'is not waged with a view to conquest,' or the dismemberment of that Republic by the acquisition of any portion of her territory."

And prior to this resolve (June 16, 1846, Cong. Globe, vol. 15, p. 982) he denounced acquisitions of territory:

"As to the objects of the war, he inquired what it was the intention of the Administration to do? Was it to pursue the conquest of Mexico? Was it that our soldiers might 'revel in the halls of the Montezumas?' Was it that we might acquire the Californias and all the mining districts as well as the capital of Mexico itself? If so, he was opposed to it. He declared himself, in advance, in favor of peace so soon as peace could be honorably obtained."

The gentleman's pertinacity against acquisitions of territory was most remarkable. His was the firmness of the "noblest Roman of them all." On the 12th of February, 1847, (Cong. Globe, vol. 17, p. 401,) he said, in reference to conquests and the war with Mexico:

"If there were any other object, it was for the direct and settled purpose of conquest; and *that* he believed to have been its main object. He declared himself opposed to the conquest and dismemberment of Mexico, either for the expenses of the war or for the satisfaction of indemnity of our citizens."

He wants Cuba now. He would have our Government violate or abrogate our solemn treaty with Spain, and turn out its reckless adventurers and speculators to aid the "*oppressed* Cubans!" Mr. Chairman, there never lived a greater tyrant than Santa Anna. Our war with his Government closed with the treaty by which we acquired the rich mines of California and the vast Territories of Utah and New Mexico. How ran the current of the gentleman's sympathies for the "oppressed" of tyranny then? What were his views of an extension of our domain? On the 19th of February, 1849, (Cong. Globe, vol. 20, p. 557,) the following resolution was submitted to this House by one of its members from my own State, [Mr. Schenck:]

"That the President of the United States be, and he is hereby, authorized and instructed to enter forthwith into negotiations with the Government of the Republic of Mexico for the surrender to said Republic *of all the territories known as New Mexico and Upper California*, or so much

thereof as lies west of the Rio Grande, of any title thereto which was acquired by the United States under the fifth article of the treaty between the United States and Mexico, made and concluded at Guadalupe Hidalgo, on the 2d day of February, A. D. 1848," &c.

The vote stood as follows:

"YEAS—Messrs. Ashmun, Cranston, Crowel, Fisher, *Giddings*, Henry, *Horace Mann*, *Palfrey*, Schenck, *Stephens*, and *Toombs*—11."

But, sir, I must leave the gentleman voting with his "Abolition" friends, and pass from this branch of his "record." Necessity does not require further explorations. I said, on the 14th December, when I interrogated him on the constitutionality of the Wilmot proviso, that I had confidence in him as a constitutional lawyer. I repeat it now, in connection with the question of our power to annex territories. On the 25th January, 1845, (Cong. Globe, vol. 14, page 190,) Mr. STEPHENS, of Georgia, thus defines his position:

"*He denied that the Constitution gives to Congress any power, either expressed or implied, to acquire foreign territory;* or to the treaty making power the right to acquire territory for the purpose of extending the Union. He affirmed that the power given to Congress to admit new States was limited to the then territory of the Union."

Now, sir, I dismiss the points of the gentleman's last speech, and I leave the "record" which he has given us for all time and eternity, too. I cannot learn from it in what way we can annex Cuba, if he acquires it, either by purchase or by *filibustering*, without violating the Constitution both he and I have sworn to support. Glancing thus hastily over its pages to learn wisdom on the great points of our power to annex territories, and then to exclude slavery from them, one might very naturally say:

"Man's a strange animal, and makes use
Of his own nature, and the various arts,
And likes particularly to produce
Some new experiments to show his——*parts!*"

He presented an argument, in favor of taking Cuba, to the people of Ohio, which it is proper I should notice in leaving the subject. He suggests that we are now required to pay heavy duties at Havana, under the laws of Spain, on Ohio produce, which would not be required if the island was annexed. I wish to say to the gentleman, that whatever may be the code of national or individual morals in Georgia, in Ohio we regard *American faith* as higher than the profits on flour, and *principle* dearer to us than the value of pork! The Ohio farmer will not consent to cut the throat, or shoot out the brains of a Spanish subject in Cuba, on the gentleman's promise that he shall make two shillings more of profit on his pig!

Mr. Chairman, I propose now to go back to the original issues which the gentleman presented in his first speech. They involved: 1, the *constitutionality;* 2, the *expediency* of excluding slavery from our national Territories by an act of Congress. I have no desire to discuss self-evident propositions, or those that are admitted by my adversary. Slavery is the antagonist of liberty. In the abstract, it is admitted to be a *wrong*, hence remarks on this point are needless. Upon the question of the power of Congress over Territories, under the Constitution, there has been ground for dispute; but on the 14th of December the gentleman certainly united in my repudiation of the doctrine that we should give to the people of a Territory unlimited sovereignty. He denounced what is termed "squatter sovereignty," thereby making an issue with those who aided him to pass the Nebraska bill, and not with me. On these points I pass him over to those who went for that bill on the ground that it secured to the people of the Territories the right of self-government, and the privilege of "regulating all their affairs in their own way."

I held that Congress had constitutional power to exclude slavery, and sought to fortify myself by the action of our great statesmen, as well as the opinion of the gentleman. To be sure, sir, he was rather *twistical* in the course of my cross-examination, and said that he had never expressed an opinion on this point, either here or before his constituents. I resorted, then, to that "record," and proved that he had exercised the power, and voted—in the Texas resolutions—to deprive the people of a Territory of the right to hold slaves, and to withhold from them the privilege of tolerating slavery under any State constitution they might adopt. My high estimate of the gentleman's integrity and ability forbade me from supposing that he had willfully violated the Constitution he had sworn to support; and I assumed that he agreed with me that Congress had power to legislate for the exclusion of slavery from Territories. He did not dispute the assumption. Sir, I shall hold him to the point I established. He is a distinguished leader among southern members. His admissions have not been denied on this floor by southern members. Two months have elapsed, and no southern newspaper that I have seen has denied their correctness. I have, therefore, the right now to assume—and shall assume—that the South, and especially members from the State of Georgia, unite with me, as the gentleman did, in acknowledging the constitutional right of Congress to exclude slavery from all the Territories of the Federal Government.

Mr. BAILEY, of Georgia. I have seen the liberality of the gentleman from Ohio [Mr. CAMPBELL] in extending, on being interrupted, the privilege to explain and to answer. He knows well enough that on the floor I have never sought to intrude on the time or attention of any one; but from reference having been made to Georgia, I ask him to allow me the privilege of speaking briefly on this subject.

Mr. CAMPBELL. I have much to say and but little time. If the gentleman repudiates the positions of his colleague, he can say so in a word, and place himself right on the record.

Mr. BAILEY. I wish to say that I not only repudiate that position of my colleague, [Mr. STEPHENS,] but a great many other positions of his.

[Mr. BAILEY proceeded to define his position at length, stating that he believed the people of Georgia also repudiated the positions of his colleague, [Mr. STEPHENS.] Mr. B.'s speech will be found on pages 327–330.

Mr. CAMPBELL. On this branch of the subject I have no longer any controversy with the gentleman's colleague, [Mr. STEPHENS.] We seem to have come together on the great question which underlies the whole difficulty, *the constitutional power of Congress to exclude slavery from Territories.* He joins me, too, in denouncing the doctrine of "squatter sovereignty," as asserted by the friends of the Nebraska bill. If the gentleman [Mr. BAILEY] joins issue with us, I transfer his colleague [Mr. STEPHENS] to him. They may have their contest before the people of Georgia.

Mr. SEWARD, of Georgia. I ask the gentleman to allow me a moment.

Mr. CAMPBELL. Do you indorse the positions of your colleague, [Mr. STEPHENS?]

Mr. SEWARD. No sir; I do not.

Mr. CAMPBELL. Then I turn him over to you also. Fight it out in Georgia. I carry on no controversy with your colleague further than we may disagree.

Mr. SEWARD here expressed his regret that his colleague [Mr. STEPHENS] had not defined his position more promptly, and proceeded to define his own position, closing with the remark that in a particular contingency in reference to the right of slavery in Territories, &c., he was willing to see this Government rent asunder.

Mr. CAMPBELL. All these threats of dissolving the Union since the repeal of the Missouri compromise have become, in the free States, "stale, flat, and unprofitable!" They do not frighten anybody. Much as our people may have loved the Union, they have pretty generally made up their minds for the future, if this Union is to be perpetuated, it shall not be for the purpose of extending slavery into free Territories. Southern gentlemen may stick a pin there!

I have no design to interfere in any contest these honorable gentlemen from Georgia may get up among themselves. They may "regulate their domestic institution in their own way," and I will look on with entire complacency. The honorable gentleman to whom I reply, [Mr. STEPHENS,] has substantially indorsed my positions as to the constitutional power of Congress to exclude slavery from Territories. I have proved by his "record" that we have no power to sustain his proposition to annex Cuba, as he now proposes, without violating the Constitution we have solemnly sworn to support.

Mr. WRIGHT, of Mississippi. If the gentleman denies the power of Congress to annex Cuba, I ask him to explain his resolution of last session for the annexation of the Canadas, &c.

Mr. CAMPBELL. The gentleman from Mississippi cannot involve me in an inconsistency. My record, here and at home, is straightforward for the promotion of freedom, without proposing to violate the Constitution, or the rights of the South. The resolution to which he alludes, submitted by me at the last session, simply authorized negotiations to be opened, to ascertain on what terms we might acquire the British Provinces in North America, in an honest and peaceful way. It merely presented the inquiry, "What do you ask for them?" without committing Congress to an agreement to pay the price that might be demanded, or to annexation. It was a resolution of inquiry merely. Besides, Mr. Chairman, I thought that, inasmuch as the slave States had so often found power under the Constitution to annex the Territories of Louisiana, Florida, Texas, California, Utah, New Mexico, and the Messilla valley—wading through rivers of blood, and expending millions upon millions from the National Treasury to accomplish their purposes—and are even now willing to have a war with Spain for the acquisition of Cuba, to increase the slave power of the Union, we, of the free States, might venture to make an honest, quiet, and peaceful inquiry as to the terms upon which we might extend our area of freedom northward. Mr. Jefferson declared the acquisition of Louisiana to be an act beyond the powers of the Constitution. The gentleman from Georgia agreed with him, as I have shown. The acquisition of Louisiana was justified only on that principle known as the "higher law" of national necessity. Every acquisition since that finds no other authority than in the principles of that "higher law." My position is, that if the Constitution justifies acquisitions southward for slavery, it justifies them northward for freedom! If the slave States act upon a principle of "higher law" than the Constitution, the free States (being equal copartners in the firm known as "The Union") have a right to adopt it as the rule of their action. And, Mr. Chairman, I intend to assert that right. The Constitution was formed with an implied understanding that no additional territory was to be annexed, and no new slave States admitted into this Union. The spirit of the instrument has oftentimes been violated by the friends of slavery; their "strict construction" arguments are only advanced when they fear the onward march of freedom.

Mr. Chairman, gentlemen apply the taunt of "Abolitionist" on this floor, and seek to effect their purposes by engendering prejudices. For my own part, I have to say that I have always hitherto been a Whig. Now, that the Whig party seems to have been numbered with the "things that were and are not," and the faithless Democracy has gone down below the point to which it is supposed the arm of resurrection can reach, I shall prefer to have my position known, now and hereafter, by the principles I may avow. I shall hold myself independent of every political organization which would interfere with the progress of justice, or put in jeopardy the great cause of American liberty. On this troublesome question of slavery I fortify my position by the opinions of southern statesmen—of Georgia politicians——

Mr. BAILEY, of Georgia. Name them.

Mr. CAMPBELL. Your patriots of 1776, of the day that tried men's souls—the first colonists of Georgia—those who fought for our liberties. And, recently, your colleague, [Mr. STEPHENS,] who seems to have played the part of the flying Parthian, throwing his arrow at his antagonist, then trusting to the fleetness of his horse for safety. But the gentleman has left his record behind him. On the 25th of January, 1845, he is thus reported:

"As a southern man and Georgian, he protested against the correspondence of the Secretary of State on this subject. The institution of slavery was a domestic one, and the Secretary of State sought to make it a national one. *He objected to calling on this Government to strengthen the institution of slavery.*"

Your institution of slavery is local. We deny the right of the free States, or of the General Government, to abolish or interfere with it, in the States where it is tolerated, and we deny your right to authorize its extension or its support

through the power of the Federal Government, either by direct or indirect means. The Constitution confers no power on this subject, except for the reclamation of your fugitive slaves, and I regard any law to carry out that power, which denies the right of jury trial, not only as unjust, but practically inefficient.

[At this point a running discussion took place between Mr. BAILEY, of Georgia, and Mr. CAMPBELL, in reference to trial by jury in the case of fugitive slaves.]

Mr. CAMPBELL. I come now, Mr. Chairman, to the consideration of the only point presented by the gentleman from Georgia, [Mr. STEPHENS,] in his first speech, on which we appear to be at issue. That is, the expediency of extending slavery, the comparative merits of free and slave labor, and the relative prosperity of free and slave States. The responsibility of such a comparison does not rest upon me, and I remind the House that the gentleman invited the investigation in his first speech, and followed it up vigorously in his last. I pursue it in no sectional or unkind spirit, but solely with a view to present fairly such facts as should direct us in legislation for the establishment of institutions in our unsettled Territories.

It may be well, sir, to ascertain, before we provide for the increase of slave States or promote the interest of slave labor, the number of American citizens who have a substantial interest in slavery.

The census shows the number of whites in the slave States to be 6,222,418.

Number of slaveholders	347,525
Number owning less than five slaves	174,503
Number owning five and more slaves	173,022

It is a fact worthy of attention, that whilst the whole country is constantly being disturbed by this institution, there are, of the 20,000,000, only 173,000 who own five slaves or more. In the slave States alone, the number of persons who do not own a single slave is 5,874,893; whilst the number of slaveholders is only 347,525. These figures prove either that a large majority of the people of the slave States are opposed to holding slaves on a principle, or agree with me, that even there free labor would be more profitable. The correctness of this conclusion can only be questioned on the ground that the mass are too poor to own even one slave—an assertion which I am not disposed to make.

There are *twenty millions* of our people, therefore, interested in *free labor*, and only *one third of a million* who have property in slaves. Is it wise, is it just, that this interest of the few, which conflicts with the interests of the great mass, as well as the genius of our Government, should be promoted by national legislation? The gentleman assailed the statistical facts which I presented on a former occasion. I shall not now confine my tables to the census returns from Georgia and Ohio. With a purpose to test more fully the merits of free and slave labor, I have carefully compiled tables, drawing the line between the free and slave States. In presenting the results, I refer to the pages of the Compendium of the Census, from which my figures have been taken.

MANUFACTURES, MINING AND MECHANIC ARTS, (page 179.)

	Capital invested.	*Raw material.*	*Hands employed.*	*Product.*
Free States	$430,940,051	$465,844,092	950,573	$843,285,058
Slave States,	95,029,879	86,190,639	160,627	165,423,027
	$335,210,172	$379,653,453	789,946	$676,862,031

The excess of profit in the free States, it will be seen, is nearly SEVEN HUNDRED MILLIONS OF DOLLARS.

In connection with our manufacturing establishments much is said about northern slavery. True, sir, we have made slaves of our rivers and our mountain cascades. The Connecticut, and the Merrimack, the Miamis, and all the tributaries of the Mississippi, the mountain streamlets, are made to work in supplying the wants of man. Even now Niagara's cataract, with more power than is contained in the bones and sinews of all the Africans on earth, is being enchained and reduced to servitude by northern energy, for the benefit of man.

Closely allied to the mechanical interest is the invention of labor-saving implements, &c. By reference to the list of patents granted, I find issued to the free States.....13,944
issued to the slave States..... 2,396

NUMBER OF PERSONS ATTENDING SCHOOL, AND PER CENT. OF WHITE POPULATION, (Page 144.)

	Number of pupils.	*Percentage.*
Free States	3,017,954	22.02
Slave States	970,396	15.46
	Number of Schools.	*Ratio for every one thousand whites.*
Free States	62,433	4,683
Slave States	18,507	2,972

LIBRARIES, OTHER THAN PRIVATE, INCLUDING SCHOOL, COLLEGE, AND CHURCH, (page 159.)

	Number.	*Volumes.*
Free States	14,893	3,847,617
Slave States	713	654,194

NEWSPAPERS AND PERIODICALS, (page 156.)

	Number.	*Annual circulation.*
Free States	1,800	334,523,981
Slave States	704	81,038,033
Difference	1,096	253,485,948

RATIO OF ILLITERATE TO NATIVE WHITE POPULATION, (page 152.)

Slave States	8.37 per cent.
Free States	2.40 per cent.

RATIO OF ILLITERATE AMONG FOREIGNERS, (page 152.)

Free States	9.09 per cent.
Slave States	6.37 per cent.

COMPARATIVE RATIO OF ILLITERATE AMONG NATIVES AND FOREIGNERS, OVER TWENTY YEARS, (page 152.)

	Native.	*Foreign.*
Slave States	17.23 per cent.	10.62 per cent.
Free States	4.12 per cent.	15.15 per cent.

PER CENT. RATIO OF WHITE ILLITERATE TO TOTAL WHITE POPULATION, (page 152.)

Slave States.	*Free States.*	*Georgia.*	*Ohio.*
8.27	3.36	8.99	3.12

It is worthy of remark that the State from which the gentleman comes, who institutes these inquiries, is ahead of the average of slave States in "*illiterate*" *persons*, whilst Ohio, the State he selected for comparison, is below the average of the free States.

CRIME—PRISON STATISTICS.

The gentleman goes into the statistics of crime, and claims a successful comparison. The result of his statistics might be answered by the well known fact that offenses are more promptly and severely punished in the free States than in the South. But there are other facts worthy of presentation, connected with the statistics of crime, in the present state of public feeling, in regard to foreign emigration. The census tables prove remarkable facts. The tables of illiterate show that the foreign emigrants of the South are more intelligent than those of the North, and yet the percentage of crime among the foreigners in slave States is double that in the free States. The ratio of white persons imprisoned out of every ten thousand, in the free States, (page 166,) is:

Foreign-born	5.868
Native-born	1.991

I have the official reports of the board of Governors of the alms-house of the city of New York, for the last year, which furnish important disclosures. I quote the following figures:

	American.	*Foreign.*
City prison, received 1853	6,303	22,229
Work-house 1853	382	1,986
Penitentiary, Blackwell's Island, received from January 1, 1854, to December 9, 1854	833	2,720
Total	7,518	26,935

The inference the gentleman would seem to draw that crime is more frequent under a system of free labor than of slave labor, is simply preposterous, "blind dogmatic nonsense!" Much of the crime in the North is perpetrated by convicts sent to our shores from foreign countries. In proof of this, I submit the following extract from the New York Times of December 24:

"Yesterday morning a highly important arrest of twelve convicts, sent to the United States at the expense of the Belgian Government, was effected by Sergeant Bell of the Mayor's office, and officers Newman and Freude.

"During the past two years a large number of English felons have arrived here from Botany Bay, whom the authorities of the Old World liberated from confinement, and *paid their passage* to this port to get rid of them. In the course of the past summer, about fifty of these notorious thieves were captured and returned." * * * "Their crimes ranged from petit-larcenies to robberies on the highway."

The United States consul at Antwerp recently wrote to Collector Redfield, of the city of New York, as follows:

"It has been discussed in the Legislature of Belgium whether it would not be better to *send to the United States all criminals at Government expense, rather than to maintain them at home.*"

I present these facts for the two-fold purpose of meeting the gentleman's criminal statistics, and of calling the attention of our people to the outrages which foreign Governments are perpetrating in turning loose their cut-throats upon our shores.

PAUPERS.

The census tables show the following results:

	Native.	*Foreign.*	*Total.*
Slave States	16,411	4,849	21,260
Free States	50,014	63,689	113,703

More than three fourths of the paupers in the slave States are native-born; in the free States nearly three fifths are foreign-born. The same general facts I have mentioned in reference to foreign criminals sent to northern cities apply to the pauper statistics.

During the year 1853, there were admitted into two institutions of New York city, (Bellevue hospital and the alms-house,) as stated in the report before me:

Foreigners	5,797
Americans	1,236

During the same time the city authorities furnished relief to the "out-door poor:"

Foreigners	30,341
Americans	5,050

In this connection I submit a statement of pauperism in 1850, in several of the free States:

	Foreign.	*Native.*
Massachusetts	9,247	6,530
New York	40 580	19,975
Pennsylvania	5,635	5,898
Rhode Island	1,445	1,115
	56,907	32,818

GEORGIA AND OHIO.

Mr. Chairman, the gentleman has again pressed upon us his comparison of Georgia and Ohio prosperity, and assails the tables I presented, showing the value of agricultural products of the two States on the basis of New York city prices. He protests against Ohio hay at sixteen dollars per ton, yet I have the Cincinnati prices current, published a few days after he delivered his last speech, showing that it was then selling in that city at seventeen dollars per ton. He is startled, and becomes nervous over the fact, that Ohio hay alone amounts to more than the cotton of Georgia. He complains, too, that I put down his Georgia sweet potatoes at fifty cents per bushel, and claims them to be worth two dollars in New York. His Georgia sweet potatoes are a perishable product, and during the short period they might form an article of commerce, and enter into the exports of Georgia, or into the general consumption of the State, they are not worth more in New York than the rate I affirmed in my former table.

But, sir, I have prepared another table, including *every product returned by the census*, taking the prices current of New York of the 25th January, which I have preserved to fix the *value*, which the census does not furnish. To accommodate him I have rated his sweet potatoes at two dollars per bushel, although that figure presents the absurdity of giving Georgia nearly as much credit for her sweet potatoes as for her great staple of cotton. I leave Ohio hay at sixteen dollars, (less than the Cincinnati price, whence it is shipped to southern ports in large quantities.) Whatever sneers the gentleman may have for Ohio hay, and powerful as may be his eloquence in portraying Georgia's success in *corn-shucks*, it is nevertheless unquestionably true that the quantity of hay produced in Ohio, as returned by the census, estimated at Cincinnati prices, is six millions of dollars ahead of the cotton crop of Georgia estimated at New York city prices! If the census tables are erroneous as to the quantity of products, it is not my fault, for it was the gentleman who commenced this comparison and referred me to these tables. As to his offset of "corn blades," I have only to say, that common sense ought to prove to any mind that Ohio, with fifty millions of bushels of Indian corn, must produce nearly twice the quantity of "shucks," "blades," and

"fodder," of Georgia, with her thirty millions of bushels. I have no time to spend on the insignificant question of Georgia corn blades. I presume the gentleman will next set up the superiority of Georgia thunder! I cannot forbear quoting, for the amusement of western farmers, the gentleman's description of the Georgia system of agriculture. He says:

"We grow an *immense amount of grass in Georgia; but we do not save it! We put our labor in saving corn blades and shucks!*"

This is Georgia progress! She permits the "immense quantities of grass" to go to waste, because she is too busy in gathering shucks! In Ohio, one laborer, with a patent mower, will cut down and save hay which will furnish as much sustenance to stock as one hundred slaves in Georgia could save in gathering shucks. But, sir, I have inquired into this Georgia grass business! A southern planter, on this floor, (whose name I promised not to give,) gave me an account of the manner in which "immense quantities of grass" are produced. He went home from Congress, and one of his head darkies escorted him out to the cornfields. The grass was higher than the corn, and he charged the boy with having neglected the crop. Sambo readily replied, "Not much corn, massa; but mighty nice crop of grass!" Georgia, doubtless, produces the "immense quantities of grass" in like manner.

I submit, as an appendix, the table of agricultural products of the two States. I take the New York prices as the basis, for the reason that it is the head of the market of this country, and quite as accessible for the transportation of the surplus products of Ohio as those of Georgia. The gentleman may quote Smith and McCullough till doom's-day, and still fail of success in proving that the prosperity of any community ought to be measured by the amount of its products if consumed within its own limits. In comparing the success of two States, the only just rule is to take a common market whither the *surplus* products of the labor of *both* are exported and sold. The gentleman makes nothing by parading the figures which I hastily gave him some years ago, which merely presented the *then* supposed rates of Ohio produce upon our farms. My table for both Georgia and Ohio products is predicated upon the current prices in the city of New York, as reported a few days after the gentleman's last speech, and I credit Georgia $14,000,000 for sweet potatoes, not a bushel of which ever enter that market—a product which either rots upon her soil, or is eaten up by her negroes. Still, the agricultural products of Ohio, including live-stock, stand ahead of Georgia *nearly one hundred millions of dollars!*

LIVE-STOCK.

The gentleman says the comparison of live-stock is "still more favorable to Georgia." I propose to penetrate this point a little deeper than the gentleman has probed it. Live-stock, by the census tables, stands thus:

	Ohio.	*Georgia.*
Horses and mules	466,810	208,710
Cattle	1,358,947	1,097,528
Swine	1,964,770	2,168,617
Sheep	3,942,929	560,435
	7,733,456	4,035,290

Singular as it may appear, the census justifies the gentleman in boasting that his State has a greater *number* of hogs than Ohio! What sort of hogs are they, and what do you do with them? Thousands of fatted hogs and bullocks are taken weekly into the New York market from Ohio, but who ever heard of such an animal there from Georgia? If one were introduced there, Barnum would have him in his museum in less than twenty-four hours! I would like to know of the gentleman to what market out of the State Georgia sends her fat beeves and hogs? If she *exports*, why is it that Ohio pork is often sent to Georgia? I have before me a report of the trade and commerce of Cincinnati for the past year, made to the Chamber of Commerce, by which it is shown that the value of exports from that city alone of pork in barrels, and other products of the hog, amounted to upwards of $9,000,000.

Again, sir, many of the identical horses and mules which make up the gentleman's "favorable table" are the product of Ohio, driven to and sold in Georgia. Will the gentleman claim that horses and mules are raised in Georgia and exported? If he does, I ask where are they sent?

The number of hogs in Ohio has fallen off since the census of 1840. The reason is easily explained. We have a greater number of sheep than Georgia has of horses, mules, cattle, sheep, and swine! The hog produces no wool! Our farmers have reduced their stock of swine and increased their herds of sheep. The annual product of wool is immense. It amounts to $3,500,000—$500,000 more than the entire product of Georgia in wool, and in woolen, cotton, and iron manufactures! I present this fact to demonstrate that the value of live-stock depends upon the product, and not upon the quantity in numbers. This rule will apply more forcibly to neat cattle. In numbers, Georgia appears to have nearly as many cattle as Ohio. The great question is, where are the profits? Take the articles of butter and cheese, products from the dairies. The value of Ohio's products in these two little items is.....$8,971,333
Of Georgia's only..... 932,908

Showing that Georgia, with more than three fourths the number of cattle held in Ohio, produces less than one ninth part of the butter and cheese of that State. The product of Ohio, in butter and cheese alone, is four times as great as the entire product of Georgia in the manufactures of wool, cotton, and iron, which the gentleman has paraded. And, sir, it is greater than the entire product of Georgia in manufactures, mining, and mechanic arts, as exhibited in table page 179.

MANUFACTURES, ETC.

The gentleman complains of my former table under this head, and seemingly charges me with misrepresentation. By reference to the table, (page 179,) he would have observed, under the caption of "products of manufactures, mining, and the mechanic arts," the figures precisely as I gave them, and he would have observed, too, the per cent. profit of the two States in these important branches of industry. I stand by the table so objectionable to him, and reinsert it here, referring him to page 179:

MANUFACTURES, ETC.

	Capital invested.	*Raw material.*	*Annual product.*	*Per ct. profit.*
Ohio	$29,019,538	$24,677,937	$62,647,259	49.97
Georgia	5,460,483	3,404,917	7,066,525	36 06
Ohio ahead	$23,559,055	$21,273,020	$55,560,734	13.91

It shows the net profit under free labor to be thirty-three per cent. greater than under slave labor. I wish him to mark that; and I challenge him to show a single erroneous figure. It embraces *all establishments in both States* in which there was an annual product of $500. I submit to every fair mind, whether the gentleman has treated the table fairly, and whether he has not attempted to bolster up his sickly cause by charging misrepresentation upon my speech, at the same time he was sending forth, through his own, garbled or detached portions of the returns.

The gentleman has invited me, by his imputations, to an exposition of his conclusions, which, he says, are "never wrong." Now, sir, how has he attempted to prove that Georgia's labor in manufactures is more profitable than that of Ohio? Instead of taking the table on page 179, which includes every branch in both States, he turns over to page 180, and takes the isolated interests of manufactures of wool and cotton. He adopts his "*sliding scale*" again; *sliding in* those figures which make for him, and *sliding out* those which are against him. In cotton and wool, he finds Georgia profits ahead of Ohio; there he stops, and *slides out* everything else; at the same time, charging error to my figures, which included every branch, whether in favor of or against free labor. By a different combination of figures, under his sliding scale, he might have made his case much stronger. In regard to manufactures, he says:

"*I have not looked into the manufacture of iron*, to see how the result would stand, because Georgia has very little capital invested in that business, and Ohio has certainly not enough to make it a matter of great importance there."

Now, sir, it is a remarkable fact that he "did not look into the manufacture of iron." By opening the Compendium of the Census, you will observe the cotton and wool tables, which he examined thoroughly, on the one side, and those of iron on the other—(pages 180, 181.)

I will give the footings of the table of iron manufactures:

	Establishments.	*Capital invested.*	*Raw material.*	*Product.*
Ohio	294	$3,731,150	$2,029,885	$4,453,049
Georgia	10	70,900	41,936	115,884
Ohio ahead	214	$3,660,950	$1,980,949	$4,337,165
Deduct entire product of woolen and cotton manufactures of Georgia				2,223,794
Leaves				$2,113,371

The product of iron manufactures in Ohio almost doubles the entire product of all the manufactures of wool, cotton, and iron in Georgia. It is not surprising, therefore, that it was *inconvenient* for the gentleman "to see how the result would stand!" How he regarded it proper to parade cotton and woolen manufactures as consequential, and then assert in this House, with the tables before his eye as to iron, that "Ohio has certainly not enough to make it a matter of great importance there," passes my comprehension. It may accord with the gentleman's ideas of statesmanship to consider a grave question in such a manner; but, using his own language, "I nail his tables to the counter as base coin!"

WHISKY.

Mr. Chairman, in my former tables I took no account of distilleries. This branch of manufactures is not everywhere regarded as creditable. I introduce the "institution" now because the gentleman has alluded to it, and wish to say that, although we make it extensively, there is not much of it drank in Ohio. We send heavy exports to Georgia. Large quantities, I am told, are sent to the Yankees, down East, who color it with log-wood, put it in bottles, labeled handsomely, call it "London Dock," "Old Otard," &c., &c., and find a ready market for it in Georgia and the South at two dollars per bottle. The gentleman could not procure data upon which to make his calculations. I submit a table, because the exports from distilleries and breweries, in Ohio, form a very heavy item. I have estimated the grain consumed at the market prices in Ohio and in Georgia, and the ale and whisky at the prices in New York, as adopted in the table of agricultural products. The following is the result:

Establishments.	*Capital employed.*	*Raw material.*	*Product.*
Ohio.....58	1,963,974	3,386,542	5,531,600
Georgia.... 8	9,220	22,650	24,180
50	1,973.744	3,363,892	$5,497,420

The excess of Ohio's product, in this branch of manufactures, over Georgia, is more than double the entire product of Georgia in the manufactures of wool, cotton, and iron.

The annual product of Ohio, in butter, cheese, and whisky, is.....14,468,753
Annual product of Georgia, in all branches of manufactures, mining, and mechanic arts, (see page 179,) is..... 7,086,585
Ohio, butter, cheese, and whisky, ahead.....$7,382,998

Mr. Chairman, I have not felt the necessity of introducing this whisky argument, but it struck me as the proper material with which to "wash out" the gentleman's figures. Besides, sir, it is an "institution," a "peculiar institution!" We have the same right so to dignify it that the people of the South have to call slavery an institution! Whisky, like slavery, is *peculiar*, too. It would be difficult to determine which of these institutions has done most to produce human wo. I have read arguments delivered from the sacred desk to show that slavery is a divine institution! If I had time I might quote as stong proofs from holy writ to show that whisky, too, is a divine institution. It is written, Zachariah ix, 17:

"How great is His goodness, and how great is His beauty. Corn shall make the young men cheerful, and new wine the maids."

My crude opinion on the divinity of these two peculiar institutions is, that they are the inventions of man instigated by the devil!

Having presented a just comparison of the manufacturing interests of Georgia and Ohio, I will exhibit a single county in my State. Ohio contains eighty-seven counties!

The annual product of Hamilton county, Ohio, (page 295,) in *manufactures alone*, and having only two Representatives on this floor, is	$20,790,743
Whole annual product in *manufactures, mining and mechanic arts*, in the slave States of Georgia, Alabama, Arkansas, Florida, Mississippi, and Texas, (page 179,) having twenty-five Representatives in this House, and twelve Senators	16,930,810
One county in Ohio ahead of six slave States..	$3,859,933

Having *greased out* the gentleman's "never wrong" figures with the butter of Ohio, *washed out* the grease spot with our whisky, and beaten, with a surplus of nearly *four millions*, the entire product, in *manufactures, mining and mechanic arts*, of six of his sovereign States with *slave labor*, by the product of *a single county* in Ohio with *free labor*, I bid adieu to his tables on this point.

CHURCHES.

The table, page 138, shows:

Ohio has churches to every 100 square miles	9.86
Georgia has churches to every 100 square miles	3.21

Ohio ahead three to one.

Table on page 136-7, shows churches having accommodations for the following numbers:

Ohio.....1,457,769, ratio to population	75.100
Georgia.. 639,992, ratio to population, (part slave,)	69.100

The table, page 139, shows the average value of churches:

Ohio	$1,488 00
Georgia	713 00
	$775 00

Ohio ahead in church comforts more than two to one.

Mr. DeBow's note (same page) says, "the New England and Middle States, and the Territories and California, have nearly the same average value to their churches, which is nearly FOUR TIMES THAT OF OTHER SECTIONS."

One of the happiest days in man's life is that on which he leads to the altar and weds the object of his tenderest affections. Another of his happy days, naturally succeeding this, is that on which he receives into his arms his first-born! I cannot say that the gentleman will appreciate this suggestion; but I present the following table from the census to show, that according to this test, the people of Ohio enjoy a higher degree of happiness than those of Georgia.

MARRIAGES AND BIRTHS IN 1850.

	Married.	*Born.*
Ohio	22,328	56,884.
Georgia	4,977	15,239
Ohio ahead in marriages and babies!	17,351	41,645

The father has days of deep anxiety—none more so than when he watches the developments of his infant to ascertain whether its organs are perfect. Can it see?

PROPORTION OF BLIND WHITE POPULATION—1850.

Ohio	1 to 3,103.
Georgia	1 to 2,328.

Georgia ahead in blindness!

Then again, even though the child be blind, the more deeply interesting inquiry follows: Has it *sense?* The returns in the census show the following:

PROPORTION OF IDIOT WHITE POPULATION—1850.

Ohio,	1 to 1,455.
Georgia	1 to 1,013.

Georgia decidedly ahead in fools!

Now, Mr. Chairman, I have no disposition to discuss the physical causes which produce these wonderful results. I leave it to others to inquire whether the difference in the character of the labor of the two sections has not an agency in producing these consequences.

Mr. Chairman, it strikes me that this whole question as to the superiority of slave labor, started by the gentleman, is really settled against him by a sensible consideration of the figures quoted by him in his first speech, from the census. I will present the table:

AREA OF THE STATES OF OHIO AND GEORGIA, ETC.

	Total acres.	*Acres improved.*	*Value.*	*Acres unimproved.*
Ohio ...	18,017,493	9,851,493	$358,758,603	*8,146,000
Georgia	23,831,379	6,378,479	95,753,445	16,442,900
	5,809,686	3,473,014	$263,005,158	*8,296,900

It appears that more than two thirds of the territory of Georgia, an old State, is *unimproved*—more than half of Ohio, a young State, is *improved*. Why is this? Georgia, more than a century settled, has only eight Representatives on this floor, with the advantage of a representation based on her property in slaves. Ohio, half a century settled, has, without a slavery representation, twenty-one members!

Ohio farms are valued at	$36 41 per acre.
Georgia farms are valued at	15 01 per acre.

What occasions this vast difference? If Georgia agriculture, under slave labor, is as profitable as Ohio agriculture, under free labor, why does not capital seek investments in Georgia lands and elevate their value? If slavery produces a prosperity in Georgia excelling that of Ohio, why are your lands worth, in the market of the world, less than one half the value of those in Ohio?

The gentleman tells us, and attempts to prove, that the Georgia farmers, manufacturers, and mechanics make a greater profit upon their investments than those of Ohio. If that be true, let him explain why it is that Ohio lands are worth one hundred and fifty per cent. more than those of his State. He may talk about the "wild boy of the forest shooting at the moon," but the country will look upon *his* tables as mere "moonshine," and as "spurious in their elements and composition," until he explains the cause of the difference in the value of the soil. Capital always runs in that channel which gives it most profit. The soil of Ohio produces, under free labor, to its farmers and artisans who own it, a greater profit, at thirty-six dollars per acre, than that of Georgia does at fifteen dollars. The value of the soil is a just criterion by which to compare the two systems. Free labor stands at *thirty-six*—slave labor at *fifteen!*

Mr. Chairman, this issue which the gentleman has now so boldly presented, with a view to keeping open the door for the admission of slavery into free Territories, is by no means a new one. The time was—aye, the good olden time—when the patriots of the South took a correct view of the proposition. I have only time to quote a few passages from the record. As early as 1774, the patriots of Virginia everywhere resolved *against slave labor*, giving the most forcible reasons for their opposition. In Culpepper county they assembled 7th July, 1774. Henry Pendleton was moderator, (American Archives, 1st vol., 4th series, p. 523) They unanimously

"*Resolved, That* the *importing slaves* and convict servants is *injurious to this Colony, as it obstructs the population of it with freemen and useful manufacturers; and that we will not buy any such slaves or convict servants hereafter to be imported.*"

The keen faculties and philanthropic spirit of these patriots enabled them to foresee, and guard against, those fatal causes which would reduce Georgia soil, with slavery upon it, to fifteen dollars per acre, whilst that of the then unbroken wilderness, inhabited only by savages and wild beasts, would be brought up to *thirty dollars*, if the foot of the slave should not be allowed to make its imprint there.

Again, to bring the matter nearer to the gentleman's home: General Oglethorpe was the first Governor of Georgia. He crossed the briny deep to join the infant Colonies of America in laying deep and strong the foundations of American liberty. I quote his letter from the life of Granville Sharp, page 157:

CRANHAM HALL, *October* 13, 1776.

* * * * * * *

My friends and I settled the Colony of Georgia, and by charter were established trustees to make laws, &c. We determined not to suffer slavery there, (which is against the Gospel as well as the fundamental law of England,) to be authorized under our authority; we refused, as trustees, to make a law permitting such a horrid crime. The Government, finding the trustees resolved firmly not to concur with what they thought unjust, took away the charter, by which no law could be passed without our consent.

* * * * * * *

The cruel custom of a private man being supported in exercising more power over the man he affirms to have bought as a slave, than the magistrate has over him, the master, is a solecism in politics. This, I think, was taken from the Romans. The horrid cruelty which that proud nation showed in all they did, gave such power to masters of slaves that they confused even the State.

* * * * * * * *

I am exceedingly glad that you have entered the list in opposition to these horrors. It is a proper time to bring these abominable abuses under consideration, and if those who have the power of legislation will be admonished, and correct them, it may save them and us from justly menaced destruction. Your most obedient, &c., &c.,

J. OGLETHORPE.

Would it not now be well for Georgians (who alone have the power over their institution of slavery) to take the advice of the old patriarch who established their Colony, and bring "these abominable abuses under consideration?"

Again, sir, (see American Archives,) the Provincial Congress of Georgia, on the 4th day of July, 1775, resolved unanimously:

"*That we will neither import or purchase any slave imported from Africa or elsewhere after this day.*"

For the same reasons, the Provincial Congress of Georgia, held at Darien on the 12th January, 1775, *resolved to manumit their slaves!*

I commend to the gentleman from Georgia the study of the early history of his State, as well as the *example*—which the record shows—her purest patriots have left for him, for me, and the world.

A word or two, sir, in connection with this matter, as to Virginia. A meeting was held in yonder city, on the bank of the Potomac, (Alexandria,) in July, 1774, (see American Archives, p. 600,) The report shows that "*George Washington, Esquire,*" presided. A resolution similar to that which I have quoted from Culpepper was passed unanimously.

But slavery was not driven from the Old Dominion. Now mark the result of the prediction of the men of '74, that it would "*obstruct the population of it with freemen and useful manufacturers.*"

A few days ago a meeting was held in that same city of Alexandria, in full view of this Capitol. One of Virginia's most talented and gifted sons addressed the multitude. His days had been spent within her borders, and he stands high in the estimation of her people. Recently he had traversed the State, as a candidate for their highest honors. He was fresh from her mountain scenes, her plains, her fields, her cities, her harbors, and her great rivers. Henry A. Wise uttered, at Alexandria, in the hearing of many Senators and Representatives, the following beautiful but sad description of Virginia:

"You have the line of the Alleghany, that beautiful blue ridge which stands placed there by the Almighty not to obstruct the way of the people to market, but placed there in the very bounty of Providence to milk the clouds, to make the sweet springs which are sources of your rivers. [Great applause.] And at the head of every stream is the waterfall murmuring the very music of your power. [Applause.] And yet commerce has long ago spread her sails and sailed away from you; you have not, as yet, dug more than coal enough to warm yourselves at your own hearths; you have set no tilt hammer of Vulcan to strike blows worthy of gods in the iron founderies. You have not yet spun more than coarse cotton enough, in the way of manufacture, to clothe your own slaves. You have had, no commerce, no mining, no manufactures. You have relied alone on the single power of agriculture; and such agriculture! [Great laughter.] Your sedge-patches outshine the sun. Your inattention to your only source of wealth has scared the very bosom of mother earth. [Laughter.] Instead of having to feed cattle on a thousand hills, you have to chase the stump tailed steer through the sedge-patches to procure a tough beefsteak. [Laughter.]

I have heard from a Virginian, Mr. Chairman, the rich story of the manner in which the "stump-tailed steer" was pursued, and finally captured by those in quest of a "tough beefsteak." The "big niggers and the little niggers, the big dogs and the little dogs, (from Towser down to Pen,) were all summoned to the chase." The steer fled over hill and vale, and finally took refuge in a sedge-patch. As a dernier resort, they set fire to the sedge-patch and captured him. I am officially informed that after he was butchered, his net weight was precisely *forty-eight pounds!* And, sir, I am honored with a promise of a "hind-quarter" of the next steer of that sort that is taken.

The distinguished Virginia orator proceeds thus in portraying *Virginia progress* and *prosperity:*

"And yet, while your trust has been in the hands of the old negroes of the plantation—while the master knows as little as his slave about the science, the applied science of agriculture, while commerce, and manufactures, and mining have been hardly known, and agriculture has been neglected—notwithstanding all that, and notwithstanding the effect of this has been that you have parted with as much population as you have regained; notwithstanding all this, I say, old Virginia still has a million and a half of population left within her limits. She still has her iron, her coal, her gypsum, her salt, her copper. She still has her harbors and rivers, and her water power, and every source of wealth which thinking men, active men, enterprising men, need apply to." * * * "Her head is in the dust. With all this plenitude of power, she has been dwarfed in the Union; but by her gods! I say that she has the power now, the energy, the resources—may I say the men? to be put

upon the line of progress to the eminence of prosperity—to pass New York yet, faster in the Union than ever New York has passed her. [Cheers.] You have been called the "Old Dominion." Let us, as Virginians, I implore you, this night resolve that a new era shall dawn, and that henceforth she shall be called the New Dominion. [Cheering.]"

May God grant it, Mr. Chairman! Let Virginia wake up from her lethargy, shake off the chains which weigh down her energies, and join in that onward march of progress which will bring prosperity to her, glory and renown to our common country, and blessings to the whole human family.

Again, he is reported as having said at another place:

"You all own plenty of land, but it is poverty added to poverty. Poor land added to poor land, and nothing added to nothing gives nothing. [Renewed laughter.] While the owner is talking politics at Richmond, or in Congress, or spending the summer at the White Springs, the lands grow poorer and poorer, and this soon brings land, negroes and all, under the hammer. You have the owners skinning the negroes, and the negroes skinning the land, until all grow poor."

I will not be regarded, I trust, as indorsing the truth of this over-wrought picture of desolation. I do not know that it is just—in fact, I do not believe it is just. I certainly should not have ventured anywhere to have uttered it; but I use it as a reply from a southern statesman, to the claim of the gentleman from Georgia for the superiority of slave labor and the blessings of slavery. It comes from the Democratic candidate for the gubernatorial chair of Virginia, and must be regarded, in the South at least, as high authority. I make these quotations, from southern statesmen of the olden times and of the present, in justification of my own position in reference to slavery, and the effects of slave labor. I trust, hereafter, no southern man, will charge me with being a "Free-Soiler," dealing unjustly by the South.

Mr. Chairman, why was the Missouri compromise repealed? I repeat, that the responsibility must rest on the heads of those who are guilty of the act. No one will share more largely in that responsibility than the gentleman from Georgia, [Mr. STEPHENS.] His voice and his influence on this floor passed that bill. He was the master-spirit in the great movement, and his intolerance towards the minority during the contest is known to the country. He need not lay the flattering unction to his soul that in the late elections the question was not considered by the people. The "*vox populi*" has been sent forth from mountain top and valley; from palace and from log-cabin; and it will, ere long, be reverberated in this Hall, in tones not to be misunderstood either by the gentleman or the party in power, with whom he acts, in the language of the maxim: "*Cease regnare si non vis judicare.*" "Cease to rule if you will not do justice."

Mr. Chairman, the gentleman seems to be amazed at my temerity, in entering the lists of debate with him. I have no apologies to make. He seems, too, to compare me to the "wild boy of the forest!" When I was, in truth, a "wild boy of the forest," I remember to have read a story of one who exhibited a disposition somewhat similar to that which the gentleman has displayed on this floor, in pressing the extension of slavery. I think he will find it regularly *reported* in the Book of Samuel! The Philistines were led on against the armies of Israel by one who seemed amazed that any warrior should have the temerity to meet him:

"The staff of his spear was like a weaver's beam, and his spear's head weighed six hundred shekels of iron: and one bearing a shield went before him.

"And he had a helmet of *brass* upon his head, and he was armed with a coat of mail, and the weight of the coat was five thousand shekels of brass."

In short, Mr. Chairman, the old Philistine had brass all over him.

"And he stood and cried to the armies of Israel:" * * "Choose you a man for you, and let him come down to me.

"When Saul, and all Israel, heard these words of the Philistine, they were dismayed, and greatly afraid."

But, Mr. Chairman, the record goes on to state, that there came up a "wild boy from the forest," who had taken the lion by the beard, and smote and slew him, and delivered the lamb from his mouth. He came with simple sling and stone, and went to battle upon his confidence in the justice of his cause. The *brass* of the Philistine did not save him, because there was a soft place in his head!

"And David put his hand into his bag, and drew thence a stone, and slang it, and smote the Philistine in the forehead; and the stone sunk into his forehead, and he fell upon his face, to the earth!"

Thus, Mr. Chairman, fell Goliah of Gath!

I see the statement made in the papers, Mr. Chairman, that the manner of the gentleman from Georgia, in his discussion on this subject, bore a strong resemblance to that remarkable man, John Randolph, of Roanoke. This may be true. I am willing the compliment should be conferred upon him; but, sir, I have to say, that were the real "old Roanoke" to rise up from his grave, and with his cutting sarcasm, shrill voice, and bony finger, attempt to deter me from my humble defense of freedom, I would simply quote the fact, that when he was preparing his accounts for eternity, one of his last acts on earth was to give freedom to his slaves, and furnish them homes in Ohio!

Mr. Chairman, this controversy is closed, at least for the present. I leave it as I entered it—with no personal feeling of unkindness towards the gentleman from Georgia, or any other member on this floor. I am firmly, resolutely determined in the future, as I have been in the past, to oppose the extension of slavery; but I seek no conspicuous position in any struggle. A few more short days, and we separate—many of us to meet no more on this side of Jordan. Before another Congress convenes, my mortal remains may sleep under the shade of my native buckeye, and I desire we should part in peace. If life is spared me, however, I shall return to these scenes of strife, in obedience to the decree of the people. I shall come to respect the feelings and opinions of others, yet determined to defend my own principles, and the rights of my constituents, under all circumstances, and at all hazards! And, sir, I believe there will be many others from the wild-wood of the free forests, each of whom will come here with his "five smooth stones gathered from the brook," ready to defend the right. Should I stand alone, believing that my position on this subject is founded upon the immutable principles of God's justice, I shall not be dismayed when the wild storm may rage in these Halls. Planting myself firmly upon the principles of liberty and truth, as proclaimed by the founders of the Republic, if the Philistines gather around in battle array, I will draw my feeble blade, and bid defiance in the language of the gallant Fitz James, when surrounded by the clan of Roderick:

"Come one, come all—this rock shall fly
From its firm base, as soon as I!"

APPENDIX.

PRODUCTS OF AGRICULTURE—(*Quantities taken from Census: Prices from the New York Prices Current, January 25, 1855.*)

GEORGIA.

Value of live-stock, (returned in dollars).....				$25,728,416
Value of animals slaughtered, do.....				6,339,762
Wheat.....	1,088,534 bushels	at	$2 25..	2,449,201
Rye.....	53,750 "	at	1 35..	72,562
Oats.....	3,890,044 "	at	60..	2,292,026
Indian corn....	30,060,099 "	at	1 00..	30,060,019
Potatoes, Irish..	227,379 "	at	2 00..	454,758
Potatoes, sweet.	6,986,428 "	at	2 00..	13,972,856
Barley.....	11,501 "	at	1 15..	13,226
Buckwheat....	250 "	at	1 50..	375
Hay.....	23,449 tons	at	16 00..	375,184
Hops.....	261 pounds	at	30..	78
Clover seed....	132 bushels	at	6 00..	792
Other grass seed	428 "	at	4 00..	1,712
Butter.....	4,640,559 pounds	at	20..	928,111
Cheese.....	46 976 "	at	10..	4,697
Peas and beans.	1,142,011 bushels	at	1 50..	1,713,016
Value of produce of market gardens, (as returned in dollars).....				76,600
Value of orchard products, do.....				92,776
Beeswax and honey.....	739,514 pounds	at	25..	133,198
Home manufactures.....				1,538,968
Flaxseed.....	622 bushels	at	$1 75..	1,088
Flax.....	5,387 pounds	at	10..	538
Hemp, dew-rotted and water-rotted.....	10 tons	at	175 00..	1,750
Sugar, maple...	50 pounds	at	6..	3
Sugar, cane....	846,000 "	at	6..	49,560
Molasses.....	216,945 gallons	at	25..	54,061
Cotton, ginned.	199,636,400 pounds	at	9..	17,966,376
Rice.....	38,950,691 "	at	3..	1,168,590
Tobacco.....	423,994 "	at	10..	42,399
Wool.....	990,019 "	at	35..	346,506
Silk cocoons....	813			
Wine.....	796 gallons	at	1 00..	796
Family goods, value of, (returned in dollars)..				1,467,630
				$107,667,353

OHIO.

Value of live-stock, (returned in dollars).....				$44,121,741
Value of animals slaughtered, do.....				7,439,943
Wheat.....14,487,351 bushels,		at	$2 25..	32,596,351
Rye..... 425,918	"	at	1 35..	574,989
Oats.....13,472,742	"	at	60..	8,083,645
Indian corn....58,078,695	"	at	1 00..	58,078,695
Potatoes, Irish.. 5,057,769	"	at	2 00..	10,115,538
Potatoes, sweet. 187,901	"	at	2 00..	375,802
Barley..... 354,356	"	at	1 15..	407,511
Buckwheat..... 638,060	"	at	1 50..	957,090
Hay..... 1,443,142 tons,		at	16 00 Cincinnati price	23,090,272
Hops..... 63,731 pounds,		at	30..	19,119
Clover seed..... 103,197 bushels,		at	$8 00..	825,576
Other grass seeds 37,310	"	at	4 00..	149,240
Butter.....34,449,379 pounds,		at	20..	6,889,875
Cheese.....20,819,542	"	at	10..	2,081,954
Peas and beans. 60,168 bushels,		at	1 50..	90,252
Value of produce of market gardens, (as returned in dollars).....				214,004
Value of orchard products, as returned in dollars).....				695,921
Beeswax and honey, 804,975 pounds,		at	25..	201,068
Home manufactures, (value returned in dollars)				551,193
Flaxseed..... 188,880 bushels,		at	$1 75..	329,440
Flax..... 446,932 pounds,		at	10..	44,693
Hemp, dew-rotted and water-rotted..... 150 tons,		at	175 00..	26,250
Sugar, maple... 4,588,209 pounds,		at	6..	275,292
Sugar-cane..... none.				
Molasses..... 197,308 gallons,		at	25..	49,327
Cotton, ginned.. none.				
Rice..... none.				
Tobacco.....10,454,449 pounds,		at	10..	1,045,444
Wool 10,196,371	"	at	35..	3,568,729
Silk cocoons... 1,552				
Wine..... 48,997 gallons,		at	1 00..	48,997
Family goods, value of, (returned in dollars)..				1,853,937
				$204,800,396
Georgia products.....				107,667,353
Ohio ahead of Georgia.....				$97,133,015

GEORGIA AND OHIO—SLAVERY.

SPEECH OF HON. D. J. BAILEY,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. BAILEY, of Georgia, said:

Mr. CHAIRMAN: It will not be denied to the gentleman from Ohio [Mr. CAMPBELL] that he is distinguished for liberality in extending to others, while he is speaking, the privilege of being heard in explanation. I regret the direction given to this discussion between the distinguished gentlemen from Georgia and Ohio [Mr. CAMPBELL and Mr. STEPHENS] requires, from a sense of respect due from me as a Representative from Georgia, to do what it is well known I seldom do, to intrude upon the time and attention of the House. But, as the gentleman has made reference to the public sentiments of the South, and more especially to Georgia, and claims to be justified in doing so, first by dubbing the gentleman [Mr. STEPHENS] the leader of the South, and then to hold that section of the Union responsible for his vagaries in politics, it is my duty to reply to him. Will the gentleman allow me a few moments of his time for the purpose of reply upon that subject?

Mr. CAMPBELL. I do not wish to yield the time. If the gentleman from Georgia [Mr. BAILEY] repudiates the position of his colleague, he can say so in a word, and put himself right upon the record.

Mr. BAILEY. I wish to say this: I not only repudiate the position imputed by the gentleman [Mr. CAMPBELL] to my distinguished colleague, in reference to the powers of this Government in enacting laws for the disposition and regulation of the Territories, discriminating against the slaveholder of the South, but upon other questions of public policy. It is not my design, Mr. Chairman, by this interruption, to throw the gentleman from Ohio from his train of argument, and, if I am permitted, will endeavor to secure the floor to reinstate his time, as I deem it, at this point and on this occasion, appropriate to speak what I desire to say.

Mr. CAMPBELL. Very well; I yield to the gentleman.

Mr. BAILEY. I do not wish to take advantage of the gentleman's courtesy, and will, as I have

stated, if the floor is obtained by me, allow him time to conclude.

Mr. CAMPBELL. I trust to the courtesy of the committee to allow me to extend my remarks.

Mr. BAILEY. It was not my expectation or wish, Mr. Chairman, to mingle any opinion of mine in this blackberry and crabgrass discussion between the gentleman from Ohio and the gentleman from Georgia; and if it had been confined to the extent of their respective knowledge of the statistics of the country, I would have been content to remain silent.

Mr. CAMPBELL, (interrupting.) The gentleman will allow me to say that I have put the question on higher ground, namely, freedom and slavery. That is the point.

Mr. BAILEY. That is true; but the discussion between the gentlemen is properly characterized, as reference was made to the productive capacity of their respective States, and, if my memory is correct, crabgrass was not the least prominent element in the discussion between them; and I frankly admit that, so far as it relates to that part of their controversy, seeing no practical good to result to the country, I entertain no sympathy for either; and however highly they appreciate their respective States, however much they may boast of the localities in which they live, yet I have no reason to believe that the people will either sympathize with them, or derive great profit from their efforts upon the subject.

The gentleman from Ohio states truly that no one of the Representatives from Georgia had, upon this floor, taken issue with my colleague, or to deny in this House, that what is usually termed the Wilmot proviso is not the orthodox political faith of themselves or their constituents. I did not suppose at the time the two gentlemen were making themselves the champions of the States of Georgia and Ohio, that if any one remained silent that it was to be construed as an implied assent to what either should say.

Now, sir, making comparisons between particular States, in presenting here the superior advantages and higher social cultivation of one over another, is not so well calculated to improve that comity, and fellowship, and justice to each which alone can secure the harmony of all; but, sir, on the contrary, it only serves to estrange one section of the Union from the other. Suppose the gentlemen transpose their comparisons from Ohio and Georgia, each known as empires—one in the West, the other in the South—and lead out Delaware and Rhode Island for exhibition with the majestic dimensions of Georgia and Ohio. Now, Mr. Chairman, my political creed teaches that, though small in territorial area, Delaware and Rhode Island are entitled to and have all the attributes of political sovereigns that vain glory attaches to either Georgia, Ohio, or any other State.

The people of Georgia know they live in a State containing more than sixty thousand square miles, with a population rapidly running beyond a million, with a productive capacity to bountifully supply all the wants of man; but, sir, I know them too well to suppose they would tolerate an invidious, taunting comparison with either of those smaller States; and, Mr. Chairman, although not acquainted with the constituents of the gentleman from Ohio, yet I do not doubt they too will not sympathize with him, although he has borne his part in the contest with an ability not to be disputed.

Mr. CAMPBELL. But that is not the point. I want the gentleman to say whether he thinks Congress has the power to exclude slavery from the Territories? That is the point. Do you repudiate the position of your colleague?

Mr. BAILEY. I have already stated that, if such are the opinions of my colleague, I not only repudiate them for myself, but will, in the name of the people of Georgia, deny, here and elsewhere, that such heresy is the public sentiment of that State upon that vital question to their peace; and will continue to do so until they, for that cause, repudiate me, and deny me the right to speak for them.

Mr. Chairman, my colleague is absent on this occasion, otherwise I would endeavor, having been involved involuntarily in this discussion, to criticise his position upon this subject in a manner different from that which I choose to do now; for, while I deny the jurisdiction of this Government over the question of slavery anywhere, either in the States or Territories, organized or unorganized, it follows that it cannot be made a legitimate question for discussion here.

If the gentleman from Ohio seeks to convict my colleague of the abominable doctrine that, by the act of this Government, his constituents in Ohio can occupy the public domain with all their property of every kind and quality, to the exclusion of my constituents, or those of my colleague, it is, I suppose, a deduction from the refusal of Georgia's distinguished Representative from the eighth district to answer yea or nay to the question propounded to him upon that subject. I am not the conscience keeper of my colleague; but will tell the gentleman, if an Abolitionist, under like circumstances, should think proper to propound to me questions upon this floor touching this vital question to the peace of the South, I would not give such answer as to leave anything to construction, or in doubt, but would denounce the doctrine, and the Abolitionist, too.

Mr. CAMPBELL. I do not know that I comprehend fully the feelings of the gentleman from Georgia in applying to me the term "Abolitionist;" sometimes it is meant as an offensive epithet. If it is not meant here in an offensive sense I do not care, I am willing to let the gentleman go on. If it is, I cannot extend my right further to him.

Mr. BAILEY. I do not so intend it for the purpose of insulting, but spoke only as I thought was the fact, since I understand him to profess sentiments of disrespect to sacred ties which bind the States in this Union, and to do all he can to inflict the odious principles of the Wilmot proviso, as it is called, upon the Territories. And, Mr. Chairman, I expressed my indebtedness to the courtesy of the gentleman for allowing me to occupy the floor, which he had the right to control; and after this had been done by him, I would scorn myself if the occasion was used to offer insult; and I think I can say more, that intentional insult was never sought to be offered by me to any person; and I will maintain sufficient self-respect to abstain, at all times, from making the House of Representatives the arena to display resentments for grievances. So far as the opprobrium of the word Abolitionistis concerned, if I am not mistaken, I take the acknowledgment from his own lips the last night in the discussion of the abolition of slavery in the District of Columbia and the Territories of the Union.

Mr. CAMPBELL. I did not say anything upon the subject last night; but I will prove, if this committee will give me the time to do so, that every position I have taken upon the subject of slavery is indorsed by the gentleman's colleague. I have the record here to do it.

Mr. BAILEY. I have already intimated that my purpose was not to discuss the record of my colleague before this committee; but if I do discuss that record at any time, it shall be before the tribunal of a people who have the right not only to pronounce but to inforce their judgment upon any issue that may be made between us. But if I am mistaken as to the remarks made by the gentleman from Ohio touching the Territories, of course I am disposed to be corrected.

Mr. CAMPBELL. I made the remark in the course of the debate last night, that there was not a man returned from my State to the next Congress in favor of the repeal of the Missouri compromise.

Mr. BAILEY. And I would ask what is the proper interpretation of the admission that "not a solitary member willing to allow the South to be at peace is returned to the next Congress from the State of Ohio," with her twenty-two Representatives standing in the front column of the great States of political power in giving tone and direction to the administrative policy of this Government? It was known to the country before the admission made by the gentleman, that the Democratic party had been defeated by Free-Soilers, most determined in their opposition to the property holders of the southern States, and such Free-Soilers whose political views leaves scarcely a line of dictinction between themselves and unmitigated Abolitionists. If a distinction exists, it is that difference which is between a great devil and a little one. The result of the late elections in the State of Ohio, and in all the States known as free States, where but few have survived the political shock of the number who professed a willingness to permit the South to direct its own domestic policy upon terms of equality with other States in the Union, has demonstrated the power of that element which threatens so much danger to the South. If the hypothesis of the gentleman be true, that the elections in the States alluded to have turned upon the question of opposition to the Kansas and Nebraska bill, or, more properly, the question of right claimed by the Free States, to prescribe, by congressional legislation, terms upon which the people of the South may emigrate to, and make their homes in, the common Territories of the Union, furnishes additional argument of the hostility of the North to the institution of slavery.

It has been contended upon this floor and elsewhere, by distinguished gentlemen, that the Kansas and Nebraska question had but little, if any, influence in the late elections; yet I am constrained to believe otherwise; and from the evidence which has been adduced, with my convictions, it would be the worst duplicity to attempt, by concealment, to lull the fears of the South.

I have heretofore refused to discuss the subject of slavery, because this Government has no jurisdiction over the question, only so far as it is the duty of the Federal Government to extend its protection over it as other property: I deny that the Federal Government has either the power to create or to destroy property belonging to the citizens of the United States—that being a right reserved to the people of the several States. The invasion of this right reserved in the States would be a violation of the compact of federation, and it would furnish more solemn obligations on the part of the people of any State to consult their safety and resist the wrong than is found in the rhetorical flourish of a Chatham.

If it is admitted, or I should say, more properly, if this Government, by any provision of the Constitution, can, by legislation, embarrass the title of the owner of a negro, or destroy the property recognized and secured by the States, the whole ground is yielded, and the South would stand disarmed of all rightful cause to act by interposing the sovereign will of the State, to defend the people in the full and unrestricted enjoyment of property, subject only to such rational exactions as may be necessary and proper for the preservation of Government. And if the concession is made that the South has no guaranty in the terms of the Constitution, the question of expediency thereby becomes the only limit for the discretion assigned in the legislative action of this Government. Mr. Chairman, I am yet to learn that any statesman of the South, whose boldness has led him to avow such doctrine, has, when understood, obtained the indorsement of even a sufficient number to constitute a faction; but at a time when the public mind is withdrawn from vigilant scrutiny of the sentiments of the Representatives upon this subject, it should not be inferred that the people yield their approval, and are compromitted in their right to think, speak, and act, at all times when the exigency arises.

Mr. Chairman, I am no alarmist; but if unwilling to persuade the people that security is found in a state of repose, with an abiding confidence in those they constitute rulers of the public interests, it would be equally false to duty not to point to dangers which are near at hand, and which must come, be realized, felt, known, and seen, when that party is installed into power, which has demolished, wherever the test has been made, the Democracy which stood so recently in serried ranks from one extremity of the Union to the other, directing the administration of this Government for the common benefit of all and hurtful to none.

In reviewing the history of the country we find that however violent and ungovernable the spirit of partisan strife has exhibited itself, yet when the people, ever prompted to justice, have determined to rescue the Government from the control of political managers they have never failed to restore harmony to all sections. But we cannot avoid the startling fruth, that however potent the people have been in controlling those who had no higher ambition than to aspire to leadership upon

all questions hitherto constituting the basis of party action, except the subject of slavery, which has become isolated and distinct from all other questions upon which parties have separated, and I would ask the people of the South to inquire for themselves, why is it that those great questions of public policy upon which political parties, from the day the Government was put into operation, have ceased longer to excite the mind of the North? It is, sir, the policy of the Whigs of the free States to make the question of slavery paramount to all other questions. This, I suppose, no one will have the temerity to deny, unless he is grossly ignorant of the issues involved in the elections to which allusion has been made, or determined to conceal the melancholy truth from a confiding constituency. For here in this Hall the declaration has been made and repeated, that one hundred and seventeen members are already elected to the next House of Representatives, who stand pledged to continue the slavery agitation, and urge the restoration of the Missouri compromise. This fully establishes to my mind that but little, if any, reliance can be reposed in any party of the North upon this, which is above all party questions of the South. I can, Mr. Chairman, look around me, in this Hall, and see many noble specimens of true American patriotism, who boldly dared to perform their constitutional duty, by which the equality of the South was restored, and which had been, for more than an age, denied by the Federal Government.

And while I am grateful that virtue was to be found in those northern patriots who directed the legislation of Congress, by restoring equality to that section of the Union in which my fortune is cast, yet the pleasure is almost lost in the recollection of the fact that those by whose agency it was consummated have been, with but few exceptions, cut down and prostrated by the tide of the anti-slavery feeling which swept over the free States. And it is strange to say that those who have thus fallen belonged to one party, and that party whose policy has ever been to do justice to each and every section of the Union. Will any one doubt the party to which I allude? None will doubt that it is the Democratic party.

This is not all, sir. My regret is greatly increased, Mr. Chairman, when it is seen that the Whig party of the South, with a full knowledge of the facts before them, fails to do that justice to them that magnanimous impulses can alone prompt.

But I will not despair of the final achievement of victory by the Democrats of the free States over the unnatural alliance of the Whigs of the North with that party of the South. This is not the first of their political reverses while battling for the Constitution, as it is, against the combination of every cast of opposition; and I would cheer them on with every demonstration of confidence, until they attain the higher honor of vindicating the American character against the imputation of incapacity for self-government and indifference to the solemn terms of a written Constitution; for, Mr. Chairman, if the Democratic party cannot attain these ends, no party ever will.

In connection with this subject, I desire to submit a few remarks upon a question which has passed from public attention, as it is germane to the present discussion; and I do so only to direct the attention of southern gentlemen to the fact that, however anxious they may be to divert their fellow citizens from the relations existing between them and other sections of the Union, yet no appliances of politicians can conceal the truth only for a time.

Has it occurred to you, Mr. Chairman, that, within the short period of less than two years, the confidence which was so eagerly expressed in primary meetings of the people, in the legislative resolves of the States, and more particularly in this branch of Congress, that the slavery agitation had ceased forever, both in and out of Congress; that the sun would rise and set in all time to come upon our country, upon a people united, free, happy, contented, and prosperous? But if doubts were entertained and expressed it was the signal of political death to the unfortunate unbeliever.

This question, above all others, I desire to see this Government not to touch with hostile intentions, as the State of Georgia, in convention of the people, has declared the ultimatum upon which she will interpose the highest power of her sovereignty; and I ask you not to abuse her patience, or require her to test before the world the sincerity of her professions. And in the position of that State, in which, at present, all earthly ties and interest exist, and where, in future, I desire to remain and share a common fate, whether for good or evil, with my fellow-citizens, other southern States stand side by side with her, and fearful will be the result, should the madness of those who deal in threats attempt to put them to the trial.

History will exhibit a jarring record of the age in which we live when it presents one Congress expressing the tone of public opinion upon a subject reversed by the ensuing Congress, as we find at the last Congress, shortly after I was honored with a place here as Representative, the predominant sentiment prevailed that the agitation of slavery was at an end. I allude to what is called the "finality" resolutions, which were thrown into this House, and arbitrarily demanded support as a test of fidelity; doubtless more for Representatives of the South than the accomplishment of any other object. I allude to the resolutions which were adopted by a large majority of that body on the 5th day of April, 1852. The resolutions read as follows:

"That we recognize the binding efficacy of the compromises of the Constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours individually, to abide such compromises, and to sustain the laws necessary to carry them out—the provision for the delivery of fugitive slaves, and the act of the last Congress for that purpose included—and that we deprecate all further agitation of questions growing out of that provision of the questions embraced in the acts of the last Congress, known as the compromise, and of questions generally connected with the institution of slavery, as unnecessary, useless, and dangerous."

It was my fortune to vote against this resolve, adopted by the better judgment and wise council of Congress. I believed then, and further reflection and continued observation, have confirmed the belief and settled opinion, instead of removing the impressions entertained, that "it was the intention of the people generally to abide the compromises of the Constitution, and sustain the laws and provisions for the delivery of fugitive slaves," was not sustained by the evidence before the country.

On the occasion to which allusion has been made, it was too apparent that many hearts beat with high expectations that a triumph had been obtained over a small number of Representatives then upon this floor. But that triumph was dearly bought, as those Representatives who cast their vote with the majority, have not only been deceived themselves, but have thereby deceived their constituents.

It would have been a pleasant task for me to perform, if I could have concurred in the belief that the questions embraced in the resolutions which are referred to, were a final disposition of the slavery question.

It requires no argument to prove that a resolve of Congress as to the finality of any question, can have any binding force upon the people. The slavery question, like all others, is alone subject to the control of the people, from whose judgment there is no appeal. Those who did not sustain the resolutions from the southern States, were denounced not only as agitators, but unfriendly to the continuance of the union of the States; I trust that those whose judgment upon this question did not concur with the majority may prove to be mistaken; still, Mr. Chairman, my opinions remain unaltered, and I yet entertain doubts and fears.

I am sensible that my opinions have but little influence here, either one way or the other; yet the people whose Representative I am feel some degree of interest in my course, especially upon the slavery question, which is above all other questions with them; and from the time it was manifested this Government was disposed to disregard and restrict their rights in the disposition of the territories acquired from Mexico, a deeper feeling of distrust has fixed upon them; and, knowing their solicitude upon this subject, when, sir, I fail or refuse to represent their views, I shall cease to be their Representative any longer, and ask them to select another.

In the contest of 1850 and 1851, which gentlemen remember as well as myself, the position I occupied failed to be adopted by the people of Georgia. Through that contest, which was a fiery ordeal to pass, I was enabled to survive, which can never be forgotten on account of the blows received by those who contended for the rights of the South and the sovereignty of the States.

Justice requires me to say, with all proper respect for the opinions of others, had the policy prevailed of those with whom I acted an humble part, I entertain no doubt whatever of the final settlement of the question, the mere mention of which forms a dividing line between the two great sections of the country, and the agitation of which threatens and perils the existence of the Union.

The councils of our friends, however, were unheeded, and we were forced reluctantly to acquiesce in the opinion and decision of those from whom we differed; and I will say, in regard to the platform which they laid down in language so clear and unmistakable, that the causes they delineated with so much precision upon which they *pledged* themselves "to disrupt the ties that bind the State to the Union," may never arise.

It is not necessary for me here to speak my opinions of the strength of the Union, or how far it overrides all other political considerations. I am unwilling, however, to hackney the word in every discussion involving the rights of the South to strike vain terror into those who shall attempt to inflict a wrong by refusing the observance of constitutional obligations. I would not be proud of the title of American citizen if I could be induced to put in the balance, to estimate the value of the Union, the greatest blessing, short of Heaven, except the liberties of the people.

Permit me, now, Mr. Chairman, to make a brief allusion to the remarkable attitude in which the distinguished gentleman from Virginia [Mr. LETCHER] presented himself before this House and the country in the course of debate on yesterday upon this subject; his patriotism was shown in the indignant rebuke against the threatened aggression upon the political rights of the South, and the fire of whose eloquence is worthy to be associated with the ancient character of the Old Dominion; if the crisis should come—which may a merciful Providence ever avert—when her citadel of State sovereignty shall be invaded by hostile force, if living, his strong arm will doubtless be raised in its defense, as surely, when he is numbered with things that were, his clarion notes sounded in this Hall will serve to awaken his countrymen to rally to the post of duty.

But, I would ask, is it not a little strange that this valiant defender of southern rights should avail himself of the distinguished position which no one will dispute he occupies here as the leader of the Democratic party, to assail—in fact, to stigmatise—the Administration, a short time ago, for the appointment of a gentleman to represent this Government abroad, who has accorded to him not only talents of the highest order, but a devotion to the South which will bear a comparison with the gentleman himself?

I am unwilling, sir, to withhold from Mr. Soulé the benefit of the fullest expression of confidence in his merit as a representative of his country in a foreign land, or to sanction the opinion that he has not carried with him to the post assigned him, the unqualified confidence and approval of the overwhelming masses of the southern people; and if to-day the voice of that section of the Union could be heard, it would come with welcome greeting to the ear of the President of the United States, that he had so far discharged his official duty as to secure the sanction of his countrymen.

I do not mean to say that no discordant note was heard, of grumblers, that the distinguished honor should have been conferred upon one equally deserving with others as Mr. Soulé; for it is well known, when the intelligence was given to the country that Mr. Soulé was accredited as the representative of the American people at the Court of Madrid, a systematic plan of opposition was manifested in that section of the Union which at all times watches the progress of the Government to throw impediments in the way of success to that section of the country whose interests had been represented in the United States Senate by him with such eminent ability.

It will scarcely be denied that this feeling of

opposition had grown to such length that the flag which bore this minister to his destination carried also the plot of moral treason from our shores, to incite hostility to his success, and render his efforts in behalf of his country abortive. Malignity, in its most violent spirit, has not the temerity to charge that one whose life has been devoted to the cause of republicanism would falter in the performance of any duty. And though, sir, the chief object which his country expected him to accomplish as Minister to Spain having failed, yet the confidence of his fellow-citizens has not abated.

I will say to the gentleman from Virginia, [Mr. Letcher,] if the dangers which he has so eloquently depicted as impending over the country actually exist, when the hour of trial shall come he will find this much-abused statesman in the front rank, defending his country's cause, and from him may be learned a lesson of true patriotism and an example worthy of his imitation.

The extreme opinions imputed to Mr. Soulé upon those territorial questions which were supposed to be settled by the friends of that system of measures, now regarded by the gentleman from Virginia as being a delusion upon the South, furnishes a flimsy pretext for the assault upon that minister.

But the grave charge is made that Mr. Soulé has not only subjected himself to the fault of contending for all the rights of the South, but another and greater disqualification, urged against him and the policy of the Administration in his appointment, is found in the fact that he was born in the country where Lafayette claimed his birthright, and in which lies entombed that manly form of nature's nobleman who, with sword unsheathed, side by side with the Father of his Country, exposed himself to every danger, submitted to every sacrifice, and, without flinching, shed his blood to triumph in battle and achieve the independence of our country.

Mr. Chairman, however willing others may be to disregard the plain provisions of the Constitution securing political rights to the adopted citizens, I will not, here or elsewhere, perpetrate such a libel upon that instrument either to obtain favor from a powerful party or avoid its proscription.

EXECUTION OF UNITED STATES LAWS.

SPEECH OF HON. S. A. DOUGLAS,

OF ILLINOIS,

Friday, *February* 23, 1855.

The Senate having under consideration the bill to provide for the protection of Officers and other persons executing the Laws of the United States, debate ensued, of which the following is part. The other part has been heretofore published. [See pp. 211-246.]

Mr. DOUGLAS said: Mr. President, I am at a loss to understand the precise object of the Senator from Ohio [Mr. Wade] in the extraordinary course of remark in which he has indulged. Failing to maintain the positions he assumed in opposition to the bill, he has poured forth a torrent of denunciation and calumny in the place of facts and argument. After denouncing the bill as monstrous and nefarious—one which no honest man can support—he says he does not blame southern men for advocating it, and insisting upon its passage. He has even gone to the extent of declaring that, wicked and nefarious as it is in all its provisions and principles, yet, were he a southern man, and the representative from a slaveholding State, he would vote for it. That is to say, it is an iniquitous measure, and if he were a southern man he would perpetrate the inquity; it is a base act, but if he were a southern man, and it would promote his interest, he would perform the deed! According to his doctrine, the act is infamous if performed by a northern man; right and honest, if done by a southern man! Sir, I was not educated in that school of morality which teaches that the same act is morally right or wrong, is virtuous or iniquitous, according to the parallels of latitude where the man resides who may perform it. If an affirmative vote on the bill be morally right in a Senator from the South, I am unable to perceive how it can be wrong in a northern Senator. Do we not all owe allegiance to the same Constitution? Are we not all bound alike to support it by the same oath? Do we not all acknowledge accountability to the same eternal God? How, then, can a vote, given in obedience to that oath, to carry into effect the provisions of that Constitution, in the presence of the same Divine Being, be just and honest when given by a Senator from one portion of the Republic, and at the same time be nefarious and infamous when given by a Senator from another portion of the same country?

Sir, if this bill is right South, it is right North; if it is honest South, it is honest North; if its support be right in a southern man, it cannot be wrong in a northern man. Sir, I despise this miserable attempt to excite prejudice against a just and necessary measure, for no better reason than that it was reported from the appropriate committee by a Senator from Connecticut instead of a Senator from South Carolina. God forbid that I should judge the merits of a legislative enactment by the residence of the man who happened to be the organ of the committee for introducing it. It is not the first time I have seen on this floor those who obtained their seats in the Senate by appeals to passion and prejudice at home, by stirring up sectional strifes, and inflaming the North against the South, become the fawning sycophants and fulsome flatterers of those very southern men whom they have traduced and maligned; whose character, constituents, institutions, and civilization they are in the daily habit of denouncing as criminal and infamous in the eyes of God and man. Wrong for a northern man to introduce a bill providing for the execution of the laws of the land, which it is right for a southern man to support, and for which these immaculate anti-slavery men say they would vote were they southern men.

That is the argument. It is the argument of all who seek to dissolve this Union. Array the North against the South—stimulate the passions of each—urge them into deadly conflict—tell the South you do not blame them; that you would do as they do, were you southern men; that you only blame those northern doughfaces or traitors who seek to preserve peace and fraternity by a strict obedience to the Constitution and a faithful execution of the laws made in pursuance of it. Yes, we are called traitors because of our fidelity to the Constitution. Doughfaces and cowards because of our obedience to that Constitution as our fathers made it, and we, upon the holy Evangelist, swore to preserve inviolate. Doughfaces because we stand between the Constitution and those who seek to trample upon its provisions; because we stand between the Union and those whose measures are aimed at its destruction. They tell us that we are in vain attempting to resist an overwhelming torrent of northern sentiment; that our course is rushing us to inevitable self-destruction; that we are destined to be swept from the face of the earth, and sunk to the lowest depths of obloquy and infamy, from which there is no resurrection. With this awful doom impending over us, doughfaces and cowards as we are, we calmly look the storm in the face, defy its mutterings and howlings about our heads, and hold on firmly to the Union and to the Constitution as the surest and only means of preserving it, while the sentence is being pronounced which is to decide our fate. This is cowardice, when courage consists in pandering to the passions and prejudices of those immediately around you, while you hurl defiance and insult and calumny at those who are a thousand miles distant. We would cease to be doughfaces, and become as brave as you, if we would only have the courage to throw overboard the Constitution as the compass by which to guide the ship of State, and run with wind and tide, setting a sail for every breeze, and changing our course with the shiftings of the wind. You can pay us no higher compliment than is contained in the charge that we stand firmly by our principles, regardless of consequences personal to ourselves, and hazarding popularity and position in preference to yielding to those mercenary and ambitious allurements which seduce bad men from their fidelity to the Constitution.

Mr. President, the Senator from Ohio [Mr. Wade] has invaded the circle of my private relations in search of materials for the impeachment of my official action. He has alluded to certain southern interests which he insinuates that I possess, and remarked, that where the treasure is there the heart is also. So long as the statement, that I was one of the largest slaveholders in America was confined to the Abolition newspapers and stump orators, I treated it with silent contempt. I would gladly do so on this occasion, were it not for the fact that the reference is made in my presence by a Senator for the purpose of imputing to me a mercenary motive for my official conduct. Under these circumstances, silence on my part in regard to the fact, might be construed into a confession of guilt in reference to the impeachment of motive. I therefore say to the Senator, that his insinuation is false, and he knows it to be false, if he has ever searched the records or has any reliable information upon the subject. I am not the owner of a slave and never have been, nor have I ever received, and appropriated to my own use, one dollar earned by slave labor. It is true that I once had tendered to me, under circumstances grateful to my feelings, a plantation with a large number of slaves upon it, which I declined to accept, not because I had any sympathy with Abolitionists or the Abolition movement; but for the reason that, being a northern man by birth, by education, and residence, and intending always to remain such, it was impossible for me to know, understand, and provide for the wants, comforts, and happiness of those people. I refused to accept them because I was unwilling to assume responsibilities which I was incapable of fulfilling. This fact is referred to in the will of my father-in-law, as a reason for leaving the plantation and slaves to his only daughter, (who became the mother of my infant children,) as her separate and exclusive estate, with the request that if she departed this life without surviving children, the slaves should be emancipated and sent to Liberia at the expense of her estate; but in the event she should leave surviving children, the slaves should descend to them, under the belief, expressed in the will, that they would be happier and better off with the descendants of the family with whom they had been born and raised, than in a distant land where they might find no friend to care for them. This brief statement, relating to private and domestic affairs, (which ought to be permitted to remain private and sacred,) has been extorted and wrung from me with extreme reluctance, even in vindication of the purity of my motives in the performance of a high public trust. As the truth compelled me to negative the insinuation so offensively made by the Senator from Ohio, God forbid that I should be understood by any one as being willing to cast from me any responsibility that now does, or ever has attached to any member of my family. So long as life shall last—and I shall cherish with religious veneration the memory and virtues of the sainted mother of my children—so long as my heart shall be filled with parental solicitude for the happiness of those motherless infants, I implore my enemies, who so ruthlessly invade the domestic sanctuary, to do me the favor to believe, that I have no wish, no aspiration, to be considered purer or better than she, who was, or they, who are, slaveholders. Sir, whenever my assailants shall refuse to accept a like amount of this species of property tendered to them under similar circumstances, and shall perform a domestic trust with equal fidelity and disinterestedness, it will be time enough for them to impute mercenary motives to me in the performance of my official duties.

Now, sir, a few words in regard to the bill which has furnished the occasion for this furious onslaught upon my friend from Connecticut [Mr. Toucey] and myself. What objection has been urged to it, except that it was introduced by a northern instead of a southern man? The same objection was urged to the Nebraska bill, when I reported it from the Committee on Territories, in accordance with the principles recognized in the compromise of 1850, which that Senator, and the party with which he then professed to act, were solemnly pledged to adhere to "in substance and principle." You, sir, [turning to Mr. Wade,] not only supported General Scott upon the Whig platform in 1852, but affirmed the same principles in your vote for the Washington territorial bill in 1853, which, like the Nebraska bill, repealed a prohibition of slavery, in

order that the people might have the opportunity of deciding the slavery question for themselves in conformity with the principles recognized in the compromise of 1850.

The bill for the organization of Washington Territory received the vote of every northern Senator who now denounces me for doing, in Nebraska, precisely what each of them did in Washington Territory only eleven months before! If you are sincere in your complaints of my conduct in reference to Nebraska, what explanation, what excuse are you prepared to give your constituents for your betrayal of what you are pleased to call northern rights in Washington Territory? If I betrayed the cause of freedom in 1854, you set me the example in 1853. The bill passed this body unanimously about three months after the presidential election, when both parties were pledged by their platforms to sustain the principle of allowing the people of each State and Territory to decide the slavery question for themselves. Why did you not sound the alarm, and proclaim to the world that the sacred cause of freedom had been betrayed by northern doughfaces when you and your party in all the free States pledged yourselves to this principle in the presidential elections of 1852, and carried it into practical operation in the Washington territorial bill in 1853? If you are honest men, if you are sincere in your professions now, make an open and frank confession of your crimes then. If you do not wish to stand upon the record self-convicted of all the nefarious deeds which your malice imputes to others, let us hear no more of this hypocritical cant for political purposes about northern men introducing bills for the extension of slavery, when southern men could not be found to take the initiative. You know that it was not the object of the Nebraska bill, any more than of the Washington territorial bill, either to extend slavery or to circumscribe it. You all know that neither of those bills was intended either to establish, or abolish, or to introduce, or exclude slavery; but that the real object and true intent was to recognize in the Territories the great principle of self-government, in obedience to which the people of each State and Territory coming into the Union should decide for themselves what kind of institutions and laws were best adapted to their condition and welfare. It was in obedience to this great principle, the principle in defense of which the battles of the Revolution were fought, the principle for the preservation of which the Constitution of the United States was adopted, the principle of popular rights and State equality which underlies our whole system of representative Government, for the preservation of this great principle it was that the Washington and Nebraska bills were passed in the form in which they now appear on the statute-book.

The Senator from Ohio has appealed to the traditions of our fathers to sustain his position upon the slavery question. Well, sir, the tradition of our fathers is that the Declaration of Independence was proclaimed, and the Revolution effected for the purpose of enabling the American people to make their own laws, and establish their own institutions. The object, then, was to secure for the Colonies the same rights and privileges which the Nebraska recognizes and establishes in the Territories. Why, then, this assault upon northern men for their fidelity to the Constitution, and to those principles of self government and constitutional liberty, upon which our whole political system rests? The Senator has intimated the reason. He says the cry of disunion has no terror for him. That I can well understand. He, and those who act with him, do not consider themselves under any obligation to obey the Constitution, or to execute the laws made for the purpose of carrying it into effect, any further than they harmonize with their views on the slavery question. Abolitionism means disunion. Abolitionists are necessarily disunionists, for no sane man believes that this Union can be maintained by any other means than fidelity to the Constitution. The Constitution recognizes the right of each State to have slavery or not, as it chooses; the right of the State to abolish it when it pleases—to establish it when it chooses. The Constitution recognizes the right of a master of a slave to have him surrendered back if he escapes. If your consciences will not allow you to obey that Constitution, as honest men you are bound to dissolve the Union, and release yourselves from that obligation. Disunion has no terrors. The very declaration implies a willingness to see the act perpetrated whenever necessary to accomplish a cherished object. The Abolition movement means agitation, irritation, sectional strife, until alienation shall take the place of fraternal feeling. The leaders understand this, and hope to carry the masses with them by appeals to their prejudices and passions, until the fatal step shall be taken, before the real and final object shall be discovered, much less avowed. In the midst of all this Nebraska cry, they care no more for the provisions of that bill than they did for the Washington territorial bill when they voted for it. There is not a principle, there is not an objectionable provision, in the Nebraska bill, that you did not vote for in the Washington territorial bill eleven months before.

Then we may as well look this question directly in the face. It is a question of union or disunion. I repeat, no sane man believes that this Union can be preserved, except by fidelity to the Constitution. As long as the Constitution is carried out in its letter and in its spirit, and laws are passed and executed in obedience to its requirements, this Union is safe.

Then the question is, shall we be true and loyal to the Constitution? If we are, we will enforce all laws of the United States, passed in obedience to that instrument; and if there are combinations in States, Territories, localities, or anywhere to prevent the execution of those laws, we must apply the proper remedy. All new States must come into the Union on an equality with the old States. Whatever power under the Constitution may be exercised by any one State, may be exercised by each and all of the States, new and old alike. So long as Virginia has the right to retain or abolish slavery, Illinois and every other State has the same right, under the Constitution, to admit or exclude it in accordance with the wishes of her own people. When you attempt, therefore, to put a limitation on the new States which is not placed by the Constitution on all the States, you violate the great fundamental principle of equality among the States, and declare your unwillingness to abide by the compact that our fathers made.

Then, sir, what becomes of this cry about invading the rights of the North? I deny the right of a band of men, who have, in turn, joined and been kicked out of each of the great political parties because they were found to be unworthy to belong to either, and who have since formed a combination with all the factions and isms of the day, under the title of the fusion party, to come here and speak for the whole North. The North are a Union people, a law-abiding people, a people loyal to the Constitution, and willing to perform its obligations. Once in a while, a combination of factions, brought together under extraordinary circumstances, may procure a majority, and send a man here who is as much a misrepresentative of the sentiment of the North as he is of all the courtesies and proprieties which should exist among gentlemen here as well as elsewhere. I hold, sir, that such men have no right to speak in the name of the North or for the North. This Abolition faction, this disunion cabal, this set of men who make their reputation by slandering better men than themselves, have never been the true representatives of the North. They always come here by a bargain, and they go out at the end of the term at which they arrive. Sir, [turning to Mr. WADE,] you talk about your rebuke to northern men. I do not wish to speak unkindly to you, or to your colleague, [Mr. CHASE,] but your very colleague is to be succeeded by a Nebraska man, [Mr. Pugh,] a true representative of the North, for the next six years, in the Senate of the United States. You talk about your anti-Nebraska men in Ohio. You do not deny that every one of them came here by Know-Nothing votes. Why did you not boast, then, that there had not been a man elected to Congress from the free States who was not either a Nebraska man or sworn to violate the Constitution by proscribing a man for his religious faith? Why did you not say that every one of them was sworn to proscribe men because of the accident of birth, instead of because they were Nebraska men? Why did you not tell us that they came here because they had been baptized in the Know-Nothing crucible, and had taken all the unholy oaths of proscription forbidden by the Constitution? I have called upon any man in this Senate to specify a member of Congress, or of the Senate, from a free State, elected since the Nebraska bill was passed, who was not either a Nebraska man, or sent here by the Know-Nothing vote.

Then what is the use of pretending any more that the elections in the North turned on anti-Nebraska alone. How was it with my colleague, [Mr. SHIELDS,] whose case has been referred to in this debate? He voted for the Nebraska bill in obedience to the positive peremptory instructions of the Legislature of Illinois, first given in 1851, and then repeated while the Nebraska bill was pending here, and before he voted. Now they say they have defeated him because he voted for Nebraska. There is consistency for you. First instruct a man to do an act and then beat him for doing it. You profess to believe in the doctrine of instructions, and talk about Senators misrepresenting their constituencies. The fusion Legislature of Illinois at its recent session, or the popular branch of it, passed resolutions declaring it to be the imperative duty of a Senator to obey the instructions of the Legislature, and at the same time voted down a resolution approving the conduct of my colleague and myself in obeying a peremptory instruction! The truth is, my gallant and distinguished colleague was doomed to defeat before that Legislature, whether he voted for or against the Nebraska bill. He had been guilty of the crime of being born in Ireland! Any other obstacle could have been removed, any other offense pardoned in consideration of eminent public services rendered to the land of his adoption. All other stains upon his political character had been washed out with his own blood, so profusely shed in vindicating the rights and avenging the wrongs of his adopted country. All other offenses could be freely pardoned upon the score of patriotic services; but that monstrous offense of being born in a foreign land, and especially in old Ireland, was unpardonable in the eyes of Know-Nothingism, and hence the head of the gallant Senator was brought to the block. And yet we are told that his defeat was an anti-Nebraska victory. He was stricken down by a combination of all the factions and isms of the day, of which Abolitionism and Know-Nothingism were the controlling elements.

Unwilling to occupy more of the time of the Senate, I will take my seat, with the hope that I will not be induced, even by assaults upon my conduct and motives, to trespass more upon the time of the Senate.

Mr. BRAINERD. I will simply observe that I do not believe there were three hundred Know-Nothings in the State of Vermont at our last election; at any rate, if there were, I was not aware of the fact. I am here, therefore, certainly without any particular help, in any way, from any Know-Nothing.

RAILROAD IRON.

REMARKS OF HON. W. H. SEWARD,

OF NEW YORK,

IN SENATE, *February* 22, 1855.

The bill to authorize a credit of three years on Imported Railroad Iron being under consideration,

Mr. SEWARD offered the following amendment as an additional section:

SEC. —. *And be it further enacted*, That in order to extend to railroad companies who may use American iron in the construction of their railr ads, the same inducements as are granted by this act to companies to use for ign iron, whenever any railroad company shall make it appear to the satisfaction of the Secretary of the Treasury that they have purchased, for their own use, any iron rails, spikes, bolts, fastenings, or other iron necessary for the construction of railroads of American manufacture, it shall be the duty of the Secretary, and he is hereby authorized and directed, to loan to said company an amount equal to the duties for which credit will be given by this act upon similar iron if imported, paying over the same out of any moneys in the Treasury not otherwise appropriated: *Provided*, That said company shall secure the repayment of such loans by their bonds conditioned for the amount payable at three years from date, without interest, and by such other security, personal or otherwise, as, in the judgment of the Secretary, will indemnify the United States against loss.

I have offered this amendment because it will serve to illustrate my position in regard to the

question before the Senate. Some abstractions have been discussed, on which I shall not dwell. If it were demonstrated that New Hampshire was the most loyal, and Pennsylvania was the most disloyal of the States, and even if the political differences of opinion between Massachusetts and South Carolina on questions of political economy were reconciled, yet all this would not affect the merits of the proposition to give a credit on railroad iron.

With the utmost deference, I cannot regard the suggestion of the Senator from New Hampshire [Mr. Wells] to be one requiring grave refutation. He insists that the bill violates the Constitution. Congress have a right to levy taxes—either direct or indirect taxes. Since they have power to levy, they have power to remit—to remit altogether, or to remit on conditions, to give a credit for duties, or to require their immediate payment.

I see no question of free trade in the case before us. We have indeed been told that it would be well to abolish custom-houses, and come to direct taxation. It is very easy to say this, and it sounds very high and very sonorously. But, sir, in point of fact we shall sooner abolish the dome and even the skies over our heads, than we shall abolish the need of money, and of a great deal of money, too, to carry on the Government of a very great and rapidly growing empire. Government can raise money only by taxation upon human industry, for even realized wealth is only a production of human industry. Government can find human industry to levy taxes upon only in two places, namely *abroad* or at *home*. Thus the industry which must be taxed for the support of any Government is, either the industry of foreign nations, or the industry of its own country. Experience, old as the foundations of the Republic, and unchanging amid all vicissitudes, shows that the United States, following the example of all other nations, have taxed the industry of other countries instead of their own industry, as far as it has been practicable within the limits prescribed by their exigencies in regard to revenue. Senators, like theorists out of Congress, may speculate about abolishing custom-houses, but the practical course of the Government will continue the same until the end. We shall need money, and we shall tax the labor of the foreign miner, lumberman, farmer, mechanic, and artisan to the utmost before we begin to tax the labor of the American miner, lumberman, farmer, mechanic, and artisan. We may, indeed, reduce the duties on imported products of labor, but we shall do so only in the proportion that it can be done consistently with our wants of revenue. But this will not be free trade. It will only be abatement of taxation, with real or relative reduction of revenue. Absolute free trade may, indeed, come into the country, but it will only come when we are ready to dispense with revenues altogether. I ask Senators whether we have reached that time now, or whether they see such a time near at hand? No! No! You are even now, while talking of free trade, enlarging your Capitol, extending and embellishing the Federal city, augmenting and extending your public edifices, increasing your army and your navy, and your revenue service, and your fortifications, improving your rivers and harbors, constructing almost endless railroads, and organizing new Territories. You are, at the same time, raising the salaries of all the agents of the Government, civil and military, at home and abroad, and are not only extending your postal system across the western plains, and into the nooks of the western mountains, but also connecting it by steamships with all the postal systems of the Old World. While you are doing this, you raise not a dollar by direct taxation, and no one proposes, or thinks of proposing, taxation in that form, so greatly lauded by theorists, so instinctively avoided by all practical statesmen. It is preposterous to talk of instituting free trade at a time when you are thus going on more industriously than ever in increasing expenses.

Besides, freedom in trade, like freedom in every thing else, has a condition of equality attached to it. If you give universal freedom in trade, you give equal freedom in every department of trade. There must be freedom in the purchase and sale of all materials, and of all fabrics; free trade not only in iron, but in salt, in cotton, in wool, in silk, in wines, in grain, in hemp, in linen, in cattle, in everything. Nevertheless, you propose no such universal freedom as this here. There is no one here bold enough to abolish duties on foreign wheat, rye, corn, oats, sugar, wines, and liquors. No one dares propose to strike down altogether the discrimination which favors some branches of manufactures. Still less does any one propose to level down the wall that protects the farming interest.

What now is the principle of this bill? It assumes before me two aspects—first, as a bill for the encouragement of the construction of railroads. This is a policy which would be very judicious and wise in some circumstances. But it is not a judicious or wise policy now, under existing circumstances. It is not wise as here presented, because the encouragement proposed involves a burden not falling equally on all the industry of the country, but falling on one department of that industry only, namely, the iron manufacturing interest, and that department itself not only needs, but deserves, at least equal relief at the present conjuncture. The bill proposes to encourage railroads, not by simultaneously encouraging the domestic manufacture of iron, but by sending the railroad companies abroad to buy their iron in foreign markets, instead of sending them to our own furnaces and forges. It is, therefore, a bill to encourage and protect foreign miners and manufacturers of iron instead of encouraging American miners and manufacturers.

The amendment which I have offered seeks to correct that injustice. I know that the measure which it proposes is a novel one. But it seems to me to be defensible on every ground on which the main project contained in the bill can be defended. The forms of the two measures differ, but that is all; what the bill proposes is, in fact, a loan of the duties on foreign railroad iron for three years without interest. What my amendment proposes is also a loan of an equivalent amount for three years without interest, where railroad companies shall use American iron. In the one case, the favor extended to railroad companies is in the shape of forbearance from the collection of duties for three years; in the other, it is a loan of money for the same period, and on the same terms.

Incorporate my amendment, and I can very cheerfully vote for your bill. There is, indeed, another objection which arises from contemplating the other aspect of the bill. The bill is a *relief law*. It proposes an interposition by the Government to give temporary relief to a class of its industrious citizens who are laboring under financial embarrassment. Let us examine it closely. Either the law is to be executed according to its terms, or it is not. If it is to be so executed, then we shall give a credit only for three years, at the expiration of which period the duties are to be refunded. This credit amounts, as I understand, to about $1,000 a mile of the railroads which are now being built. The whole cost of building railroads is about $30,000 or $35,000 a mile.

Sir, will the railroad companies be less embarrassed three years hence than they are now? Will they be sounder and better able to pay then than now? Is anything more certain than it is that, if you stimulate forever, the sufferer will ultimately be exhausted? If by this process the railroad companies are pushed into deeper and more inextricable embarrassment, the relief will have failed. Then you must renew and extend the credit for a longer period, or remit the duties altogether.

But relief laws, always objectionable by reason of their very nature, are doubly objectionable when they are partial and discriminating. Other branches of industry are embarrassed not less than the railroad interest. Such is the case, especially with the woolen interest and the iron interest. They will come to you for relief, also; indeed they are here now importuning you for relief. Will you extend it to them? No; for that involves the necessity of raising duties instead of remitting or giving a credit for them. But these are as important and as meritorious as the railroad interest. They create wealth by converting unimproved resources into capital, while railroad companies create no wealth, but only favor its creation. I am not inimical to railroad enterprises; throughout my whole public life I have favored them, and I share now the suffering of those who have come here to urge this measure.

But I cannot go for such a discrimination as this in their favor. It is actually loaning them additional capital. The miners and forgers of iron in New Jersey, New York, Pennsylvania, and Virginia, want more capital, also. Capital is deranged in its flow through all the channels of industry and trade. It awards now the railroad builder, the wool manufacturer, and the miner and manufacturer of iron. You seek by this bill to direct it into the railroad channel again. But in just the same degree you would divert it from the other channels. Other interests complain, and justly complain, that not only all the embarrassments of railroad enterprises, but also all their own, result from too much partiality having been already exercised by Legislatures, State and National, towards railroad enterprises. The usury laws maintained everywhere with more or less stringency in regard to all other departments of industry, have been virtually suspended in favor of railroads. They are now enjoying the questionable advantages of being allowed to raise money at rates of twenty, twenty-five, thirty, or forty per centum in the money market, while the wool manufacturer, and the miner and forger of iron, is obliged to be content with offering only six, or seven, or ten per cent.

Besides this, the railroad interest has had the benefit of liberal grants of public lands, and of credits furnished by municipal corporations, towns, cities, and States.

It is, in fact, this partial legislation which has stimulated railroad building in such a degree that it has been carried to excess and extravagance, resulting in not only its own embarrassment, but also in the universal derangement of trade and industry.

What is proposed by the bill before us, is only a perseverance in the same policy that has produced the evils complained of. You may alleviate, but the money market has got to recover its equilibrium before you can restore soundness to the railroad department. Sir, railroad stock that is perfectly sure and ultimately sound, and is paying seven, or eight, or ten per cent. dividend, is depreciated ten per cent., while money can be borrowed at six or seven per cent. on private obligations. This shows conclusively that more than a due proportion of capital has gone into the construction of railroads. If you mean to relieve that department of industry, together with all others, you can only do it by leaving nature to work out her own cure; or else by returning to that generous system of equal discrimination in favor of all departments of industry.

The American people are strong and vigorous. Our Federal system of revenue is yet sound. The spirit of enterprise, although checked, is yet unimpaired. Leave all existing embarrassments of railroads to correct themselves, and the railroad companies, whose undertakings are feasible and judicious, will recover in due time. Any tampering with them will only continue the existing evils, and prevent the separation of those which can be saved from those which, ultimately, must end in ruin. I ask the yeas and nays on the amendment which I have offered.

EFFICIENCY OF THE NAVY.

SPEECH OF HON. J. MORTON,

OF FLORIDA,

In the Senate, *February* 26, 1855.

The bill to promote the efficiency of the Navy being under consideration,

Mr. MORTON said that he had intended to postpone any remarks which he had to make upon this question until a vote was taken on the amendment offered by the Senator from Maryland, [Mr. Pratt,] but as that amendment had brought into consideration generally the merits of the bill, he thought it proper he should say something at this time. It is not my habit [said Mr. M.] to enter into the discussion of bills general in their character. I have seldom or never obtruded myself upon the time and attention of the Senate, except in the consideration and discussion of bills of a local character, in which my constituents had a direct interest. I have always preferred that questions of general policy should be dis-

cussed by Senators more practiced in debate than myself; and if I felt doubt as to the vote I should give, I have listened to be informed by the remarks of the able Senators around me. I should not, Mr. President, have departed from that course now but for the fact that I was not in my seat when this bill first passed the Senate, and the enunciation of the journals of the day, which has been repeated by my colleague upon this floor, that it passed by a unanimous vote. That is all true in point of fact. The bill, as I understand it, was taken up during the morning hour on private bill day, and, eliciting no discussion, the attention of the Senate was not particularly drawn to its provisions, and it passed without opposition. Had I been present I should, at least, have recorded my vote against its passage.

I am opposed to the bill, Mr. President, in principle and in detail. An impression has gone abroad in the land, and pervades both Houses of Congress, that the *personnel* of the Navy is an inferior corps. This, in my humble estimation, is not the fact. It is said that there are many excrescences on the corps, and that the pruning-knife should be liberally applied. From this proposition, too, I dissent. The *personnel* of the American Navy never occupied higher ground than at the present time. It will compare most favorably with that of any other navy in the civilized world, in every respect. I believe, with the Secretary of the Navy, that "the corps is still full of chivalrous and gallant officers, who are not only ready for the post of danger, but would sustain the proud reputation of our Navy which has won so many laurels for our country, and by its brilliant victories cheered the heart of many a desponding patriot." This is but a just tribute to the officers of the Navy, who only require a proper opportunity and a proper cause to manifest to the world their gallantry and chivalry. Let such opportunity or cause offer, and my word for it, sir, as many laurels would be won now as were gained in the war of 1812.

The Navy, Mr. President, may require reform, but not in the way proposed by the bill under consideration. Have laws and regulations for its government that are well defined; increase the number of your ships, and let them be put in commission, thereby giving your officers active service; do these things first, and then direct your attention to the *personnel* of the Navy. It is said that many officers have not been in service for twenty or thirty years. Is this so? Where is the evidence? How many are there? With a pretty extensive acquaintance in the Navy, I know but a few, a very few, who have not been to sea within that time; and of those the most of them have served in all the different grades in the Navy, from that of a midshipman to the commodore of a squadron. There are some three or four who have not been to sea from physical disability, but that disability arose from the casualties of honorable service.

But, sir, admit that many officers have not been to sea for twenty or thirty years. What is the reason? It is because the policy of the Government has been not to have many vessels in commission at the same time. The records of the Navy Department will show that these very officers, or the greater part of them, have been constant applicants for service. Look at your Navy Register. You have sixty-eight captains, but you have not employment for more than twenty. You have ninety-seven commanders, but not employment for more than twenty-five or thirty. All these officers, as I before remarked, only require a proper occasion, and by their noble bearing they will not only decorate their brows with unfading laurels, but reflect the highest honor upon the service and the country.

But, Mr. President, let it be granted that the pruning-knife should be applied to the *personnel* of the Navy. Does this bill do it in the proper way? The President now has the power to do what this bill proposes, with the exception of increasing the number of officers of each grade. Can he not put officers on leave of absence or waiting orders? What is that but a reserved or retired list? Nearly one half of the officers are in that position now.

But, sir, this bill creates a board which, if not contrary to the letter of, is certainly against the spirit of, the Constitution and all the principles of our Government. It establishes a species of "star-chamber court," responsible to no one for the manner in which it discharges the high trust confided to it. Officers are to be brought into review before that court; their characters and service inquired into upon *ex parte* testimony, no opportunity offered them of being heard; not allowed to confront the witnesses, or to offer testimony to rebut false allegations against them. The first thing they know they will be struck down by an invisible blow, not discerning whence it came. It is a mere revival of that inquisitorial board of officers organized by Mr. Bancroft, when he was Secretary of the Navy, whose proceedings have never seen the light. It is well known that the officers constituting that board looked upon the duty required of them with loathing and disgust, as well as incompatible with the honor and dignity of gentlemen.

The board as now proposed is an irresponsible body; it is a "power behind the throne." The President is to act *by and with its advice and consent*, instead of counseling with this *Senate*, as provided for by the Constitution. If this board is necessary to enable the Executive to do his duty, certainly, Mr. President, *this Senate* should be consulted before its acts receive the full force of law.

There is not, Mr. President, a captain in the Navy at this time who did not belong to it in the war of 1812, when it fought itself, if not into existence, I may safely say into favor with the American people. Many of them served with Decatur, Bainbridge, Hull, Stewart, Jones, McDonough, Perry, Blakely, Biddle, Burroughs, and the other gallant spirits of that day, and assisted in achieving those victories which reflected so much honor upon our country, and raised the drooping spirits of our people at that eventful period. Their exploits are interwoven with and constitute the brightest pages of the nation's history. Shall there be a sad counterpart in our future annals on which it is to be recorded that these honored names are no longer worthy to stand in prominence upon our Naval Register? Many of them have received the thanks and other testimonials of Congress and of State Legislatures for their gallant and valiant deeds, and many of them will carry to their graves honorable wounds received in the service of the country. Those who did not distinguish themselves in that war only wanted the opportunity, and the evidence that they have performed well their part is that they are now occupying the highest grade in the Navy.

With one or two exceptions the captains of the Navy are now as vigorous and capable of performing honorable and useful service as the officers of any other grade. If it be the object to get rid of the officers now filling the rank of captain, and supply their places from the commanders, I warn, in a spirit of kindness, all parties concerned that the people of this country will never consent that an act of injustice shall be perpetrated upon men who have periled their lives in their country's cause for the purpose of promoting the interested and selfish views of their juniors. The captains of the Navy are known to the country. "They have been tried, and not found wanting;" and if we were to be so unfortunate to-morrow as to be involved in a maritime war, to whom would we look to command our fleets and squadrons? Certainly to that class of officers which it is the object of this bill to pull down and destroy. It is said that the commanders and lieutenants are exceedingly anxious that this bill should become a law. If it be so, I tell them in a friendly voice, to use a common expression, "they are cutting their own throats." They are advocating a system which will in a short time permit them to enjoy the sweets of retirement, when they will be able to say that "the post of honor is a private station." They are not to be the officers to whom the country is to look in future. We are told, sir, by the Committee on Naval Affairs—

"The Naval Academy has given and is giving to the country officers not only thoroughly educated for the duties of the service, but whose character would adorn any profession. These are the men who will be called upon, in the command of our fleets and ships, not only to contend with the ability and advancement of European navies, but as the protectors of the rights of American citizens and property in foreign seas and foreign countries. A knowledge of the institutions, government, and commercial systems of maritime Powers, and a general acquaintance with the laws of nations, and of the rights, duties, and obligations under them will be demanded of them." (See p. 8, Senate Reports of Committee on Naval Affairs, 1st session, 33d Congress.)

Now, Mr. President, the commanders, lieutenants, and passed midshipmen have not had the advantages of an education at the Naval Academy, which seems, in the estimation of the committee, to be essentially necessary for the command of our fleets and ships. It is true the academy has not been in existence more than seven or eight years, but it has already sent forth graduates enough to fill the two higher grades, and when we have such high *qualifications* and *experience* in the service, why should not the country avail itself of it? The world, Mr. President, is progressive; there is a short road to science and literature, and why should there not be to seamanship and the other qualifications necessary to make a perfect naval officer? There is such a road, sir, or at least the Committee on Naval Affairs say so, and I am the last man to question their *scientific* and *practical* information. That road is an education at the Naval Academy. Take a boy, sir, who had never seen a ship; let him remain four years at Annapolis, making during the time one or two trips in the summer across the Atlantic in the practice ship: he goes forth duly qualified to command fleets and ships, to act as a negotiator of treaties, a warrior, judge, and pacificator—an officer that would throw your Hulls, Bainbridges, Stewarts, and the officers of the war of 1812 into the shade!

Now, Mr. President, I do not pretend to question the correctness of all this, for the Naval Committee tell us so, *and they know;* but, at the same time, I must be pardoned if I should suggest to my friends amongst the commanders, lieutenants, and passed midshipmen, that, inasmuch as they have not had the advantage of these short-cuts to a knowledge of their profession, they should rest quiet and wait until they are promoted in regular order, as were their predecessors. The "scientifics" will be close upon their heels, and we shall hear them say, "we can't wait." "Did not Perry fight the battle of Lake Erie when he was twenty-eight years old, McDonough that of Lake Champlain at thirty-one? And was not Stewart, when he captured two ships, the Levant and Cyane, with the Constitution, but thirty-nine, and Bainbridge, when he took the Java, only thirty-one? And these heroes were not so well qualified as we are, they never having had the advantages of a scientific education at the Naval Academy at Annapolis."

I am by no means, Mr. President, opposed to the Naval Academy. I think it all right that we should prepare our young men by a proper education previous to their entering upon the practical duties of their profession. I merely mention the Naval Academy to illustrate to those officers who are so urgent for the passage of this bill what they in turn may very speedily expect. If these gentleman will have a little patience, and wait for that Providence which rules over the destinies of men, the senior war-scarred officers will be retired soon enough; and when they do go they will not have to say that, after having fought the battles of the country and faithfully and honorably served her in every part they were called to act, they were chagrined, mortified, and degraded because their juniors desired their places.

I have said, Mr. President, that if this bill passes it will accomplish nothing but what the Executive has the power to do without its intervention. It will be nothing more than the creation of a class of hermaphrodite officers, making some commanders captains, who will neither be captains nor commanders, and some lieutenants commanders, who will neither be commanders nor lieutenants. The system would form a class of officers unknown to the laws. If a man is a post captain he is entitled to all the *pay*, rights, and privileges of a captain, and so with commanders and lieutenants. When one of the captains proposed by this bill goes to sea he does not get the *pay* provided for his rank; he only gets $2,800 per year in command of a frigate, while the regular post captain would receive, for exactly the same service, $3,500; and when the two are waiting orders or on leave of absence, one will receive $2,500 and the other 1,800. One of these nondescripts might be in command of a seventy-four gun ship, receiving $2,800 per year, and a regular

captain be in command of a thirty-six gun frigate, receiving $3,500 per year, and both serving in the same squadron. Why this inequality, requiring the same service and responsibility of both, *and yet pay one seven hundred dollars less than the other?* It is, Mr. President, not only wrong, but unjust in all points of view. If an officer is a captain or commander, give him the *pay* provided now by law for such rank; he is entitled to it upon every principle of justice, and it is wrong to withhold it from him.

We are told, Mr. President, that this bill will not increase the aggregate cost of the *personnel* of the Navy; that it is so arranged that it will not require an additional cent of appropriation. Well, sir, this is a most extraordinary discovery, and the gentleman who made it ought to receive the most profound gratitude of the country. Congress is asked to perpetrate an act of injustice, create heart-burnings and jealousies in the Navy, because it will not be a charge upon the public purse. If, Mr. President, this reform and reorganization be required in the Navy, why should it be measured by dollars and cents? Money cannot compensate us if the national honor is tarnished, and the stars and stripes hauled down in disgrace in a naval contest. It amounts to this, and the friends of the bill cannot say any more or less; the *personnel* of our Navy is inefficient, decrepid, and behind the times; it requires reform and reorganization, but it must not cost a dollar beyond the present sum required for its support. If it does cost more the present organization will do well enough. Now, such logic as this will not do for the American people. Our constituents, Mr. President, look upon the Navy as a great element of national defense, and will not be satisfied if we estimate its efficiency by its cost. When the advocates of this measure have to resort to such arguments as have been advanced, there cannot be much merit in, or necessity for, this boasted reform.

I am, Mr. Ptesident, for paying the officers in the service of the country the full amount to which their rank entitles them, so that they may support the dignity of the position and fully maintain the honor of the flag either abroad or at home. How humiliating will it be, sir, to one of these new captains, when he returns from a cruise of two or three years, having commanded one of the largest ships in the Navy, to find that he is embarrassed, having absorbed all his pay in maintaining the honor and dignity of the flag of his country, and then settle down on a commander's leave-of-absence pay! If you promote these officers in the manner proposed, in the name of justice I ask you to make no discrimination in the pay. Give them the pay which the law prescribes for the rank. Pass this bill in its present shape, and eighteen months will not elapse before you will have petitions on your table to increase the pay to which the rank entitles him, and complaining loudly of the injustice of the inequality of the *pay* of officers of the same grade. The time of the Senate and House that will be taken up in the consideration of those petitions will be worth more to the country than the cost of the difference of pay which you propose to save by this bill.

The board, Mr. President, is to be composed of five officers of the three higher grades, and no officers are to examine into and report upon the efficiency of a grade above them. When the efficiency of the captains is inquired into, I presume the senior captains will have their characters, qualifications, and efficiency examined into by five of their juniors; for it is to be presumed that the Executive will select from each grade none but officers about whom there can be no question as to the propriety of their remaining on the active service list. Now, sir, this board is to inquire into the capacity of the officers promptly and efficiently to discharge all the duties, both on shore and afloat, which may be required of them; and, if incompetency should arise, in the judgment of the board, from any cause implying sufficient blame on the part of the officer to justify it, they shall be recommended to be stricken from the roll of the Navy. Just imagine, Mr. President, the gallant Stewart, (Old Ironsides,) the only officer on the Navy list who was a captain at the commencement of the war of 1812, who, with Commodores Hull and Bainbridge, prevented the ships of the Navy from being laid up in ordinary; a man for whom the brevet rank of admiral ought to be created for his gallant deeds and long and meritorious service; imagine, I say, this gallant officer passing in review before five juniors, (no matter how the board is constituted, they must be his juniors,) and they should say that he is incompetent to promptly and efficiently discharge all duty that might be required of him, both afloat and on shore. The board would have to inquire into the causes of the disability, and if, in *their opinion*, (he not being heard,) it proceeded from any cause implying sufficient blame on his part to justify it, they would be bound to recommend that his name be stricken from the roll of the Navy. Again, this board has not only to inquire into the mental, but the physical condition of the officers. Then, sir, there should be surgeons on the board to examine into their physical condition. Certainly, the board as now constituted, will be incompetent to decide upon the physical qualities of an officer. Will it not be a beautiful spectacle, sir, to see one of our captains, who participated in the victories of the war of 1812, passing before this board, composed of his juniors, the most, if not all, of whom never smelt gunpowder, except in the firing of a salute, stript to the buff (as they do raw recruits) to ascertain his physical condition. The gout, I am told, is hereditary, but that it sometimes passes over a generation and visits the succeeding one. Now, suppose that an officer's father had the gout, and the officer, relying upon the theory that the disease would pass by him, had occasionally indulged in liberal libations of Southside Madeira, and had fared sumptuously when he was on shore, and the gout should be the consequence. Why, sir, this gout, which he inherited from his father, and therefore his misfortune and not his fault, might in the estimation of this board, render him incompetent to perform his duty on shore or afloat, and it might decide that this incompetency arose from a cause implying sufficient blame on his part to justify it, and therefore they would be bound to recommend that his name should be stricken from the rolls.

But it is unnecessary for me, Mr. President, to point out what this board can or will do. It is organized upon a wrong principle, one that is violative of all right and in direct opposition to those great constitutional privileges which are enjoyed by the citizen for his protection. Why, sir, if a citizen is prosecuted for a simple assault, he is entitled to a speedy and public trial, by an impartial jury. He must know the nature and cause of the accusation; he must be confronted with the witnesses against him; he is entitled to compulsory process for obtaining witnesses in his favor and the assistance of counsel for his defense. No judge will or can preside in a matter where he has the most remote interest; no juror who has formed and expressed an opinion on a case is competent; no member of Congress or of a State Legislature will vote upon a question in which he has a personal interest. Organize this board as you will, its acts must be in conflict with all these constitutional and dearly-cherished guarantees. The members of the board will be directly interested in their decisions unless you take the five senior officers of each grade. Of this there is no prospect. If you take junior captains they are interested in getting their seniors out of the way. So with the commanders and the lieutenants. It does not follow, Mr. President, because the naval profession is highly honorable that its member are not subject to all the passions, feelings, and prejudices that we are; they are nothing more or less than poor human nature, and we have no right to expect that they will differ from the rest of the world. We should not lead into temptation, as this bill will certainly do, the officers who will, in all probability, compose this board.

By the law, Mr. President, governing the organization of courts-martial and courts of inquiry, where the accused has an opportunity to confront his accuser, cross-examine witnesses for the prosecution, and introduce testimony on his defense, a majority of the court must, if the exigency of the service will permit, be his seniors. There is no such provision for this inquisitorial "star-chamber court." The junior officers of each grade can be taken; and in the case of the captains they must necessarily call in question the character, qualifications, and habits of their seniors.

It appears to me, sir, that no officer of a proper spirit would sit upon such a board. The duty must be one from which all honorable men will shrink with disgust. What, sir, sit in judgment in *secret*, and criticise the character of brother officers who have served with them, under all circumstances, and have been their shipmates for many a long cruise, shut out from family, friends, and country! I cannot think that the gallant spirits of our Navy will willingly embark in any such disgusting duty.

We have heard lately, Mr. President, in this Chamber and elsewhere, something in the shape of scathing and scornful denunciations of secret conclaves and midnight associations to take away men's constitutional rights, and invade their political privileges. Will you imitate that system which you recently deemed so deserving of your scorn and indignation? Will you give the sanction of law to a *secret* and inquisitorial body? I can scarcely think that all the consequences of this method of dispatching the time-honored veterans of the Navy have been seriously considered by this Senate, heretofore viewed as the "palladium of our liberty."

It is acknowledged, sir, by the friends of the bill, that it is not perfect, and that it may require further legislation to make it so. Yes, sir, it is not perfect; and twelve months will not roll around before there will be petitions on your table asking its repeal, and praying that the *personnel* of the Navy may be put in *statu quo*. A year will not revolve before you hear loud complaints from the service, and amongst the advocates for the measure now you will find a majority of them hereafter denouncing it.

It is not advisable, sir, at this late period of the session, to pursue these remarks. My object was to make known to the Senate, to the country, and to my constituents, my opposition to this bill; to let them know that I think it manifestly unjust to the officers of the Navy, subjecting them to a humiliation which is unnecessary and uncalled for; that it accomplishes nothing, or but little, but what the Executive can do without its enactment. He has the right to keep them on leave-of-absence pay, and if they are not worthy to pass them by in promotion. He has the right, or at least he exercises the right, of striking officers from the roll of the Navy. It is but a day or two since he struck from the rolls a most gallant and chivalric officer. I do not mention this fact as a censure of the Executive, but to show to the Senate and to the country that he claims and exercises the power that this bill proposes to give him.

I shall not do now, Mr. President, what I intend during the progress of this bill—move its indefinite postponement. I shall not do it at this time, as my friend from Maryland wishes to have a vote upon his amendment, which, if the bill pass at all, I think it is nothing but just and proper should be adopted. I consider if reform be wanting in any branch of the service, it is required as much in the medical corps as any other attached to the Navy. In time of peace there is no corps in the service which requires more efficient and well qualified officers than the medical. I shall, after the vote is taken upon the amendment proposed by the Senator from Maryland, move the indefinite postponement of the bill.

INCREASE OF THE ARMY.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1855,

On the proposition to raise four new Regiments for the regular Army.

Mr. BENTON said:

Mr. CHAIRMAN: This large proposed increase of the regular army comes from an Executive recommendation on account of Indian hostilities, and is an intended permanent increase for an admitted temporary exigency. This is illogical, and implies some design beyond the object avowed. I like the proposed substitute of our Committee of Ways and Means much better, which is to raise volunteers for a limited time; and still better I like the proposal which I shall submit, and which is to

raise a temporary force of mounted rangers. Both these substitutes—the volunteers and the rangers—are each preferable to this permanent increase of regulars, if the Indian war is the real object; for either of these kind of troops would be much sooner raised, more efficient in the field, and cheaper, because disbanded as soon as done with. The Executive communication contemplates a great army of Indians assembling from many tribes, which we shall have to fight: that is a groundless supposition. There is no Indian army anywhere, and will be none. The time has gone by when Indians can assemble, and form an army, and fight battles, as with St. Clair, and Wayne, and Braddock. Neither their numbers nor their means of subsistence will admit of such assemblages now. Predatory expeditions, attacks upon families, upon travelers, upon hunters and traders, is all that is to be looked for now; and of that we have more than ever was seen before, and with more cruelty than has been witnessed in half a century. These depredations extend now from the Mississippi to the Pacific ocean; from Texas and New Mexico to California; from Kansas, Nebraska, and Minnesota, to Oregon and Puget's Sound. Never was such a universality of Indian war seen before! and much of it of recent origin, where Indians have always been peaceable. Lewis and Clark went to the Pacific with forty-five men, and returned safe, receiving hospitality all the time. Frémont, with an average of twenty-five men, made thirty thousand miles of wilderness explorations, without collision with Indians; and aided by them: emigrants to Oregon, for a long time, went safe—themselves, their flocks and herds. The same of the emigration to California, and the intercourse with New Mexico. All safe until lately. Now every path is infested; emigration almost suspended; the great western trade in stock quite broken up; massacres on every line of travel; and some of them with a savage barbarity of which there is no parallel since the old cruel times when prisoners were tortured, and roasted alive, and tormented to death.

Why this universal hostility where there had been so much peace? Why this universal war when the Indians have become so much weaker, and we so much stronger? Why this universal Indian war when there is no foreign war to incite it? Why this revival of savageism in killing with torture when so much had been done to soften the Indian temper and customs? Why such a change in so many tribes which had been so long peaceable? There is a change, a great change, and there must be a cause for it. What is it? Sir, it is my prerogative to answer that question. I have the knowledge, and the courage to do it. My local position, beyond the Mississippi, enables me to know; my temper, if not duty, incites me to know; my sources of information are radical and primary, face to face with men who do know, and admitting of no mistake. I will tell the reason.

First, the removal of faithful, experienced Indian officers, (agents and superintendents,) and putting into their places ignorant, unfit, mendicant politicians. *Secondly*, sending our school-house officers and pot-house soldiers to treat the Indians as beasts and dogs. These are the two causes, and I will verify them before I sit down. I consider what I say, and shall verify it. The ignorance and negligence of the politicians sent out as agents and superintendents, is one great cause of these unprecedented Indian hostilities; the ignorance and misconduct of our army officers and soldiers is another, and the greatest of the two. The first is self-evident, beginning with the Indian commissioner here, and following down the appointments until they run into the ground. The second is provable, and I proceed to prove it, taking the two eminent instances—those which make this call for troops—the Apache and the Sioux war—for my illustrations. Does any member here know when this Apache war began? I presume not. Then I will tell him. It began on the first day of August, in the year 1849—five years and a half ago. Does any one know where it began? I think not—and I will tell him. It began at a United States military post in a Mexican village called the Moro, or Las Vegas, (which signifies the meadows,) about one hundred miles this side of Santa Fé, and on the traveling route between New Mexico and Missouri. There is where it began. Does any one here know how it began? I am certain no one does. Then I will tell him, and prove it. It began thus: A party of Jicarilla (Hee-ca-reel-yah) Apaches, at the time mentioned, consisting of about forty persons, chiefly women, children, and boys, comprising the families of ten or twelve men, came into the Moro to trade—their usual place of trading, and nearest to the country they inhabit on the head waters of the streams flowing into the Red river and the Arkansas. The captain in command at the place took it into his head—I believe I should say West Point head, for such an idea could have gone into no other head—"that the true object of this visit of the Indians was to inform themselves of the strength of the garrison and other defenses of the place, with a view to an attack upon it at some future time." With this idea in his head, and a sword by his side, and brimfull of tactics, he acted upon the conception promptly, militarily, and energetically. He sent out a sergeant to order the Indians off. Not feeling the force of the command, the Indians continued their purchases, especially of powder and lead, always their first want, as the subsistence of their families depend upon killing game. Hearing this contumacy the officer sent out his sergeant again, with fifteen armed soldiers, with orders to bring the disobedient party into his fort. Seeing the armed force approach, the Indians began to move off; and the officer, seeing them move off, mounted his whole force of dragoons and put them on the pursuit. The Indians fled, the dragoons pursued. The flight and pursuit continued eight miles, women and children massacred all the way. As they fled through the long, scattered village of Moro, the Indians called out to the Mexicans: "*What are the Americans killing us for?*" To which the astonished Mexicans gave that eternal Spanish answer in all cases of dubiosity: "*Quien sabe?*" *Who knows?* The results of the pursuit and slaughter, or "*battle*," as it was militarily called, were, twenty-three Indians killed, consisting almost entirely of women, children, and boys, and one sucking babe; one "*full grown Indian*" captured, but who escaped; six prisoners brought into the fort, to-wit, three squaws, all wounded, one of them a young woman of eighteen, whose babe had been killed in the "battle;" and three boys, wounded. On the side of the United States troops, none were killed, and three or four wounded, and they with arrows. The prisoners were detained in the fort, where their wounds were dressed by the garrison surgeon; and the young woman, for want of a child to draw off the milk from her fevered breast, performed that office for herself.

Thus twenty-three Indians were killed; six were prisoners; and any one who knows anything of Indian law, or Indian nature, knows that two principles are deep seated in their bosoms: hospitality, and revenge. They give food to the hungry; they avenge an injury. Blood for blood is their law, and their nature. If the slayer is of their own tribe, they take him; or one of his kin if he flees; if of another tribe, they take any of the tribe; if of the white race, the revenge falls upon any of the race—and fall upon some one it surely will. Here was a case for the fulfillment of that law—twenty-three dead and six prisoners to avenge, and the white race to pay the penalty. The United States soldiers who had shed the blood, and drawn down this vengeance, and all the United States troops in New Mexico, were safe—securely protected in their well barred and strong built forts. Travelers and settlers were to receive the blow: and soon they had it. Early in October following that bloody 1st of August, a traveling party of half a dozen persons, near the Point of Rocks on the Santa Fé road, between the Moro and the Arkansas river, were massacred—one woman and child carried off alive, afterwards known to be the hapless and unfortunate Mrs. White. Same time, and near the same place, a party of some thirty Mexicans, all men, returning from a hunting expedition, were attacked by a large body of Indians, four of their number killed, and some wounded. At the same time a party of eleven Americans (among them Mr. Hugh N. Smith, the New Mexican Delegate in Congress) arrived at the same place, on their way to the United States, and only escaped attack and destruction by falling in with the defeated Mexicans. These, just escaped from a bloody field, warned the party of their danger, and pointed to the smoke rising from the camp-fires of the Indians a few miles ahead on the trail, lying in wait for new victims, and alluring them on by the sight of what would indicate, in such a place, the hospitable camp of some traveling party. Upon this warning all returned together, Mexicans and Americans, to the Moro, and Mr. Smith's party applied to the commanding officer for an escort of dragoons as far as the Arkansas river—which covered the most dangerous part of the ground. The officer refused it, alleging want of authority, and interference with some warlike plan which he had conceived—refused the national protection to citizens on whose heads he had himself brought down the danger. Mr. Smith went back one hundred miles to Santa Fé to get an order for the escort from the superior officer at that place; that officer refused to give the order, but left it to the discretion of the commander at the Moro to give the escort or not, as he pleased. He pleased not to give it; and so the eleven Americans remained waiting for other travelers to come along, and make up a party strong enough to go through. In the mean time the United States mail from Santa Fé came on: hearing of the danger ahead, the carrier applied for an escort, which the officer refused to give: and so the mail stopped and waited with the rest. While waiting, Mr. F. X. Aubrey, well known as an enterprising trader and traveler in New Mexico, arrived at Las Vegas from Missouri, and applied to the commander for an escort to enable him to bring forward his goods, (principally groceries and liquors,) of which he had made a *cache*, as the traders call it, (a hidden deposit,) on the Cimarone river, near the Arkansas, until he could get a guard for his wagons. The officer gave him the escort, a troop of twenty-five dragoons, commanded by a second sergeant—a lieutenant's command confided to a second sergeant! Under this protection—this liquor escort—the party of Mr. Smith and the mail resumed their journey to the United States. By this time it was known that a woman and a child had been carried off alive at the massacre of the traveling family, and the officer determined to make some sort of effort to recover the captives. For this purpose he sent with his detachment one of his squaw prisoners, to go as far as the place of the massacre, and to be instrumental in some way in getting back the captive mother and child; and for which service the prisoner squaw was to have her freedom. Arrived at the Point of Rocks, the squaw claimed her liberty. The sergeant said it was the place, but not the time; that she was to be set free there on her return; and directed her to get in the wagon in which she was transported. The squaw refused; force was applied. She resisted; arms were used—a knife on the part of the squaw, pistols and carbines on the side of the dragoons. It was a fierce contest, but numbers and arms gave the victory to the dragoons. The squaw was knocked down with the butt of a gun, but rose and rushed at her foes. She was fired at with a horse pistol, struck on the head with a ball, and fell; but rose again, and rushed at the soldiers, "scattering them in every direction." Then the carbine was brought into play, and the woman, fired upon from a safe distance, was killed with rifle bullets—it having been easy to have secured her each time that she fell. Her leather garments were cut into thongs for whip lashes, and the naked body left on the ground for the wolves to eat, which they did; and a party coming along shortly after, in which there was a physician, he, examining the skeleton—picked clean of flesh, skin, and muscle—pronounced it to be that of a female, but of what race he knew not. It was the skeleton of the captive Indian woman, wounded and made prisoner of war in the "*battle*" of the 1st of August, and killed in the combat of November 1st with the twenty-five dragoons.

And this is the end of the first chapter in the Jicarilla Apache war; and how I came to know it all may now be a question with some. I can assure them it was not by reading official reports, either from officers to the Secretaries at War, or from the Secretaries to Congress. It was by reading the Santa Fé Gazette, where my attention was first awakened; then by conversing with persons familiar with the scenes; and from written responsible accounts from those who knew, drawn

up at my request, and given to me for public use. And I will now use one of these statements, drawn up by Mr. J. W. H. Patton, of Independence, Missouri—a gentleman to me well known, and for whose veracity I vouch. (This statement was not read in the delivery of the speech, for want of time, its contents only given; but is now inserted in full as the testimony of an eye-witness, competent and credible, and whose statement will be corroborated by the general voice of the country, and by the special statement of numerous persons equally cognizant of the facts, and whose names Mr. Patton gives.)

"About the 8th or 10th of August, 1849, I arrived at Las Vegas, New Mexico, on my way from Independence, Missouri, to Santa Fé, in company with Benjamin F. Thomson and his train of merchant wagons. Having learned from some travelers whom we met on the road, that a battle had been fought at Las Vegas, between the United States troops stationed there and a band of the Jicarilla tribe of Apache Indians, we made inquiries concerning the difficulty, and were informed by some of the citizens and soldiers of the place—both classes agreeing in their statements—that, about ten days previous to our arrival, viz: about the 1st of August, 1849, a party of the Jicarilla Indians, numbering about forty, a large proportion of the number being women, youths, and children, came into the town, under a sub-chief, with the avowed purpose of making a treaty of friendship with the military commander at that post. The commander informed them that he would make no treaty except with the head chiefs of the tribe; and believing, as he said, that the *true* object of this visit of the Indians was to inform themselves as to the strength of the garrison, and other defenses of the place, with a view to an attack upon it at some future time, (upon what he predicated his suspicion I do not now remember,) he ordered them off from the town. Instead of obeying this order, they dispersed in various directions through the village, trying to make purchases of powder and lead. The commander being informed of their efforts to procure ammunition, immediately dispatched a sergeant with a detachment of fifteen soldiers, with orders to bring the Indians before him for the purpose of being further examined as to their intentions. The Indians, seeing the armed soldiery approaching them, precipitately fled from the town; whereupon the commander ordered his whole company of dragoons to mount and pursue them, which they did, engaging with them a short distance from the town, and keeping up a running fight for the distance of eight miles. In the engagement twenty-three Indians were killed, including many women and children, and seven prisoners were taken, consisting of one full grown Indian, who subsequently made his escape, three squaws, and three youths, all of whom, I believe, were wounded. Of the United States troops, three or four were wounded with arrows.

"Captain Judd was military commander at Las Vegas at the time of the occurrence above mentioned. The garrison consisted of one company of Flying Artillery, but the company was mainly used as dragoons. —— Burnside was first lieutenant of the company. The names of the other officers of the company I do not now remember.

"In company with B. F. Thomson and Lieutenant Burnside, I visited the guard-house in which the Indian prisoners above mentioned were confined. On entering, we found the surgeon dressing a wound upon the shoulder of the youngest of the squaws, (who appeared to be eighteen or twenty years of age,) and at the same time, she was drawing the milk from her breast. Mr. Thomson asked where her child was. Lieutenant Burnside remarked in reply: 'I was taught by my mother that nits breed lice.' Her child had been killed in battle. Among the other prisoners was a woman apparently about forty years of age, and her two sons, respectively about nine and twelve years of age. The woman last spoken of will again be mentioned of in the course of my narrative.

"Returning from Santa Fé to Missouri in company with a party of ten besides myself, consisting of Hugh N. Smith, who was on his way to Washington city as Delegate to Congress from New Mexico, B. F. Thomson, John Corbet, Squire Asbury, Captain Papan, Mr. Miller, Grace Dale, two Mexican servants, and another person whose name has escaped my memory, we arrived at Las Vegas about the 6th of October, following the date of the occurrences above spoken of, and started across the plains from that place about the 14th. When about three days travel out from the eastern border settlements of New Mexico, and at a place on the road known as 'the Point of Rocks,' we met a party of thirty or forty Mexicans returning from buffalo hunting, who informed us that, about twelve miles back, on the road they came, they saw the bodies of five or six Americans who had been murdered by the Jicarilla Indians; and that a large party of the same tribe had attacked them (the hunters) the evening previous, killing three of their number and wounding several others. They showed us their wounded companions, and Mr. Thomson, of our party, extracted some arrow points from their wounds. The hunters, pointing back in the direction from whence they came, called our attention to the smoke arising from the camp fires of the Indians, who, they said, were encamped in a strong body upon the road. Thereupon we made an effort to induce them to return with us, and assist in routing the Indians, promising that we would afterwards escort them back to the place where we then were stopped; but they refused, and proceeded on their way to Don Fernandez de Taos, where they told us they belonged. We then counseled among ourselves whether we should proceed on our journey, and brave the danger, or return to Las Vegas and report what we had heard relative to the hostility of the Indians and the murder of American citizens by them, and ask of commander Judd an escort of troops to accompany us through the country of the Jicarillas. The question being put to vote, it was decided that we should return. We reached Las Vegas again about the 20th. I neglected to state in the proper place, that having before heard that James M. White, his lady, child, two servants, a negro man and woman, and three others—eight in all—were on the road, traveling in carriages in advance of their train; and from the description given us by the Mexicans, of the persons murdered and their traveling equipage, we were convinced that it was Mr. White and party who had fallen into the hands of the Indians.

"Immediately upon our arrival at Las Vegas, we informed the commander of all these facts, and requested him to send an escort with us to the scene of disaster, and further, if, upon our arrival there, the information obtained from the hunters should be confirmed by ocular proof. Captain Judd excused himself by saying that he was not authorized by his instructions from the commander at Santa Fé to furnish escorts to citizens returning to the States; and that to grant our request would interfere with a plan that he had in view of making an incursion into the Euta country. Upon this we dispatched one of our party, H. N. Smith, to Santa Fé, for the purpose of asking Colonel Washington, who was at that time commander-in-chief of that department, to furnish us an escort. Colonel Washington declined, but sent Captain Judd discretionary authority to act in the matter as he might think best. In the mean time, the regular monthly mail from Santa Fé for Fort Leavenworth, Missouri, arrived at Las Vegas, and the carriers refused to go further without more men. Mr. Smith returned, and presented Colonel Washington's letter to Captain Judd, who still hesitated to send his men upon the plains, until F. X. Aubrey reached Las Vegas from the States, bringing information that, on account of losing a part of his teams, he was obliged to *cache* two loads of his goods on the Cimerone river, when Captain Judd concluded to send an escort with us, and wagons and teams to bring in Mr. Aubrey's goods. The merchandise consisted of groceries and liquors. Mr. Aubrey also confirmed the previous information of the murder of Mr. White and all his party, excepting his wife and child, who, it was concluded, had been made prisoners by the Indians.

"In order to try and recover Mrs. White and child, the Indian woman, who, with her two sons, mentioned before, was prisoner in Las Vegas, was to be placed in charge of the escort, to accompany them as far out as they were going, and returning with them again as far as the place where the murder was committed, was to be placed upon a horse, and let go to her tribe, with a message from Captain Judd to her tribe, to the effect, that if the Indians would send Mrs. White and child to him, he would release all the Indian prisoners confined at Las Vegas, and give them five good horses to take to their chiefs.

"Accordingly we again left Las Vegas about the 1st of November, accompanied by an escort of twenty-five dragoons, under the command of the second sergeant of the company, whose name I do not remember, (it begins, I think, with '*Van*,') the Indian woman and the party carrying the mail.

"When we arrived at the Point of Rocks, the woman indicated to the sergeant in command that, according to her understanding of the captain's orders, (and the orders had been given in her presence, and interpreted to her,) she was then to be let go free. She was evidently sincere in her interpretation of the orders, but was mistaken; and upon the sergeant's telling her that it was the *place*, but not the *time*, and explaining to *her*, as well as he could, that it was his duty to retain her in his custody until his *return* to that place, and then release her, she, after weeping bitterly for awhile, became apparently reconciled This occurred in the evening after we had encamped for the night. Next morning, when all things were ready for a start, the woman was, as usual, ordered by the man who drove the wagon in which she rode, to get into the wagon, whereupon she drew a butcher knife, which she had managed to procure and conceal about her person during the night, and sprang at the driver, aiming a blow at his breast, which he barely escaped. She then plunged the knife into the bowels of two or three of the mules attached to one of the wagons, when she was felled to the ground by one of the soldiers, with the butt of his gun. She soon recovered from the blow, and springing to her feet, rushed towards the men, scattering them in every direction, but injuring no one. The soldiers recovered themselves, and made ready their fire-arms, and one of them, as the woman still approached, leveled a holster pistol at her head, and fired. The ball struck its mark, and felled its victim—but having glanced, it only stunned her. She recovered before the men, who were slow in approaching her, could secure and bind her. She sprang again to her feet, and with knife uplifted in her hand, bounded towards her enemies with the ferocity of a wounded tigress, when the word 'fire' was given, and she fell, pierced through the heart by a ball from a carbine. I think she might have been easily secured each time when she was felled to the ground previous to being killed; but the most intense excitement prevailed throughout the camp. We left her unburied, after her deer skin shirt had been removed from her body by one of the teamsters, to be applied to making whip lashes. After traveling about twelve miles from the place of this horrible scene, we came to the place where Mr. White and party had been killed; and collecting their remains, as well as we could, buried them, and proceeded on our way, meeting with no other incident worthy of note."

Such is the narrative of Mr. Patton, veracious on its face, known to be true, and provably so by many witnesses. There were now twenty-four Jicarillas dead, as brutally, as dastardly, as wantonly murdered as ever human beings were—and all done by pot-house soldiers, led by sergeants, under the orders of school-house officers, inflated with military command; and here ends the first chapter of the Jicarilla war. But there is a sequel to it worthy of its origin, and which I proceed to give.

The superior officer in command in that quarter very laudably determined to make an expedition for the recovery of Mrs. White, and if he had only left himself, his dragoons, and his artillery behind it would have been successful. He made up an hundred men—forty dragoons, sixty Mexicans, and one twelve pounder, with Carson and Leroux for guides. Knowing the haunts of the Indians, the guides went straight to them, and came on them in fourteen days. The camp was in a deep hollow on a head water of the Red river. Carson and Leroux were ahead with the Mexicans, on a sharp look-out, the signs being fresh, and the pursuit close: an Indian rose up just before them. Leroux accosted him in Spanish, calling him *amigo*, (friend.) The Indian stood and looked as if bewildered and in doubt. At the same moment a chief, well known to Leroux—his name Chacone—appeared off on the right. To run down upon the camp with the Mexicans and rescue the captive before she could be killed, was the instant resolve of Carson and Leroux—a resolve balked and frustrated by the conduct of the dragoons and the commanding officer. Two of the dragoons fired, and alarmed the camp. The commander ordered the Mexicans to halt for the "artillery" to come up, and even to give back to make room for it to fire. It was got up; it was fired; every Indian at that time having left the camp and gone out of sight. Then the party charged—found the camp empty—went through it—and, at a short distance, found the warm, dead body of the unfortunate woman they had come to save, and whose death they had precipitated. She was shot through from side to side with an arrow, and the blood, hot and smoking, (for it was cold weather,) flowed from her wounds. She was dressed as a traveling lady—bonnet, gloves, and cloak, shoes and stockings—and all the usual garments. It was evident that she had been respected and well treated during life, and even her clothes untouched after her fall. Rolled in blankets, and remaining in her bloody dress, she was carried off by the men to receive the most secure and Christian burial which their care and pity could give her.

Years afterwards one of the chiefs told Leroux all the circumstances of this lamentable death. He said they never meant to hurt the woman, and had treated her kindly, giving her a lodge of her own, and saving her own provisions—those taken from the traveling carriage—her tea, sugar, biscuit—all for herself; and were about to send to a settlement for more, as they knew she could not eat their victuals; that she could have been rescued easily if the pursuers had ran into the camp instead of stopping and firing a cannon, as they did; that there were but thirty-five Indians, and they were surprised, and would have run right off, leaving all behind; but when they found they had time, they gathered up their plunder, taking the lady with them; that after starting, she heard the voices of her countrymen, stopped, and turned round, and was shot by a bad Indian before any one saw him. The unfortunate woman was then only two hundred yards from her intended deliverers, and fell a victim to the folly of pot-house soldiers and school-house officers, whose previous folly and criminality had been the cause of her first misfortune. If Carson had been in command she would have been saved; but when he was nominated a lieutenant by President Polk, the Senate rejected him, because he had not approached the army through the West Point gate.

This, Mr. Chairman, was the origin of this Jicarilla Apache war, very bad on our side, and going on at the same rate ever since. It would be tedious, even if there was time in these hurried moments of a night before the last day of this session, to follow the events of the five years and a half of this war, from 1849 down to the present time. One instance must stand for a sample of the whole, and will be produced accordingly for that purpose. It is the case of Lieutenant Davidson's command, almost all killed up, both men and horses, at Cienguilla, twenty miles from Taos, March 30, 1854. The circumstances were these: A band of these Apaches, tired of a war which interrupted their trade, and in which they had taken vengeance enough, approached Taos to make a peace. When at forty miles distance, the head chief dispatched two of his sons and a sub-chief to the commanding officer at Fort Burgwin—

not Lieutenant Davidson—to make known his approach and his wishes, and to bring him back an answer for the government of his conduct. The commander of the fort had them all three arrested and put in the guard house. The two young men escaped, and a sergeant's command was sent in pursuit of them, with orders to bring them back. At the same time the head chief, with his band, continued approaching, and at twenty miles distance, not seeing his three messengers return, but confident of a peaceable reception, dispatched a second embassy, more impressively composed than the first. It consisted of an aged man, and an aged woman, the latter a Christian convert, and bearing the crucifix before her as the symbol of peace and good will. These two aged messengers had got within five miles of Taos, when they were met by the sergeant and his party who had gone out to recapture the two young men. The two old messengers were fired upon, and both killed—the aged squaw holding up the sacred emblem of our religion, which she thought would protect her. That done, Lieutenant Davidson, a clever young man, who deserved a better mission, was dispatched with sixty dragoons to whip the advancing party. Enraged at the treatment their messengers of peace had received, the Indians fought with savage fury, making no difference between men and horses, and killing all they could catch. It was a butchery from which a few escaped by flight.

I have these particulars, not like those of the origin of the war, from eye and ear witnesses, but from people of the country who heard, both from citizens and military, all that I relate, and believed it, and referred me for inquiry (if I chose to make it) to an officer of the medical staff, present at the massacre, and wounded in it; and now in the neighborhood of this city: it was the Army surgeon, Dr. Magruder, long stationed in New Mexico, and now on a visit to his friends in Maryland. I have made no inquiries of him, but refer to him, that others may, if they please I would do nothing to compromise him; on the contrary would give it as my opinion that if he wants smiles at the other end of the avenue, he had better be cautious how he states anything to impinge upon the infallibility of a West Point graduate.

Enough for the Jicarilla Apache war: let us come to the second great war, and the one which principally makes this call upon us for this large increase of the regular army—though I believe Cuba and promotion are the real objects. I speak of the Sioux, the numerous bands of which have been so friendly to us for fifty years—just fifty—from the time that Lewis and Clark first met them in 1804, on their way to the Pacific ocean, down to the year 1854. Here we are not quite so deficient of knowledge upon the origin of this Sioux war as upon that of the Jicarilla Apaches. There is one upon this floor who happens to know all about it, and has been striving to get a chance to tell what he knows. I speak of the Delegate from Kansas, [Mr. WHITFIELD,] late Indian agent in that quarter; and as good as present at the origin of this war. We have besides the cotemporaneous accounts of many eye witnesses, written at the moment without knowledge of each other's report, and published in numerous and various newspapers; and still further, we have the official reports of many army officers, some laboring hard to throw the blame upon the Indians, others frankly falling in with the current of the citizens' reports, which throw the whole censure upon our own officers. Let facts decide the case.

Some thousands of Sioux Indians are at Fort Laramie, assembled by the United States agents to receive the periodical annuity secured to them by treaty. They are waiting for the last of the agents to arrive, and to make the distribution. The United States have a garrison at the fort, and two officers in command. In the meanwhile an emigrant Mormon family pass along. There is a lame cow belonging to their herd which falls behind, and a Morman remains in the rear to bring her up. After passing all the Indian camps the cow turns back; her driver keeps on, and an Indian kills the cow, and she is eaten. The Mormon goes to the fort and complains; the commanding officer takes cognizance of the matter, and orders the cow-killer to be brought before him. He refuses to come, and says he will be killed first. The chief, Martoh-i-owa, the Logan of the West, runs backwards and forwards to compose the matter; sometimes exhorting the Indian to surrender; sometimes offering double, treble, quadruple compensation—all to no purpose. Lieutenant Grattan, under discretionary orders from his superior, proceeds to the Indian camps to take the man, dead or alive; and prepared for a fight with the whole camp. He advances into their midst, loads in the face of the Indians, and gives the order to kill all that were not white, when he should give the word to fire; and to make sure of obedience to that word he stood to the twelve pounder himself. The word was given; the friendly chief Martoh-i-owa was killed with three bullets, his brother wounded—no other Indian hurt—and the whole military party instantly massacred. These are the facts of the case, and the concurrent circumstances show the catastrophe to have been the exclusive result of folly and wantonness on the part of the Government officer filled with military ideas got from books, and wholly ignorant of the duties of his position.

In the first place, a criminal offence is made of an act which is no crime by Indian law, or the law of common sense. If a lost animal is found in Indian country, by white man or Indian, he takes it and uses it—making compensation to the owner of the animal if he ever appears. Horses are kept and used; cattle are killed and eaten; and this is the uniform law, and here is an evidence of it in Lieutenant Abert's expedition on the Upper Arkansas, in 1845, Major Fitzpatrick, who recognized it, being one of the safest agents of the West, and a cherished comrade of Frémont. The journal of Lieutenant Abert says:

"We met a party of Apache Indians at this place. The women and children were in the train with the mules and dogs; some were riding in their fashionable gigs, which are formed of the lodge-poles, the largest extremities of which are allowed to trail on the ground; the other ends, crossed on the mules' or dogs' back, form shafts, upon which a basket is affixed to contain the women, children, and chattels. The men, on their prancing steeds, were dashing about in search of fruit and game. One of them stopped to make a confession, which certainly does credit to Indian honesty. He said, 'that for the last few days they had been searching for game, but could not find any; that his squaws and children were crying for meat, and he had not a morsel to give them; the extremity of their sufferings had that morning urged him to kill an ox which he met on the road; and he wished us to intercede with the people at the fort. Urgent necessity had obliged him to do wrong; but he intended to pay for it, and should retain the tail, which he showed us, as a remembrance of his indebtedness.' Mr. Fitzpatrick told him he had done perfectly right; that the white people would not be angry if, when forced by hunger, they should commit such an act, provided they came boldly forth and acknowledged it, and offered remuneration."

This is the law of the whole Indian country, where lost animals go to the wolves, if not saved by some human finder. No crime at all to take such an animal, only a case for compensation; and this is what every Indian knew, and what, in this case, was offered to be done. But, no! West Point discipline must make it a criminal offence, to be militarily punished inside of a garrison; and that was an outrage, and a disgrace to which the killer of the Mormon lame cow would not submit. He would die first! and so declared; and desired the other Indians to quit his lodge, and let him fight it out alone with the soldiers. Lieutenant Grattan went professedly to take this man—in reality to have a fight, prepared for it, with thirty men and two cannon. The Indians made no opposition to his capture. The man himself only refused to surrender. The lieutenant was told to take him, and shown where he was. Instead of going to him, he fired upon an innocent crowd—*a la mode de Greytown:* and that is what he came to do. Lieutenant Colonel Hoffman, in his official report, says:

"There is no doubt that Lieutenant Grattan left this post with a desire to have a fight with the Indians, and that he had determined to take the man at all hazards. On reaching Mr. Bordeau's trading-house, which was just within the camp, he had an interview with The Bear; and finding that he could not, or would not, give up the man, he moved his command into the camp, and placed his cannon and his infantry in line fronting the lodge occupied by the offender. Here he held a council with the chiefs, which, resulting unsatisfactorily, he appears to have ordered his men to fire. After the first discharge of their muskets, the soldiers were quite at the mercy of the Indians, and they were all massacred."

Adjutant General Cooper, remarking upon this report, says, "there is nothing in the accompanying papers to corroborate the statement of Lieutenant Colonel Hoffman, 'that Lieutenant Grattan left his post with a desire to have a fight with the Indians.'" This is a mistake of the Adjutant General. Every circumstance of the case, and positive testimony besides, proves that the lieutenant went to fight the Indians, and did commence the fight upon them, not attempting to take the cow-killer, who was in his lodge alone, sixty yards distant, in full view of the soldiery, and waiting for them to come on. All the reports agree that the lieutenant's orders to his men were to kill everything that was not white when he gave the orders to fire. Why this firing at the lump if a general fight was not intended? Why fire with grape-shot and musketry upon an innocent and unsuspecting multitude, and that, too, on an annuity ground, but little less sacred than a treaty ground? Why not stop his interpreter if he did not wish him to bring on a fight? The fellow was drunk, and inflaming the Indians with taunts and insults. Part of his talk was, that "the lieutenant was coming with thirty men, and cannon, and that this time he would eat their hearts raw." The interpreter was his mouth piece—spoke in the name of the lieutenant, and threatened death and destruction. Bordeau begged the lieutenant to put the fellow in his house, promising to settle the difficulty in thirty minutes if he was put away. No attention was paid to this request. Everybody cried out against the interpreter, and that he would bring on a fight. The only effect on the lieutenant was to make him take away the remainder of the fellow's whisky—which was an absurd remedy, he being as drunk already as liquor could make him. Why let this fellow go on thus, unless he was promoting the lieutenant's design? which, in fact, he was. Those who would excuse Lieutenant Grattan throw the blame on the interpreter; but that is nonsense; for the interpreter was his own mouth-piece, spoke for him, in his name, and he refused to stop him by putting him into Bordeau's house. But there is positive proof. Mr. Olbridge Allen, a traveler just arrived from California, says:

"I arrived at this post the day before the massacre of Lieutenant Grattan and his command. On the day of the massacre I accompanied the party to Mr. Bordeau's trading-house. We stopped a few minutes at Mr. Gratiot's, eight or nine miles below this post, where, fearing there might be some trouble with the Indians, I left my overcoat. While here, Lieutenant Grattan ordered his men to load, and just below the house he gave them his orders, telling them to obey only his orders, or those of the sergeant; said he, 'When I give the order, you may fire as much as you d—d please.' He told them he didn't believe a gun would be fired, but he 'hoped to God they would have a fight.'"

Yes! "hoped to God they would have a fight;" and he took care to make one, in the full confidence that he was to have an easy victory. A few days before he said, in the presence of white people, that he wanted a "muss" with the Indians. They were perfectly quiet until the soldiers and cannon appeared. Then uneasiness began among them, some running backwards and forwards to make peace; but the greater part getting ready for action. The whole affair was unexpected by the Indians, as shown by their conduct; and so attests many witnesses. Lieutenant Colonel Hoffman, says:

"It does not seem that the affair was anticipated by the Indians, but they evidently prepared themselves for it as soon as they knew what the troops came for."

Mr. Bordeau says:

"There was no excitement before the soldiers arrived, and when they came in sight the Indians expressed their surprise and wondered who they were. No one at my house knew anything of the difficulty, and had heard nothing of the soldiers coming."

It was a military movement, secretly planned, quietly executed to the decisive moment, and evidently intended to be accomplished by surprise.

The plainest, simplest, most brief, and evidently faithful account of the affair was given responsibly by Mr. Bordeau, the trader, and a man of the greatest respectability, to Major Winship; and by him communicated to the War Department, and found at page twelve in the document from which we have quoted. It is dated at Fort Laramie, September 2, and says:

"SIR: I have not the honor of your acquaintance; but, from the situation of the country at the present time, I take the liberty of writing to you to inform you of facts as near as possible concerning the fight between the United States troops and the Sioux Indians on the 19th of last month; I having been an eye-witness to the battle, and having heard the true causes, I think, of its having

occurred. On the 17th of last month there was a train of Mormon emigrants passed the village of the Brulés, Wazzazies, and Ogalalla bands of Sioux Indians, which were camped on the Platte river, six miles, more or less, below Fort Laramie; and after the train had got pretty well past the village, there was a man behind the train driving a lame cow, and by some means or other the cow got frightened, and ran towards the village. The man, in turn, having some fears, and not knowing that the Indians would not harm him, left the cow, and an Indian, a stranger, from another band of the Sioux, called the Minne-Cousha, killed the cow, and they ate it; and accordingly the emigrants, as they passed the fort, reported the affair, and on the 19th, Lieutenant Grattan, with a command of twenty-nine soldiers, with the interpreter, came to the village to make the arrest of the Indian who killed the cow. The Lieutenant came to me to learn the best way to get the offender, and I told him that it was better to get the chief to try to get the offender to give himself up by his own good will; but he was not willing. The offender requested of the Indians to let him do as he pleased, for he wanted to die, and that the balance of the Indians would not have anything to do with the affair; and then the lieutenant asked of me to go in the village with him, and I started to go, when another express came and said that the offender would not give himself up; and then the lieutenant asked me to show him the lodge that the offender was in, and I did so. He then marched with his men into the village, within about sixty yards of said lodge, and then fired upon the Indians. The first fire was made by the soldiers, and there was one Indian wounded; and then the chiefs harangued to the young men not to charge on the soldiers; that, being that they, the soldiers, had wounded one Indian, they possibly would be satisfied; but the lieutenant ordered his men to fire their cannon and muskets, and accordingly the chiefs that had went with the soldiers to help to make the arrest, ran, and in the fire they wounded the Bear, chief of the Wazzazies; and as soon as the soldiers' fire was over, the Indians, in turn, rushed and killed the lieutenant and five men by their cannon, and the balance of the men took to flight, and were all killed in one mile or so from the cannon."

This account bears internal evidence of truth, and is, besides, corroborated by the uniform current of the whole disinterested testimony. How impressive this simple narrative, and fatal to the lieutenant's defence, that killing conclusion—marched with his men into the village, within about sixty yards of said lodge, and then fired upon the Indians!—not upon the cow killer, in his lodge, (and that would have been unjustifiable,) but on the innocent crowd; and that was murder.

I deny the right to have killed the Mini-Cousha. Where did this new doctrine come from, and when did it arise, that United States officers may order Indians off, and shoot them if they don't go? Or order them into forts, and shoot them if they don't go in? When, and whence the origin of these crimes and follies, so dreadfully acted upon at the Moro and at Fort Laramie, with such bloody consequences to the people and the country? Whence these novelties? They come from military fledglings, puffed up with consequence, stuffed with book learning, ignorant of everything they ought to know—acting the great Mogul upon a small scale—sending out sergeants to give absurd orders to those over whom they have no authority, and to kill if they are not obeyed. The killing of the Mini-Coujah, under such circumstances, would have been the murder of one man: firing on the innocent crowd, many of whom were laboring for peace, was wholesale and foul murder.

The official reports of some of the officers of this criminal business are severely reprehensible, being erroneous in facts and revolting in principle. Of both these delinquencies Lieutenant Fleming's report presents eminent instances. Of the cow killing, he gives this account:

"On the 18th of August one of the Sioux went to an emigrant train passing along the road, and tried to kill one of them, but, failing in this, shot down one of the cattle in the train, which left the poor emigrant in a very destitute condition."

This sentence is contradicted by the entire body of evidence. It contains nearly as many errors of fact as there are words, and all intended to make out a black case against the cow-killer. It represents him as trying to kill a Mormon, and failing in that, killed an ox in his place, to the great destitution of the poor Mormon. The murder of the peace-maker chief, Martoh-i-owa, he considers a warlike exploit, and enumerates among the honors of the day, thus:

"I have no reliable information as to the number of Indians killed and wounded: 'The Bear,' (Martoh-i-owa,) head chief, is reported among the killed."

Then comes a sage recommendation as to the means of the military protecting themselves—"the only effectual means of protecting ourselves!"—and the recommendation runs thus:

"I have recommended that all traders in the country be prohibited from trading guns or ammunition on any pretense whatever, and the Indian agent, General Whitfield, has accordingly prohibited this kind of trade with the Indians till further orders. This I consider, with all who have any knowledge of the dangerous state of the country, as a commendable stroke of policy in General Whitfield. In fact, I might add, at present this is the only effectual means we have of protecting ourselves."

Two follies shine preëminent in this recommendation; *first*, depriving the Indians of the means of subsistence, and breaking up all our trade with them; *second*, throwing them into the hands of the British traders to purchase guns and ammunition, and to carry on trade—the first folly being inhuman, the second silly; and yet this is the "only effectual way of protecting ourselves." No way to save our soldiers but to deprive the Indians of guns and ammunition! After this, I think it is full time to send back these graduates to West Point, to become schoolmasters themselves.

Captain brevet lieutenant colonel Steptoe is not much better. He volunteers a report from Great Salt Lake City, not dated in the Government house, in which the cow-killer is made to fire "*first*." He says:

"The chief of the Brulés, among whom the offender was staying, went with Mr. Grattan to the man, and he refused to go, saying 'he had two guns and plenty of arrows, and could fight.' About the time that Grattan regained his command this Indian fired. G. then ordered his musketry to fire."

The untruth of this needs no contradiction. But, not satisfied with making the man fire "*first*" who never fired at all—who was waiting calmly in his solitary lodge for the lieutenant, his twenty-nine men and two cannon, to come and kill him, nobly determining to be killed sooner than led prisoner into a garrison, and generously keeping off others that none should share his fate; not satisfied with making this victim an aggressor, he makes the whole affair, in his opinion, a deliberate plan of attack by the Indians upon the garrison. Thus:

"This statement shows that Lieutenant Grattan did not take the initiative, and it goes to confirm my opinion that the attack upon the troops was part of a deliberate plan. Why the attack was not followed by one upon the fort I do not know."

"I do not know," says this Governor in abeyance: nor does any one know—no such attack on the fort being dreamed of. Fortunately, the Lord does not seem to have yet told Brigham to give up the governorship: and Brigham won't till he does, and that will probably be some time first: so this defender of the Fort Laramie murders may have, for a while, a smaller theater for the exercise of the talent which would defend such crime—and defend it with untruth.

The call for more troops and more provisions was earnest and lamentable, and would indicate a most unnecessary degree of alarm. Thus, Lieutenant Fleming to his superiors the day after the massacre, says:

"The Indians are hostile, menacing the fort; but all my men are on duty, and I think we shall be able to keep possession of it.

"We stand much in need of more troops, and hope they will be sent as soon as possible. I have sent this by *express* to the commanding officer of Fort Leavenworth, and requested him to telegraph the same to you without delay.

"Provision must accompany the troops, as we have only sufficient for those now at the post."

The fact is, the Indians were astonished and bewildered. Some joined in the massacre: others tried to prevent it; and after it was over endeavored to save some wounded. Mr. Allen, certified by Colonel Hoffman to have given the most reliable and consistent account of the massacre, the whole of which he watched, and looked for from the conduct and language of Lieutenant Grattan, and his mouth-piece, the drunk interpreter, gives a touching account of one instance of this which he saw at Bordeau's house. He says:

"An Indian then came into the house with a wounded soldier, about twenty other Indians being present; some friendly and some not. This Indian told those around him, 'If you kill this soldier, you kill me, for I shall die with him.' The hostiles then warned Bordeau, that he had better not keep the soldier in the house, else they would 'wipe out the whites,' and they further told him to advise the soldier to conceal himself in the bushes. Then Bordeau asked the soldier if he was able to walk to the fort; and being told by him that he thought he was, Mr. B. directed the Indian who had brought him in, to take him to the road and start him off in the direction of the fort. The Indian took him on the road about a mile and a half towards the garrison."

At the same time that our officers were in this trepidation, fearing for their fort, dreading a universal Indian war, believing in ambuscades, and calling for more troops and provisions, there were two French gentlemen at the fort, offering to go alone, with a servant, and ascertain the true state of things among the Sioux, and report the result—one, Mr. Paul Carrey, a French traveler, to me well known; and deserving the commendation bestowed upon him; the other, a French gentleman, of St. Louis, Mr. Sarpy. Their offer is thus officially reported by the commanding general of the Department, Brevet Brigadier General Clark:

"In addition to the major's report and the accompanying statements, I forward an extract of a journal kept by Mr. Carrey, a respectable French gentleman, kindly offered by him. Mr. Carrey is intelligent and adventurous, fond of and addicted to expeditions upon the plains. He would, I have reason to believe, return to the region of the Sioux, if furnished, at the expense of the Government, with a guide, animals, and servant, offering to collect there information as to the numbers, condition, locale, and haunts of the Sioux, and the features of the country. He would go if it be thought proper to send him under the auspices of a Mr. Sarpy, a St. Louis creole, having trading establishments in the region of country the usual roam of that people. I believe the gentleman can be relied upon, and would procure useful information."

And I have no doubt but that if these two gentlemen, or many other two out of thousands in the West, were sent among all the hostile tribes without a soldier, and with authority to hear their real complaints and do justice, peace would be restored. But these regulars—such as we have in these times—can do no good, but harm. They bring on wars; they cause cruel retaliations on travelers and settlers, themselves safe in garrisons. Their posts are no protection; they are the most dangerous places to pass, the Indians lying about them to catch the soldiers when they come out. The mail party from the Great Salt Lake was massacred last November in sight of Fort Laramie, and in further revenge for the attack of the 19th of August. Dragoons, such as we now have, are a burlesque on the name, and the sport of Indians. The man cannot ride. The horse, bred to corn, cannot go out without a bag full on his back; and when it gives out, has to turn back because he has none in his belly. The keep of a horse at some of these posts is about equal to the board of a member of Congress—leaving out the wine—at a first-class hotel in this city. He is stabled and groomed as at West Point, fed on provender brought from afar, and costing heavily by the time it is delivered. At the same time the country abounds with grass; and grass-fed horses, which the Indians use, costing nothing for their keep, and able to go half speed down precipices where one of our stable-bred dragoon animals could hardly be led down, or his rider either. Frémont said—and put it in his journal—that the abundance of grass in the far West was to change the mode of carrying on war there—to make it like Cossack or Tartar—every soldier on a horse, which would feed himself, and rapidly carry his rider to the place of action. But Frémont was not educated at West Point, and his opinions are despised by a West Point Administration. General Dodge marched his mounted rangers sixteen hundred miles at one time, without public provender; Colonel Doniphan marched his mounted regiment six thousand miles, by New Mexico and Chihuahua, in the same way; while the horses of the regular Army, in old Mexico, were fed upon corn from Kentucky, oats from Pennsylvania, and hay from Massachusetts—all measured and weighed to them with military precision, and according to the rules; and to the depletion of our Treasury in proportion to the repletion of their stomachs. God defend the West from these four new regular regiments! If we must have them, rather let them follow their true destination—furnish promotions, and wait for the chance to go to Cuba.

The exploits of the day—black day, 19th of August, 1854—may be summed up thus:

On the part of the Indians, one man killed, and one wounded—Martoh-i-owa, the slain, his brother the wounded. Of this slain chief, the Logan of the West, a writer in a St. Louis paper, who knew him well, thus speaks:

"We knew him well, and a better friend the white man never had. He was brave, and gentle, and kind—a wise ruler, a skillful warrior, and respected chieftain. Even in accepting his position, assigned to him some four years ago at the treaty of Laramie, he only consented after much persuasion; and then remarked when he did so, that he 'gave his life to the Great Spirit.' So far from any charge of

treachery attaching to his conduct, his own fate is a sufficient proof of his fidelity; in recording it, we feel like inscribing a worthy memorial of one of the most high-toned and chivalric of all the Indians whom we have known."

He was killed in the first discharge of musketry, almost in company with the soldiers—struck with three balls, one breaking an arm, one shattering a knee, one going through the body. Dying, he begged his people not to avenge his death upon the innocent emigrants, but only on the soldiers; which they promised to do, if they could catch them out of their garrison. His brother, wounded, was standing by him, also struck by musketry. The formidable cannon did no other damage than to make a hole in the top of a lodge, at double the height of a man. These were all the trophies on the part of the United States. On the part of the Indians their trophies are: one officer, twenty-nine men, and one interpreter, killed; none wounded; two cannon and their equipments captured; twelve mules and harness; the lieutenant's horse; ordnance stores; one wagon; $50,000 worth of goods taken—the public farm ravaged—and the cattle killed—Bordeau's trading house plundered—for which he is entitled to compensation from the United States: other traders plundered. These were the immediate trophies to the Indians, together with the honor of keeping the field. The consequential were, the breaking up the settlements about Fort Laramie, the breaking up of travel and immigration on that route; the murder of the mail party within seven miles of the fort, with pillage of the mail and robbery of $10,000; the doubling of the compensation for carrying the mail, by act of this session; this demand for four more new regiments, of the same kind which have done all the mischief, $2,500,000 to raise them; and the promise of a universal Indian war. These are the fruits of that day's work! The balance tremendously against us in the *materiel*, lost and gained; and equally against us on the score of honor lost or gained. A heavy penalty for a nation to pay for a lame runaway Mormon cow, and for the folly and juvenile ambition of a West Point fledgling.

I object to any more regular troops. Our regiments now lack three thousand five hundred men to fill their ranks. We can officer the four new regiments, but we cannot fill the ranks of those we have; but perhaps it will answer all the purposes if we create one hundred and fifty new officers, although we have about that number (naval included,) now employed in civil duties; and are pushing the old ones off to make room for the young ones. Oh! that reserved list! An inquisitorial board to sit, and bow-string old fogies. All that are unfit for service—morally, mentally, or bodily—to be put on a "*reserved*" list—to become a "*reserve*" to be called out when the genius of the Secretary at War shall direct! Like those superb corps which at Austerlitz, Jena, Friedland, stood back till the decisive moment came, then charged, and decided the fate of battles and empires. All that will be wanting to complete the similitude will be for our Secretary to charge himself at the head of this redoubtable reserve when he calls them into action to turn the tide of battles, "big with the fate of Cæsar and of Rome." In the mean time we have gained a great legislative victory: we have established those civil pensions under the name of a "reserved," which could not be got under the name of a "retired" list: and we have found a new method of gaining places for our annual brood of officers by reversing the rule of fishes, and make the young ones devour the old ones. It was necessary. The supply was too great for the demand. Two hundred and fifty young officers continually on the stocks, and coming off by annual deliveries, were more than could find commissions in the present army, even with the (almost) one hundred and fifty engaged in civil duties. This "reserved" list, and these four regiments, are necessary to provide for this annual and perennial manufacture of officers. The same of the Navy. There, also, two hundred and fifty baby officers constantly on the stocks, and no way to provide for them except in building new ships, to rot like the old ones; and "*reserving*" the old officers to make room for the young ones. Five hundred officers on the stocks at a time! army and navy. Truly, we shall soon be able to rival those army and navy and pension lists of Great Britain, which have loaded England with debt, buried her in taxes, filled her with paupers, and sent the laborer supperless to bed. Five hundred baby officers constantly on the stocks, and all to be provided for as soon as on their legs—and pensioned when not salaried. What is to become of our poor United States? What would become of any good man who should have a dozen babies on the stocks at a time—and all the time? The poor fellow would be bankrupt buying baby clothes and cradles—paying for nursing and washing. And so it will be with these poor United States, and their five hundred embryo officers constantly coming forth for ships and troops, salaries and pensions, and leaving widows and children to be provided for.

Our President recommends an increase of ships: they are certainly not for the prairies of the West! and "*Cuba*" lies inscribed on all their bottoms. Our Secretaries second the demand, and tell us to take a glance at Europe. So I will, and tell them what I see—tell them that navy which has been building since the time of Peter the Great, was useless the first day it was wanted, and worse! required armies the greatest, and forts the strongest in the world, to protect it. Ninety thousand troops on the Baltic, of which forty thousand are in Cronstadt; some hundred thousand on the Black sea—the forts protecting the ships, and the troops protecting the forts. Even in Kamschatka, at the little place of Petropaulowsky, a fort and troops have to save two Russian frigates. What a commentary upon the folly of undertaking to build a navy to contend with the navies of the world. We want cruisers, not ships of the line and fleets; and all we expend in that view, is worse than thrown into the sea; for after being built, it will require ten times as much to keep them afloat until they rot: and that is what I see by taking a "glance at Europe."

But to return to the Fort Laramie massacre. It was murder! as much so as if those twenty-nine muskets and two cannon had been fired through this Hall, here among ourselves, sitting in our seats, and killing whom it might. But Lieutenant Grattan is not the only one to blame. Though dreadfully culpable, he is not the only one guilty. His immediate commander was the prime cause of his conduct, in giving him "discretionary" orders, knowing his violent intentions; and in making a criminal offence, to be militarily punished, of what was only a debt, to be requited with money or property. He was culpable, again, in justifying the murder, making out a one-sided report, throwing all the blame upon the Indians, and calling upon the Government to pursue them with war and vengeance. All the officers who justified the act (and there are several of them) are severely censurable, and show themselves to be unfit to be trusted with command in an Indian country. The Administration is culpable which has not rebuked this great misdeed; but that is not to be expected from an Administration militarily imbued, and ready to sustain any regular officer in all his acts; and to repulse those who would impugn any part of his conduct.

But to return to regulars as a fit force to fight Indians. They are not fit—such men as we now enlist—for any such service. They know nothing about Indians, and have no interest in preserving peace. They can go into their garrisons when they have blundered into blood, and let retaliation fall upon the traveler and the settler. They have no heart to their profession, because they have no promotion: no promotion! the act of Congress to that effect being nullified by a set of regulations under which General Jackson never saw the day that he could get a lieutenant's commission. Pay is their only incentive, and that reduces the soldier to a mercenary. Having no promotion, respectable young men will not enlist; the pot-house and the city purlieus become the resource for recruits; and, whether it is natives or foreigners who are caught in such places, it is all the same. No public spirit, no patriotism, no inducement to merit reward; for none is to be attained. Men, ignorant of Indians, and too old to learn; men, ignorant of horses, and too old to learn, either to ride on a horse or to take care of him: such is our present supply for the regular army; and the result is seen in our Indian wars—in dreadful misconduct towards the Indians—in wholesale desertions—in the loss and destruction of horses, arms, and equipments—in enormous and incredible expense of the army, now averaging above $1,000 a year for every man employed; and increasing continually. Two more regiments of cavalry—having two already—to be commanded by officers who learn to ride in a house, and rode by men who never learned to ride either inside or outside of a house—who roll off like pumpkins, if the horse goes a little fast, the man falling one side, and the gun the other; and who are as unfit to take care of a horse as a Comanche Indian would be to run a spinning-jenny. What have our army horses cost us since the war? how much to buy them? how much to feed them? how much for their equipments? and what losses by negligence, ignorance, and mismanagement—by Indian thefts, and by deserting soldiers? Can anybody tell? I presume not. Does any one care? It would seem not; for we vote all that is demanded, without asking a question; and demands are made as if money was water. I see $200,000 for more horses in the army bill—for the old regiments—besides the $2,500,000 for the new ones. It would make an astounding document to see the cost and waste of horses, mules, and oxen, since the war with Mexico, including the Mexican boundary commissions and the scientific explorations, in one of which alone—that of Governor Stevens—I have been informed, four hundred head were employed and destroyed. The War Office gives us no information on these points; and Congress grants what is asked without inquiry. Will the people wake up, and wake up before we arrive at the present debt and tax condition of Great Britain?—a condition to which we are now traveling with more headlong haste than ever the British did. It is a long time since I have heard the word "economy." That is an obsolete word in our present democratic vocabulary. No, Mr. Chairman, these regulars are not fit for Indian war; and the more of them we raise the better for the Indians, and the worse for ourselves. The Indians will get more plunder, and we shall pay more money; and at last the Indian wars will have to be ended as others have been, by citizen rangers and volunteers; and as the Florida war was, by the armed occupation policy.

I have limited myself to two cases only of present Indian wars in my own quarter of the Union brought on us by military misconduct. General Houston in the Senate has given in a catalogue of others in his quarter. I could extend my number, but forbear. One case only I will mention, because it is brief, characteristic, little known, and admits of no "proving and 'fending." We call it the war of the "Burnt Wagons." The circumstances are these: Twenty-nine wagons, in the fall of 1850, transporting Government stores from Fort Leavenworth to Santa Fé, were stopped by a fall of snow on the Arkansas river. While waiting, some of the teamsters, or attendants, went to the military post on that river, some twenty miles lower down. They were met by some Pawnees, who asked for provisions; and not receiving them, helped themselves; and departed without doing further damage. This is considered a slight matter by Indians—an excusable liberty—as hospitality is their first law, and they give of what they have without asking, and without price, to the stranger who enters their tent. Every Indian can make the speech of Logan in that particular. Arriving at the post, the men reported the case to the commandant. He sent out his dragoons—with what orders I know not—but with what effect is well known. They killed three of the Indians, reporting that they fired first—an absurd lie, contradicted by the conduct of the Indians who had had the teamsters in their hands when they took the provisions, and did not hurt a hair of their heads. Of course these dragoons would be safe in their garrison from the retaliation they had provoked. Not so of persons and property on the road. The first revenge fell upon the twenty-nine wagons stopped on the bank of the Arkansas. Waiting for a high March wind, blowing a gale in the right direction, they set fire to the tall dry grass; and in two minutes from the time it was first seen, two miles off, the wagons were wrapped in a sheet of flame, and burned merrily from their contents—chiefly bacon and clothing—the men in charge of them saving their lives by jumping into the river, and swimming down it: for

the flames spanned the stream, and the burning wood and grass, meat and cloth, rained fire upon the water, scorching those who could not dive. The river ran cinders, smoke, and ashes, and the smell of broiled bacon for twenty miles down; that is to say, down to the post—where the garrison could not drink the water for twenty-four hours. The loss to the contractors was the twenty-nine wagons and their harness; to the Government all the contents of the wagons, namely, seventy-six tons weight of bacon, flour, and clothing. After that came the usual quantity of bloodshed on the Santa Fé road.

Let this stand for a sample: there is no time for full histories. Skirmishes, called "*battles*," have been going on in New Mexico ever since the peace, variegated with plunder of the people, killing, wounding, burning, and carrying off stock, and retail and wholesale desertions; in one instance of which forty dragoons deserted at once, with all their horses and equipments, and every Colt's revolver that was in the garrison. I want no more of such troops.

I prefer the committee's plan of volunteers to the regulars recommended by the Administration; but I prefer my own plan of mounted rangers and block-house settlements to either. I have spoken to the defects of the Administration plan. I will now introduce my own, and speak to its advantages. It has been printed for the use of the members, and the clerk will read it for the information of all.

The Clerk read:

Strike out all, and insert:

That the President of the United States be, and he is hereby, authorized to raise by acceptance of companies, or enlistment for three years, unless sooner discharged, eight battalions of mounted rangers, to be armed, equipped, mounted, and organized in such manner, and to be under such regulations and restrictions, as the nature of the service may, in his opinion, make necessary; and which shall range continually without fixed camps.

Sec. —. *And be it further enacted*, That each of said companies of rangers shall consist of one captain, one first, and one second lieutenant, to be elected by the company, and commissioned by the President of the United States; three sergeants, three corporals, one bugler, and sixty-four privates; and four companies shall compose a battalion.

Sec. —. *And be it further enacted*, That one lieutenant colonel, and one major, be appointed for each battalion to be raised, to be appointed by the President and Senate of the United States; and all the commissioned officers in said battalion shall receive a monthly compensation equal to the monthly pay, rations, and allowances of officers of equal grade in the cavalry service of the United States, with a commutation of twenty-five cents per diem for forage for horses; and the non-commissioned officers, buglers, and privates, shall receive a monthly compensation equal to the pay, rations, and clothing, of like non-commissioned officers, buglers, and privates in the cavalry service, with a commutation of twenty-five cents per diem, for foraging their own horses. And all the men and officers of said battalions shall find their own horses and equipments, and their own arms and provisions, and forage for their horses, and ammunition, except when convenient to draw such ammunition from some military post or arsenal; and all rations commuted under this act shall be rated at twenty-five cents each; and each and every man and officer of said battalions, shall be entitled to one half section of land, to be taken in the Territory or State in which he serves, and all alienations of the same to be void before the patent therefor issues; and said named compensation and land shall be in full of all claims for compensation for services, damages, and losses of every kind sustained by them in the discharge of their duties. And the said lieutenant colonels and majors shall have instructions from the President of the United States to seek peace by conciliatory means as well as by force, and especially to learn the causes of complaint, and what is necessary to restore peace.

Sec. —. *And be it further enacted*, That said battalions shall be employed jointly and separately, or by companies, as the President may direct, and in such parts of the United States and their Territories as the defense of the people from Indian depredation and hostilities may require.

Sec. —. *And be it further enacted*, That said battalions be raised for three years, subject to be discharged, in whole or in part, at any time sooner that the President may direct.

Sec. —. *And be it further enacted*, That the provisions of the act entitled "An act to authorize the President to raise mounted volunteers for the defense of the frontier," approved June 15, 1832, so far as the same are applicable, and not inconsistent with the provisions of this act, shall be, and hereby are, revived and enforced in relation to the force herein authorized to be raised; and the sum of $500,000, out of any money in the Treasury not otherwise appropriated, shall be, and the same hereby is, appropriated to carry this act into effect.

Sec. —. *And be it further enacted*, That the provisions of the act approved August 4, 1842, entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," and of the acts in amendment thereof, shall be, and the same are hereby, revived and extended to the western Territories of the United States, to wit: New Mexico, Utah, Oregon, Washington, Nebraska, and Kansas, with the following modifications:

I. The President shall designate the districts within which such settlements shall be made.

II. The settler shall obtain from the register of the nearest land office a permit to settle in such district, and as soon as the settlement is made, shall send to said office a description of the locality thereof.

III. That said settler shall be entitled to one half section of land, to include his improvement, and to conform to sectional and subdivisional lines when surveyed.

IV. The said districts shall comprehend an area equal, at the least, to twenty miles square.

V. Compensation shall be made to the Indians claiming such districts as soon as they become peaceable.

Sec. —. *And be it further enacted*, That each contractor engaged, or to be engaged, in carrying mails through any of said Territories, shall have the privilege of occupying stations at the rate of not more than one for every twenty miles of the route on which he carries a mail, and shall have a preëmptive right therein, when the same shall be brought into market, to the extent of six hundred and forty acres, to be taken contiguously, and to include his improvement; but no such preëmptive right shall extend to any pass in a mountain, or other defile.

My proposition presents a combined plan of rangers and settlers, either of them good in itself, and perfect when united. Rangers are the primeval troops, the first kind ever raised, when every man was his own quartermaster to provide his own transportation, his own commissary to provide his own food, his own magazine to furnish his arms and ammunition. They are always local to the country they defend, know it, and its enemies—have an interest in it, and feel that they are protecting families and travelers, others as well as their own; and that they return to the bosom of their fellow-citizens, to be rewarded or censured according to their conduct. They are the cheapest, most efficient, and most ready species of force that ever covered the frontiers of a country from a marauding and depredating enemy. They are of early and honorable use in our country. Washington, as major, commanded a battalion of them, covering the frontiers of Virginia when the Blue Ridge was the frontier of that colony. We have had them often since—the last and most noted instance being that of the then colonel, now Senator, Dodge, of Wisconsin. Electing their own company officers, the men and officers feel confidence in each other, and respect for each other. No one is deserted in danger, in want, or in sickness. This is the kind of force I propose to raise—eight battalions of them—one to each Territory, and two over, disposable as wanted: four companies to a battalion, and about seventy men, all told, to a company. Besides a lumping pay which covers all service and expenses, a grant of three hundred and twenty acres of land is added, to give an interest in the country defended, and to meet the contingency of a lost horse. The President is to appoint the two field officers to each battalion, the major and lieutenant colonel—no colonel being necessary, as the battalions are not to act in regiment. These appointments are deferred to the President, to give him a direct control over the general movements of the battalion, and in the expectation that he would take these officers from the part of the country which raised the battalion—from among the citizens who had seen some military service, who know their enemy, his habits and haunts; and who also would have an interest in the country he protected. Thus raised and organized, always in motion, no fixed camps, scouring the country in companies and half companies when no large force required the union of the battalion, they could not fail to be effective. Other advantages over regulars are in the ease and rapidity with which they can be raised, their ready disbandment when no longer needed, and in the difference of expense—my plan only requiring $500,000 for the annual pay, while that of the four regular regiments sets out with requiring just five times the amount for the first year.

The field officers commanding these battalions are to have instructions from the President to use conciliatory means, as well as force, to restore peace with the hostile tribes. They are to inquire into the causes of their complaint, and see if wrong has been done them, and what will satisfy them. My knowledge of Indian character, and the cause of Indian wars, gives me great confidence in the effect of this appeal to them, made by a western man who understands them. I have known of many instances of wars prevented, or stopped by that means, and will mention one. In the fall of 1846 news arrived at Monterey that one thousand Wah-lah-wah-lah Indians were approaching the frontier to attack Suter's fort. General Vallejo called out his whole division; Commodore Stockton assembled all his disposable force, collected transports, and rapidly prepared to go up the bay of San Francisco to meet the formidable enemy. Information of the impending invasion, and of the energetic measures adopted to meet it, were duly forwarded to the Government of the United States; and, in fact, a large military movement was on the point of being made. Fortunately, Colonel Frémont was at that time in the valley of the Sacramento, in the line of the expected invasion, raising his California battalion for the suppression of the Los Angeles insurrection. He had four hundred western riflemen. He might have gone with them to meet the Wah-lah-wah-lahs in the confidence of a certain victory and a great renown. His knowledge of Indian war reports made him incredulous of numbers, and his knowledge of Indians let him know that when they come to attack a frontier it is to avenge some wrong; and that a few words spoken in season, and in the spirit of justice, might put things right. So he took, not four hundred men, but four—Captain Owens and two others—and went to meet the danger. He arrived at the camp; there were—not one thousand—but fifty. One of them had seen him, proclaimed his name, and the Indians flocked about him to tell their complaint and design. One of their tribe, a fine young man, who had been educated at the Methodist mission on the Columbia, had been killed and robbed by a white man at Suter's fort; and they were going in to demand satisfaction; and, if not given, to take it before they left the frontier. Colonel Frémont knew that they spoke the truth; that the murder and robbery had been committed, and promised them redress if they would follow his counsel. He told them he was then going to the South to attend to the California war, and should be gone till spring, and could not attend to their case sooner. In the mean time, he proposed to them to go to a certain part of the country, which he named, and make a winter's hunt, with one of his men, who would carry the United States flag and hold it over them, and that whoever struck that flag struck him; promising to meet them at the same place in the spring, and have justice done them. They became as docile as children under this talk—did as he proposed—and even gave him ten of their young men to go with him—who proved themselves to be among the best in his battalion. Returning in the spring, in company with General Kearny, by whom he had been superseded, and then in a state of actual, but not declared, arrest, he met the Indians waiting for him. He had no power, no means, no right even to use the name of the United States. But he knew it would never do to break faith with Indians; that no explanations could justify a breach of promise; so he made the redress his own affair, and gave them of his own horses until they were satisfied. In that way the first Indian war that was to have been in California was averted; and so quietly that the public never heard of it. In the same way, I believe, every hostile tribe west of the Mississippi might now be approached; that such men as Frémont, Carson, Leroux, Father de Smedt, the Catholic missionary—I name him because Catholics are now struck at—Edward F. Beale, David D. Mitchell, Richard W. Cummins—the three last being removed agents and superintendents—and a long catalogue of other western men, could now go to every hostile tribe west of the Mississippi, and arrange every difficulty with them in the very first interview. But no such men will be employed; no such means will be applied; West Point rules; and war is the word.

Let us go on with the remedy I propose—the rangers and the armed settlers. The use of the rangers I have explained; the armed occupation plan I proceed to develop. It is the same which I got adopted for Florida, which terminated, so quietly that it was not heard of—that Indian war which had baffled our regulars and depleted our Treasury. The plan is in the amendment which I propose, and which will work as well west of the Mississippi as it did on the Gulf of Mexico. Everybody has heard of that Florida war—the length of time it lasted, the tens of millions it cost, the serious damage which it did to our military reputation. All have heard of the war, and its cost in blood, and money, and character: yet no one

knows how it ended, or when. No victory crushed it; no treaty stopped it; no proclamation announced its termination. Yet cease it did, and that under the armed occupation act, the principles of which I propose to apply to the disturbed Territories west of the Mississippi. It is the principle on which the Promised Land was conquered and defended by the children of Israel—"*an inheritance in the land.*" The Florida armed occupation act gave a quarter section, as it passed, (three hundred and twenty acres was my proposition,) to every settler who should go into the infested district, beyond the Withlacooche, and remain there five years. Thirteen hundred men went; the war died out under their presence; the finest county grew up, named by the Legislature BENTON, which name a subsequent Legislature changed to HERNANDEZ, when it adopted certain nullification resolutions which I denounced; but the settlers who got homes under my law still call it BENTON county. I propose the extension of that policy to our western Territories, modified to suit localities, three hundred and twenty acres the quantity, five years the required residence, and the President to lay off the districts, each equal to twenty miles square, on which the armed settlement is to be made. This plan would settle the country as well as protect and defend it. Combined with the ranging force, it would immediately give peace and tranquillity to all our vast western Territories, and to all the traveling routes between the Mississippi and the Pacific.

It is an unenviable task to say anything in favor of Indians, but my experience and observation authorize me to say that they seldom shed blood except for revenge; and that almost all our Indian wars (leaving out those formerly incited by foreigners) arose from some outrage first committed upon them by whites. They have a feeling, formerly inexorable, that it takes blood to cover up blood; in later times a commutation is accepted; and in this acceptance of compensation, the door is opened to peaceable conclusions. Hospitality is their strong feeling; and of this the most savage of the tribes now hostile to us have given proofs, even during the hostilities. Frémont and Beale have passed among the Utahs within a year, not only unharmed, but aided—receiving from them food and shelter. Frémont, in the extremity of hunger in his last winter expedition, killed a horse which belonged to a band of Utahs; he went to their camp, avowing what he had done, and they accepted compensation, according to the law of the prairies. They did not think of making it a crime, to be militarily punished, but a debt to be liquidated with some blankets, powder, and lead, and tobacco. Another party supplied him with flour and a fat dog to make a feast. Beale was in their hands, helpless, when they were at war with the Mormons, the Mexicans, and our soldiers, and was treated as a brother by the young men—as a son by the aged chief. The account of it is too full of interest and instruction to be omitted here. It was after the loss of his arms, ammunition, and provisions in crossing the Grand river fork of the Great Colorado of the West. He had detached the strength of his party on a return expedition to New Mexico for supplies, hiding himself in the gorge of a mountain to escape detection and probable danger. He was discovered. Seeing the party approach, well mounted and armed, he went forth to meet them, invited them into his lodge of sticks and bushes; and, of his scant food, gave them part. They invited him to go to their village; he did not like the invitation, but knew that courage and confidence was the passport to safety. He went; and now hear the manner he was treated, told in his own words:

"A few hours' ride brought us to the Indian camp; and I wish I could here describe the beauty of the charming valley in which they lived. It was small, probably not more than five miles wide by fifteen long, but surrounded on all sides by the boldest mountains, covered to their summits with alternate patches of wood and grass, giving it the appearance of having been regularly laid off in small farms. Through the centre a fine bold stream, probably three feet deep by forty wide, watered the meadow land, and gave it the last touch which the valley required to make it the most beautiful I had ever seen. Hundreds of horses and goats were feeding on the meadows and hill sides, and the Indian lodges, with the women and children standing in front of them to look at the approaching stranger, strongly reminded me of old patriarchal times, when flocks and herds made the wealth and happiness of the people, and a tent was as good as a palace. I was conducted to the lodge of the Chief, an old and infirm man, who welcomed me kindly, and told me his young men had told him that I had given of my small store to them, and to '*sit in peace.*' In about fifteen minutes a squaw brought in two large wooden platters, containing some very fat deer meat, and some boiled corn, to which I did ample justice. After this followed a dish which one must have been two weeks without bread to have appreciated as I did. Never at the most luxurious tables in Washington did I find a dish which appeared to me so perfectly without a parallel. It was some corn meal boiled in goat's milk, with a little elk fat. I think I certainly ate half a peck of this delicious *atole;* and when about to start back to my lodge, I found a large bag of dried meat, and a peck of corn put up for me to take to my people."

Such was his reception by these savages, in a state of war with all around them; the very reception, and the exact salutation, which the patriarchial pages of the Bible present us in so many instances.

Mr. Beale was superintendent then, and did more in that expedition through the heart of the Indian tribes to conciliate their good will and bind them to the United States, than any number of mere officials, *without the gifts which give ascendant over the savage mind,* could do in ages. He has been dismissed, and is deemed unworthy to serve this Government, with what reason will yet be seen; but he could go now, without Government authority, and without guards, through every hostile tribe west of the Mississippi, ascertaining every cause of war, and the terms upon which every one could be settled.

Mr. Chairman, we have some sculpture in the great rotunda of this Capitol which separates the two Halls of Congress—the subjects being incidents of Indian intercourse with our race in this, our part of the American continent. Over the east door, indicative of our line of approach, are the Pilgrim fathers stepping ashore on the rock which history and tradition consecrates; meeting them are the children of the forest, extending the maize, symbol of hospitality. Further round towards the north is the figure of a young Indian woman throwing herself under the uplifted war-club, to save the life of the captive white man. Over the north door is a venerable looking white man buying a domain from the red men, and giving them some bits of cloth and trinkets in exchange. Further round still, and over the west door—ominous direction! is the white man and the Indian engaged in deadly strife! the Indian, not being the sculptor, of course, the vanquished. Sir, in ancient times national history was written in sculpture, as we still see in the exhumed ruins of Nineveh and Babylon. Doubtless our artist was only figuring detached scenes, without any view to their historical connection and import; but the reflecting mind may see history in them, and suppose a design to write it. It is history! the history of our Indian intercourse!—hospitable reception, land taken, Indians killed. Is there not enough in this history to induce us to stop, and think, and try to settle, with all possible gentleness, these calamitous Indian wars, of which our own dreadful misconduct has been too much the cause?

THE SMITHSONIAN INSTITUTION.

SPEECH OF HON. JAS. MEACHAM,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

March 3, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. MEACHAM said:

Mr. CHAIRMAN: It was not my intention to offer any remarks during this session with reference to the Smithsonian Institution. After mature deliberation and consultation with judicious friends of learning, I came to the conclusion that the affairs of that establishment required investigation. I proposed the matter to this House. They sustained the proposition, and appointed a special committee of inquiry. To them I hoped the matter would be left till their report should be presented. I believed, sir, that in the hands of a select committee of this House, the interests of literature and science connected with the Smithsonian Institution would be safe.

But the unexpected course of the gentleman from Indiana, [Mr. ENGLISH,] in stepping forward to eulogize the Institution before it had been attacked here, seems to require me briefly to explain and defend my position. For such explanation and defense, I may, in the main, rely on the able and important report presented by the select committee, which, for that purpose, I propose, in substance, to insert in my speech, confining my own remarks to some topics not alluded to by the committee.

The gentleman from Indiana, and some others, seem disposed to view this investigation as indicating deliberate hostility; as intended to give "to the disappointed and dissatisfied an opportunity of assailing the Institution at the public expense;" as manifesting disrespect to the distinguished and honored gentlemen concerned in conducting its affairs, particularly by clothing this committee with power to send for persons and papers. Sir, I do not yield to the honorable gentleman in my sincere attachment to the cause of knowledge, whether in the form of literature or of science. But the very devotion which I feel, leads me to wish to keep its fountains clean. I would not willingly lend myself to the aid of wanton and wicked assaults, nor is it to be supposed that this committee would be less scrupulous; but I believe that "the disappointed and dissatisfied" may sometimes deserve, or need, protection and redress. I would not be wanting in respect for men in exalted positions; but I know that under the authority of the purest and most elevated, abuses may arise, and require investigation, though not the imputation of individual blame. I am not the first member of the Board of Regents who has believed that the Institution had departed from the course marked out for it by Congress. One who had a large share in shaping its charter, within the first three years of its history declared in his place in this House, that he "believed the Board of Regents would be, and ought to have been long since, made acquainted with its direct responsibility to the power that had created it." And lately, a very distinguished member of the board resigned his seat in consequence of his conviction that the administration of the Institution was not in accordance with the law.

In this country there is, perhaps, no precedent for an investigation in all respects like this; simply because, before the existence of the Smithsonian Institution, there had not been, under the direction of our Government, any establishment for the promotion of knowledge in general. But we are not at a loss for precedents. The British Museum served as a model with many of those actively engaged in framing the charter of the Smithsonian Institution. It is under Government control. During the last twenty years its affairs have twice been made the subject of investigations by select committees of the House of Commons, and once by a special royal commission. The committees and the commission were each clothed with power to send for persons and papers. That Institution was under the management of the highest dignitaries and the first noblemen of the realm.

In the debate in the House of Commons on the appointment of one of these committees, Mr. Warburton quoted the complaints of Sir Humphrey Davy, that "there must be a general change in everything belonging to the Institution before a proper system of radical improvement could be effected;" and Mr. Hume declared "that it was imperative on the gentlemen connected with that Institution to defend themselves, and unless they make a good defense, it would be impossible for Parliament to allow them to continue in their present condition."

Mr. Chairman, it is not my intention to follow the gentleman from Indiana through his remarks; I shall confine myself to a few of the most important points. The gentleman maintains that the provisions of the act of Congress have been observed. This is the main issue between the two parties to this Smithsonian controversy, and is ably discussed in the report of the select committee.

The view which the committee have taken of the meaning of the law was that of the first regents, fresh from their labors in framing the charter, and unbiased by influences subsequently brought to bear upon them.

On the second day of their first session, a committee was appointed upon the clause requiring the appropriation for a library, and instructed "to

prepare a report upon the subject of the formation of such a library, indicating its general character," &c.

In their report, which was long and elaborate, the committee say: "They see in the language of the act, which the regents are created to administer, and in the history of the passage of that act, a clear intimation that such a library was regarded by Congress as prominent among the more important means of increasing and diffusing knowledge among men. This intimation they think should control, in a great degree, the acts of the regents. They will not, however, withhold the expression, that the apparent policy of Congress in this particular is marked by profound wisdom, that it rests on a right construction of the terms and an enlarged appreciation of the spirit of the bequest." They recommended the appropriation of $20,000 of the income "for the present," to the library, independent of salaries, and *this recommendation was adopted*. I pause to remark, that if this resolution had been carried out, we should, even now, have much the largest library in this country. It would be something to have, to see, to use, to grow. And I ask you to place beside this the half dozen quarto and the half dozen octavo volumes published by the Institution, and tell me which you would prefer? Which would tend most for the increase and diffusion of knowledge?

Instead of this library what have we? Why, sir, a meager collection of some fourteen thousand volumes, besides pamphlets, &c., made up of copyright books, imperfect sets of periodicals and publications of societies, and university theses—with doubtless a good proportion of important and valuable works. But the whole how insignificant in comparison with the great and noble design! We have heard it stated that the library is worth $40,000. This is a preposterously exaggerated estimate. I do not believe that an intelligent bookseller could be found who would value it at a third of the sum! If the value of the museum and apparatus be equally exaggerated, we must abate largely from the vaunted possessions of the institution. And then, sir, this library is cramped into inconvenient and uncomfortable quarters, and *shut up from the public*, at a time, too, when there is an unusual concourse of people at the Institution.

As to *the origin of the present difficulties*, I particularly demur to the statement of the gentleman from Indiana. He represents the question to have been whether the funds should be used to build up a library as a paramount object, or whether they should be applied, not only for a library, but for such other purposes as the regents might think would best accord with the will of Smithson and the act of Congress. Not so, sir. The present difficulties *originated in a proposition to annul the* "compromise" which divided the income equally between the library and the museum on one part, and publications, researches, and lectures on the other; *for the purpose of giving more to the latter department*, making that the paramount and controlling interest.

Let me briefly explain this compromise.

The first sense of the regents respecting the library, was soon contested under a new reading of the law, one which made the section authorizing the regents to dispose of a possible surplus or residuum, the chief clause of the act, overriding all the rest, and overruling all other details. Under this construction, *new purposes* were to be introduced; purposes dissimilar to those provided; purposes which had been proposed to, and discussed and rejected by Congress—namely, the publication of books, and the instituting of scientific researches.

The early days of the Institution seemed likely to be embittered by controversy resulting from this new movement; but, in a magnanimous spirit of conciliation, the friends of the library agreed to a "*compromise*," dividing the income, after the building should be completed, equally between the library and museum on one side, and publications, researches, and lectures on the other.

The friends of the library reconciled their course with the law thus: If $20,000 a year be expended for books during the four or five years while the building is in progress, we shall gather a considerable library, and then we may be justified in believing that, for the future, the share that will come to the library under the compromise, may be considered as meeting the requirements of the law; the friends of the scientific scheme will be propitiated, and perpetual harmony secured.

I think, sir, that they strained their discretion; but they acted in a spirit of conciliation, worthy of a fairer requital than it has met.

Let this matter be distinctly understood. The friends of the library did not begin this controversy. They held to the compromise, and asked only that it should be faithfully administered. They demanded no more for the library than it was entitled to under the compromise. They did not ask that it should be made the *paramount* interest (although some of us believe that such is its legal position.) We were content to abide by the compact; we so voted. It was the proposition, coming from the advocates of the publication system, to annul the compromise, and reduce the library to the condition of a mere appendage of the new purposes, that led to discussion, and finally, through much irritation, to our present position.

We are not in anywise responsible for these difficulties. We plant ourselves on the law. For the sake of peace, we have been willing to adhere to the compromise. We have had reason to raise the controversy on other grounds, for although the resolution of the board giving $20,000 of the income to the library was not repealed, the money was withheld. As an offset, the compromise was to be observed before the finishing of the building. We think it was not fairly administered. We did not, however, take issue on that point, but only on the formal proposition to rescind.

We may not inaptly retort insinuations of illiberality. We hold to the law, and the law requires a universal library, one "composed of valuable works in all departments of knowledge;" one for the man of science, the artist, the mechanic, the historian, the scholar, the seeker of knowledge of whatever name; one open to men of all States and all nations. But we are called upon to yield up everything to men of science. The scientific men are down upon us, as if their craft were in danger. They come in societies, and as individuals. Smithson, though a chemist, and member of the Royal Society, appears to have been a man of general culture, and to have had a sympathy for "*knowledge*," without any restrictive epithets. By consulting solely the wishes of one particular class of the devotees of knowledge, who cherish only what is called science, we should limit his intentions,

"And give up to party what was meant for mankind."

I have not sought letters of recommendation for the library plan, nor have others for me. I doubt not I could have obtained thousands. To show them on either side seems to me idle parade. We doubt not that librarians in Athens and Paris are glad to get handsome books from America, and are ready to praise them before our traveling countrymen. 'Tis polite to do so. We doubt not that scientific men like to have means of publishing their works, too heavy for booksellers. We need not here doubt that it may sometimes be useful to publish, gratuitously, books that people do not care enough about to buy. But the question here is, can the Smithsonian Institution *lawfully* devote itself to such a purpose *exclusively* or *principally*?

The gentleman from Indiana puts prominently forward the fact that the funds of the Institution have not been squandered. This seems irrelevant, for it had not been so charged. But he thinks it a high meed of praise that its capital has been augmented. If the object of the Institution were the increase of its wealth, this would indeed be just cause for satisfaction. But, sir, this establishment was created, not to hoard money, not to speculate upon it, not to increase its income, but to expend money "for the increase and diffusion of knowledge." We want knowledge more than gold. We have no commission to accumulate for future benefit, but to spend for continual profit. We should remember,

"There is that scattereth and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty."

It is asked, if Smithson intended a library, would he not have said so? I reply by asking, if he had meant a learned society, would he not have said so? He knew all about learned societies, and seems to have become dissatisfied with them. I cannot suppose that he meant to indicate anything *in particular* and *exclusively*; but I suppose he intended to give his money to whatever the United States, in the discretion of its Government, might deem best suited to promote his general purpose.

For one, sir, I suppose that Smithson regarded the foundation of a "Smithsonian Institution," from his property, as only *a possibility*. Look at the facts. He left the income of his property, for life, to a nephew, and the property, "absolutely and forever," to the descendants of the nephew, if he had any, "legitimate or illegitimate." The nephew was a young man leading a roving life in France and Italy. What was the chance that the contingency would ever arrive when the United States could claim the legacy—that of failure of descendants of the nephew? A sentence has been quoted from one of his papers to the purport that his name would live in the memories of men when the titles of the Percys and Northumberlands were extinct or forgotten, and it seems to be inferred that he was then thinking of this Institution. But it is altogether more likely he was thinking of the articles which he had published in the Philosophical Transactions. Every scientific man deems the acceptance of his articles there a sure passport to immortality; and this view is rendered more probable by what is asserted, that he took such offense at the rejection of one of his papers by the Royal Society as to change his will. But I do not, after all, see the applicability of this; for the name of Smithson would be as much attached to the Smithsonian Institution, and live with it as long and as honorably, if that Institution becomes what Congress intended, as if it becomes anything else. Is not the British Museum or the Bodleian Library as well known as any other institution in the world?

To the phrase "*active operations*," I will devote a passing word.

The publication of books and the assumption of researches have been called "*active* operations," as if everything else were in comparison but standstill. I should have liked to see activity in finishing the building, and in filling it with the stores of knowledge. Active operations of this kind would have tended "to stimulate and invigorate the mind for original thought, and supply important materials for investigation," to use the language of one of the gentlemen who has been quoted to show that anything but an exclusive devotion of this fund to science is a "gross perversion" of the trust. It has been repeated to me that another of these gentlemen was in the habit a few years ago of saying, "you can do nothing for science in this country till you have books—large libraries"—and this he said in special reference to the Smithsonian library. But then, sir, the Smithsonian question had not become one of physical science versus everything else.

One gentleman refers to the great Humboldt as not the possessor of a private library. But he had constant access to the Royal Library of Berlin, one of the best in the world. Now, what we want is to furnish scientific and literary men in this country with such public facilities for research, that they will not, on the one hand, be obliged to expend their limited means in buying for themselves, nor, on the other, abandon their researches for the want of books. For us, this case of Humboldt is remarkably apropos.

In order to show how intensely active these "active operations" are, the gentleman from Indiana has quoted a long list of works published by the Institution. But, sir, you will, probably, be surprised to learn that, with the exception of a few octavo pamphlets, making in all only about one thousand pages, *the first six titles include the whole that follow*. The rest are merely the table of contents of the first six. Six quarto volumes, making less than three thousand pages and about enough in octavo to make a volume of one thousand pages exhibit the sum and substance of the "active operations" of the Smithsonian Institution for eight years—say five hundred pages, great and small, a year.

I have heard it argued that the "active operations" are justifiable, on the ground that Congress ordained a laboratory, that a laboratory implies researches, and researches must be published. But, sir, I have looked through the Smithsonian

publications, and made inquiries with the view of ascertaining what results they contain, procured at the Smithsonian laboratory. I could find *none*. I ask where are the Smithsonian researches? Where are the "new truths" which have been developed at the Smithsonian? The books published were contributed to knowledge by the authors who wrote them, for the most part without pay. The Smithsonian merely published them. The Smithsonian laboratory is next to nothing, and nothing but experiments and illustrations *for lectures* have come from it, as yet, so far as I can find.

Now these operations are held up as the exponent of American *activity* in discovering *new truths*. I do not find any very efficacious *activity;* and as to the proportion of *absolutely new truths* due directly to the Smithsonian among these publications, I fear they would, notwithstanding all the talk about them,

> "Should some cold critic dare to melt them down,
> Roll in his crucible a shapeless mass,
> A grain of gold leaf to a pound of brass."

I do not, sir, by any means object to these publications, on the ground that they do not contain *new* truths. I go for truth, old or new; but I object to the holding them up before the world as the measure of American active operations in the discovery of truth, and as conveying the idea that the Smithsonian Institution is the great active truth-discovering engine of American science. The idea that it has been so, or would become so, although it has done more than all else to encourage the present course of the institution, is, in my opinion, fallacious. It cannot, I think, be too strongly represented that discoveries are not made by direct active operations of societies anywhere, but by the active operations of individual minds, which minds may be in various ways brought up to the effort. The hope of reward may, indeed, serve sometimes as a stimulus; but I believe that the history of science shows that such rewards are generally valuable *as rewards* rather than as incentives. The hope of having results published, with the stamp of high approval, may operate as an incentive to effort. But incentives, especially in this country, are less needed than means and aids; and a library is one of the most effectual, and, especially in this country, the most needed, as a means and aid to exertion in the advancement of knowledge.

Mr. Chairman, on this last day of the session, I have not the time to produce the multitude of considerations which crowd upon me on this subject, but I am happy to be able to present those most important in the lucid argument and appropriate language of the select committee. I beg leave, therefore, to read and print the following copious extracts from their report:

"In discharging the main part of their duty relating to the management of the Institution, whether it has been in accordance with the law, and to the question whether any further legislation is necessary, the committee will, in the first place, present such a history of the whole matter as will, in conjunction with the evidence presented in the appendix to this report, enable every member of the House to form a judgment on the subject."

Then, after quoting the will of Smithson, and the act of Congress accepting the bequest, the committee proceed:

"It will be perceived that, in the foregoing act, the Government of the United States pledged itself that 'any and all sums of money and other funds which shall be received for or on account of the said legacy, *shall be applied* in such manner as CONGRESS may hereafter direct,' &c. It is presumed that it is our duty to consider, not whether the funds have been applied to such objects, and in such a way as Congress *ought to have directed*, in the opinion of any individuals, but to such objects, and in such a way as Congress, in fulfillment of the foregoing pledge, *has directed*. The next step, therefore, is to ascertain what was the determination of Congress on the subject.

"Great caution and deliberation were exercised in determining the matter. The country felt that it was a solemn and momentous trust. The gratitude, pride, honor, and wisdom of the nation were involved. Not only the then present generation, but future ages were interested. The field to be surveyed was the whole country, and the whole world beyond the limits of the country. It was obvious that the nature of our institutions presented some peculiar difficulties in the way of executing the trust. If the testator had understood, as indeed but few foreigners ever have done, those difficulties, he might, perhaps, have made some arrangement to avoid them. It is clearly not within the sphere allotted to this Federal Government to enter the fields of science and literature. In point of fact, the action of Congress in accepting the bequest and agreeing to carry it into execution, was justified at the time, on the ground of its peculiar and complete jurisdiction over the District of Columbia. More than ten years were consumed in discussions, debates, and conflicting views and schemes, in and out of Congress."

After detailing these schemes at considerable length, and giving the parliamentary history of the act organizing the present Institution, which shows that the bill was shaped by successive amendments so as "to direct the appropriation ENTIRELY to the purposes of a LIBRARY," and quoting the act in full, the committee say:

"The foregoing act of Congress is 'the law establishing the Smithsonian Institution.' It is the directory which the regents are bound to follow in administering its affairs and applying its funds. An idea seems to have crept into the discussions that are prevalent on this subject that the will requires one thing and the law another. There can be no ground for this distinction, as a few words will show.

"The will declares a certain object, namely, 'for the increase and diffusion of knowledge among men.' In accepting the bequest, the Government of the United States pledged its faith, that the funds should be 'applied, as Congress may hereafter direct, to the purpose of founding and endowing at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.'

"The act establishing the Institution also, inserts into its title and into its body the words of the will, so that whatever the will requires, the act ordains, and there can be no conflict between them. No one can question the obligation of those who administer the Institution, under the act, to assume that its requirements are in accordance with the will, and to carry them out in good faith and good earnest. So far as the act leaves the officers, who exist by its authority, to their discretion, that discretion is to be guided by their sense of the import and design of the language of the will. All in the will that relates to the subject is incorporated into the act. We have occasion, therefore, to look only at the act in ascertaining the duty of those who administer the affairs of the Institution, and there can be no ground for a controversy in reference to the meaning of the will, as against the act, or *vice versa*.

"The will, and the two acts of Congress that have been spread out upon the foregoing pages in full, interpret themselves to the common sense and adequate apprehension of every reader. It is only necessary to regard the words as used in their ordinary sense, to avoid a mental interpolation of language not in the text, and to allow its natural meaning to flow out from all the language used in the instrument. In this spirit of fair and unstrained interpretation, we propose to consider for a moment the language of the act establishing the Smithsonian Institution, of which different and conflicting interpretations are advocated.

"The word 'INCREASE' is held by some of the zealous combatants in the Smithsonian controversy to be identical with 'DISCOVERY.' The idea seems to be that knowledge can only be *increased* by the *discovery* of *new* truth. This is an arbitrary and untenable position. A mind experiences an increase of knowledge if it knows more than it did before, although all the ideas it has received may be in the commonest text books. There has been an increase of knowledge in the school, or the congregation, or the lecture room, if ideas not before known to them have been received into the minds of the hearers, even, indeed, it matters not if those ideas have been recorded for thousands of years in languages, classical or sacred, that have been dead long ago. Knowledge has been increased if one mind has received more, whether it be new or old truth. The language of Smithson is perfectly simple, and in its natural sense covers the whole ground; it includes, but does not require *new* truth. Truth discovered a thousand years ago is as good as truth discovered yesterday. Knowledge embraces it all alike, and Smithson's object was to carry knowledge where it was not before, and to increase it where it was; to spread it over a wider area and to a greater depth.

"In like manner a particular meaning has been crowded upon the word 'KNOWLEDGE;' not its ordinary meaning in common usage, but a narrow, technical, and special meaning. This has been done by confounding it with 'SCIENCE.' It is true that in their primitive origin or roots, in the languages from which they are derived, these words may be identical in their meaning; but not so, as actually used in common conversation and familiar and general literature. 'Knowledge' is all comprehensive, embracing science, art, literature, politics, business, the whole world of nature and culture, the entire realm of facts and reality, all ages and all that they have contained. 'Science' is almost universally employed to denote those branches of knowledge which are systematized into a distinct organization or arrangement, based upon definite principles and reduced to particular rules. In the progress of knowledge new sciences are added to the list, and in the establishment of new classifications, the boundary lines are altered. There is a vast amount of knowledge not included in any science. Further, the word *science* is sometimes used to embrace only a part of what, in a broader sense, is included in the sciences. It is getting to become quite generally used to denote what are called the physical sciences, excluding political, moral, and intellectual science—excluding history, the arts, and all general literature. Surely it cannot be maintained that 'knowledge' was used by Smithson as merely identical with 'science' in this last mentioned and most limited sense.

"The words 'among men' were used merely to corroborate the idea expressed by the word 'diffusion.' They do not necessarily imply that the Institution should confine itself to world-wide operations. The word is not, as some seem to suppose, 'mankind,' but 'men;' and he diffuses knowledge 'among men' as truly, and in as full a sense, when he enlightens the minds of his neighbors, as of persons at the very farthest pole. He best fulfills the idea of Smithson, who increases human intelligence, whenever and wherever he has an opportunity, in every circle of influence, however near or however remote.

"The seventh section of the act establishing the Institution has given occasion to a difference of interpretation that has been brought to the notice of the committee. The section relates to the duties and powers of the secretary, and goes on to say that 'the said secretary shall also discharge the duties of librarian and keeper of the museum, and may, with the consent of the Board of Regents, employ assistants; and the said officers shall receive for their services such sums as may be allowed by the Board of Regents, to be paid semi-annually on the first days of January and July; and the said officers shall be removable by the Board of Regents whenever, in their judgment, the interests of the Institution require any of the said officers to be changed.'

"The committee cannot but think it strange that, in the face of this express language, it has been made a question where the power of removal is lodged. 'Said officers shall be removable by the Board of Regents.' Can anything be plainer? In defense of the idea that the secretary can remove his assistants, a practice is cited in certain departments of the Government where the power of removal is exercised by intermediate officials; but there is no analogy, inasmuch as the Constitution of the United States is silent in reference to the removal of such officers. But the constitution of the Smithsonian Institution is not silent, but expressly defines in whom the power to remove the assistants of the secretary resides, namely, in the Board of Regents. They have no more power to delegate or pass over to another, that power, than they have to transfer any of their other functions.

"The concluding sentence of the eighth section of the act is as follows; 'And the said regents shall make, from the interest of said fund, an appropriation not exceeding an average of $25,000 annually for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge.' The expression 'not exceeding' is in constant use in the legislation of Congress, and in all legislation, everywhere, in which appropriations are made; and it will not be disputed that, in all instances, the expectation and general understanding of the Legislature is that about the amount thus specified will be expended. The word 'average' can only be considered as indicating the expectation of the Legislature that the sum expended in some years might exceed $25,000. The word was used in order to give the managers authority, in case a sum less than $25,000 were expended one year, to expend just so much more the next, and *vice versa*. No doubt, we think, can be entertained that the framers and enactors of the law expected that about $200,000 would be expended 'for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge,' in eight years. If the law does not contemplate that the annual expenditure for the formation of a library shall be something like $25,000, any other figures might as well have been used. If the administrators of the law are at liberty to spend as little as they may please for a library, in the face of the sum thus indicated in the law, they would have been equally at liberty, whatever sum might have been named, whether $30,000 or $40,000. In other words, if the clause of the act under consideration can be construed as justifying an annual average expenditure for the gradual formation of a library of less than $2,000, any intermediate sum, between that and the entire income of the fund, would have been of equal authority and significance, as indicating the intention of the Legislature, whichever of the intermediate sums might have been inserted in the act; that is to say, those who maintain that the language and design of the act are carried out by expending less than $2,000 annually for books, assume and assert that it would not have altered the sense of the act had $2,000, or $10,000, or $40,000 been the sum actually named in it, instead of $25,000.

"The ninth section of the act is as follows:

"'*And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator; anything herein contained to the contrary notwithstanding.'

"The discretion allowed to the managers in the latter part of this section, must be considered as limited, in some sense, by the word 'other,' applied to 'moneys,' and more definitely and most absolutely by the clauses 'not herein appropriated,' and 'not required for the purposes herein provided.'

"The meaning of the ninth section seems to us to be simply this: That if, after all has been done required by the foregoing provisions of the act, (that is, for the maintenance and preservation of a geological and mineralogical cabinet, a laboratory, library, gallery of art, lecture rooms, lectures, the purchase of books on the scale indicated in the eighth section, and the discharge of all current obligations,) an unexpended balance of the annual income remains, the managers may do with it just what they please—may expend it upon books, if they like, even although the expenditure for that object may have already reached the assigned limit, or upon any object not named or alluded to in the act, if, in their judgment, 'suited for the promotion of the purpose of the testator.'"

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"There is nothing in our constitutional system that authorizes this Government to enter the sphere of literature and science. Education is left to the States. This Government cannot, without violating the principles on which it rests, become, directly or indirectly, through its official agents, or in the expenditure of funds, a censor of any department of the press, an arbiter of science, or a publisher of works of mere literature or philosophy, any more than of morals or theology. No amount of money that could

possibly be raised would enable this Government to perform these functions with a just, equal, and liberal hand, for the benefit of all departments of knowledge. Of course it has no right to make discriminations. Not only natural history, and physical science, but every branch of learning and inquiry, has a right to demand patronage, if it is extended to any. Whatever project, in this line, may be attempted, will be found surrounded with insuperable embarrassments. If, for instance, the funds of the Smithsonian Institution should be appropriated in the manner proposed in the petition from citizens of Missouri, referred to this committee, for the preparation and distribution of a monthly report of the general progress of knowledge, who shall write those reports? To what school of philosophy, or medicine, or politics, shall he belong? Shall he confine himself, as the Smithsonian Institution has for the most part very wisely done, to particular provinces of natural science, to reptiles, defunct species of animals, mathematical and astronomical computations, and researches, to aboriginal antiquities, and the glossaries of vanishing tribes of Indians? Or shall he rise above dead and brute nature and treat the subject of MAN, of civil society, of government, of politics, and religion? If he confines himself to the former, not one in ten thousand of the people will be interested or satisfied. If he attempts the latter, he is on forbidden ground, and cannot escape being torn to pieces by parties, sects, and sectaries.

"Moving in the most cautious manner, acting within the most limited sphere, grudges are multiplied, jealousies engendered, resentments kindled, and complaints encountered in all directions. Authors whose pieces are rejected, will be likely, in the course of time, to outnumber those who are admitted to the favored circle. One man has the gratification of seeing his work printed at the public charge, in a splendid style, and circulated, without trouble or expense on his part, to all the learned societies and persons in Christendom, and of feeling that a world wide reputation is secured to him. But others, whose treatises have been condemned by a secret tribunal, and returned with the stigma of rejection, are brooding in sullen, or breaking out in vehement resentment and indignation.

"Men of genius are sensitive; scientific authors and discoverers particularly so. To attain great excellence in any department it must be studied and prosecuted with exclusive and all-absorbing zeal. There is a divinity in truth, and whoever attains any portion of it, is prone to worship it with a concentrated devotion, and to cherish it as more precious than all things else. However minute the objects, or narrow the province, or apparently useless the results of the researches of the man of science, he is wholly wrapt up in them, and feels, to his very heart's core, that nothing transcends them in importance. This makes him sensitive to reputation, tenacious of rights, and morbidly alive to any encroachment upon his labors or attainments. No office is more thankless than to attempt to arbitrate the differences of men of science. No offense is more keenly resented than to discredit their claims or slight their productions. It is a curious circumstance, and most instructive in this connection, strikingly illustrating the fact we are presenting, that James Smithson, who was a Fellow of the Royal Society, had made a will, leaving his whole fortune to that institution, which had honored many of his productions by publishing them in its transactions. At length, certain papers, offered to them for publication, were refused. Under the sting of resentment and wounded pride, he changed his will, and left his fortune to the United States of America. In this way, a harvest of dissatisfaction and animosity is constantly maturing. Patronage, in politics, is the fatal bane of parties; in literature and science, it works disastrously, in all directions, upon him who dispenses, upon those who receive, and upon all from whom it is withheld."

After giving the organization of the two visitorial and executive boards of the Institution, ("the Establishment," so called, and the "Board of Regents,") and naming the officers and committees engaged in its active government, the committee say:

"The committee feel it their duty to submit a few remarks in relation to this organization.

"It appears by the evidence that so much of it as is called the "Establishment," has never performed any part whatever in the administration of the Institution.

"It is obvious that those Regents who reside at a great distance from Washington can have but little to do with its management. Those of them who are members of the Senate, and House of Representatives, unless their residence during the recess of Congress is in the vicinity of Washington, cannot be expected, for the most part, to have that influence over its operations which those who reside permanently at the seat of Government, or in its immediate vicinity, will more naturally exercise. The Executive Committee is the body in which the government substantially exists.

"It may well be questioned whether it is expedient to surround such an Institution with an array of high official dignitaries. Their great offices and characters are committed to all the proceedings of the Institution, while it is impossible for them to give much time and attention to their examination. When the venerable Chief Justice of the United States, after hearing both parties, and a thorough scrutiny of the merits of all questions involved, and in the exercise of the high function to which his life is consecrated and set apart, pronounces a solemn judgment from the bench, we bow to his learning and wisdom, but it may perhaps be doubted whether it is expedient to attempt to make him responsible for all the doings of an Institution entirely out of the sphere of his duties and pursuits, and with whose officers he cannot have much communication. As it has been ascertained that the Institution is not a corporation, and its anomalous character in that respect may give rise to perplexing and unforeseen difficulties that will reach the legal tribunals, it may well be questioned whether that august judicial personage ought to be mixed up at all with its business details.

"If the Institution could be organized in a simpler form, and its secretary made the head of a bureau in the Department of the Interior, and subject, like other heads of bureaus, to the Secretary of the Interior, he might pursue, substantially, the same course as at present, if that should continue to be thought advisable, with a clearly ascertained line of duty and responsibility, and a full adjustment of all his relations, above to the head of the Department, around to his associates, and to all subordinates of every grade. This, however, we desire to have considered as a mere suggestion made in passing. If all other plans are found defective, and beset with inconveniences, this may, at some future day, be tried in the last resort.

"Whatever arrangements may be made for the administration of the Institution, it is of extreme importance that the relations among the several officers attached to it be defined and settled by law, or, at any rate, by by-laws. In every organization to which several officers are attached, such a provision is highly desirable, but preeminently so where the said officers are gentlemen of scientific and literary attainment and reputation. The spirit of self-respect, and a sensitiveness to personal rights, prevail nowhere with greater keenness and intensity than in the republic of letters.

"The Smithsonian Institution stands on a different footing from any in this country, and, in some particulars, especially in regard to the peculiar character of our Government, in any other country. In some leading features it, perhaps, bears a closer resemblance to the British Museum than to any other. The recent history of that institution may, perhaps, be found instructive to us.

"The British Museum was founded about a hundred years ago, upon the conditional bequest, by an individual, of property less in amount than the bequest of Smithson. It has since received some two million pounds sterling of the public funds.

"Within the last twenty years there have been two select committees of the House of Commons and one Royal Commission appointed to inquire into the condition, management, and affairs of this Institution.

"Its government is vested in a Board of Trustees, in number forty-eight, one of whom—H. R. H., the Duke of Cambridge—is directly named by the Crown; twenty-three are trustees *ex officio*; nine are named by the representatives or executors of parties who have been donors to the Institutions, and fifteen are elected.

The following is a list of the trustees:

[Ex-Officio.]

The Archbishop of Canterbury, } Principal
The Lord Chancellor, } Trustees.
The Speaker of the House of Commons. }
The President of the Council.
The first Lord of the Treasury.
The Lord privy seal.
The first Lord of the Admiralty.
The Lord Steward.
The Lord Chamberlain.
The Colonial Secretary of State.
The Foreign Secretary of State.
The Home Secretary of State.
The Bishop of London.
The Chancellor of the Exchequer.
The Lord Chief Justice of the Queen's Bench.
The Lord Chief Justice of the Common Pleas.
The Master of the Rolls.
The Attorney General.
The Solicitor General.
The President of the Royal Society.
The President of the College of Physicians.
The President of the Society of Antiquaries.
The President of the Royal Academy.

[Family Trustees.]

The Earl of Cardigan, } Sloane family.
Lord Stanley. }
George Booth Tyndale, Esq., } Cotton family.
Rev. Francis Annesley. }
Lord H. W. Bentinck, } Harleian family.
The Earl of Cawdor. }
Charles Townly, Esq., Townly family.
The Earl of Elgin, Elgin family.
John Knight, Esq., Knight family.

[Elected Trustees.]

The Earl of Aberdeen.
The Earl of Derby.
The Duke of Rutland.
The Marquis of Lansdowne.
Sir Robert Peel, Bart.
The Duke of Hamilton.
Sir Robert H. Inglis, Bart.
Henry Hallam, Esq.
Wm. R. Hamilton, Esq.
The Duke of Sutherland.
The Right Hon. T. B. Macaulay.
Wm. Buckland, D. D., Dean of Westminster.
The Right Hon. Sir David Dundas.
The Right Hon. H. Goulburn.
The Marquis of Northampton.

"Complaints against the management of the Institution became so prevalent that, notwithstanding the mighty array of elevated functionaries, and illustrious literary and scientific persons behind which it was entrenched, it became necessary for the House of Commons to turn its attention to it.

"On the 27th of March, 1835, it was ordered in the House of Commons, 'That a select committee be appointed to inquire into the condition, management, and affairs of the British Museum,' with power to send for persons and papers. The committee consisted of thirty-three, including many of the leading men of the House.

"The committee held nineteen meetings, and on the 6th of August, 1835, reported a mass of testimony, making a folio volume of six hundred and twenty-three pages.

"On the 11th of February, 1836, the subject was again taken up, and became the occasion of a debate. Among other complaints made by members, it was affirmed that the statement made by Sir Humphrey Davy was correct, 'that the Archbishop of Canterbury, the Lord Chancellor, and the Speaker of the House of Commons, were considered as the real acting governors of the institution.' A new committee of fifteen was appointed, composed of distinguished persons, and authorized to send for persons, papers, and records. It held twenty-eight meetings, and reported to the House of Commons on the 14th of July, 1836. Certain improvements were made in the condition of the institution, as the result of these parliamentary proceedings."

"The public mind seems to have become again excited on the subject by complaints arising from the community, and from officers of the institution; and in 1847 a royal commission was formed, consisting of four noblemen and eight commoners, all eminent persons. They prosecuted their researches with great diligence, and the result of their labors in 1850 was a folio volume of more than one thousand pages. The whole number of questions and answers is ten thousand nine hundred and thirty-three. The chairman of the commission was the Earl of Ellesmere. He presented an elaborate, full, and independent report. One or two extracts may be read with advantage by those who have the management of literary and scientific institutions.

"'Such a board of trustees, to any one who considers the individuals who compose it, with reference to their rank, intelligence, and ability, would give assurance, rather than promise, of the most unexceptionable, and, indeed, wisest administration in every department. High attainments in literature and in science, great knowledge and experience of the world and its affairs, and practised habits of business, distinguish many of them in an eminent degree; and it would be unjust either to deny the interest which all of them feel in the prosperity of the institution, or refrain from acknowledging the devoted services which some of them have rendered in its administration. But, on the other hand, absorbing public cares, professional avocations, and the pursuits of private life, must, in many instances, prevent those individuals, whose assistance might have been best relied on, from giving any thing like continued attention to the affairs of the institution.'

"While the report alludes, in the above language, to the inability of such official persons, in general, to attend with sufficient particularity to any extra business, incidental to affairs out of the sphere of their more appropriate duties, it makes an exception in favor of the Archbishop of Canterbury, who, in the words of the report, 'gave to its affairs more time and attention than we could have supposed it possible for a person the most active to have spared from his momentous and sacred duties.'

"The commissioners dwell at length upon the fact that the trustees were not in the habit of communicating directly with any other officers of the institution but the secretary, as in the following passage:

"'The secretary attends all the meetings, and the officers of the establishment, generally, are perfectly aware of the extent of his influence and control over the business, while he has no direct responsibility for the conduct or actual state of any department.'

"'There may be many cases, certainly, in which it is not expedient only, but necessary, that the board should deliberate in the absence even of the principal librarian, or of the heads of departments; but these must be exceptional cases, and considering the persons who are heads of departments, and the knowledge and ability by which they are, and ought to be distinguished, it seems impossible to suppose that the trustees would not derive the greatest assistance from immediate, full, and unreserved communication with them on questions arising in the administration of their respective departments. We find, however, there is scarcely one of the highest officers of the institution who has not complained of systematic exclusion from the board when the affairs of his department are under consideration, as equally disparaging to himself, and injurious to the interests of the department, giving no opportunity of explaining their reports, or meeting the objections and criticisms to which they may have been subject; and their own absence, joined to that of the principal librarian, leaves them under the painful but natural impression, where their suggestions are disallowed, that the interests with which they are charged have not been fully represented. We cannot but ascribe to this cause the unfortunate and unseemly jealousies which the evidence shows to have long existed among the principal officers of the Museum—their distrust in the security of the means by which they communicate with the board; their misgivings as to the fullness and fairness of the consideration which their suggestions receive, and their feelings of injustice done to their own department, arising, it may be, from an over zeal for its interests, or an over estimate of its importance.'

"Finally, they use this language in reference to what they judge to be the too overshadowing power allowed to the secretary by the trustees:

"'From his control of the business, constant intercourse with the trustees, and attendance at all their meetings, he has risen to be the most important officer in the establishment, though without that responsibility which attached to the principal librarian and the heads of departments. The influence possessed by this officer in the affairs of the Museum has followed the usual course where the secretary is permanent, and where the administrative board is fluctuating, and must depend mainly upon the secretary for the information required in the dispatch of ordinary business.'

"The case of the British Museum confirms the conviction, that whatever power is lodged in the secretary—and we do not advise to encroach upon or diminish his authority—it is all important to have it defined and guided and guarded under express regulation. Gentlemen of education and refined sensibilities will be willing to conform to rules in the shape of law, but will always resent the exercise of absolute and unrestrained power. Every American heart

instinctively resists arbitrary authority. No reasonable mind objects to conformity to established regulations, and obedience to defined, permanent, and uniform rules. Beyond those rules the rights of a subordinate officer are as perfect as those of any other man. Within them he feels that it is no degradation to obey. It is not at all improbable that many of the difficulties that have been encountered in the British Museum, and in the Smithsonian Institution, have arisen not so much from lodging too much power in the secretary, as from the absence of by-laws fully defining the powers, duties, and relations of all the officers employed in them. The committee is particularly desirous to have it understood that they feel justified in expressing a very decided opinion that the difficulties that have arisen, and which the evidence sufficiently discloses in the bosom of the Institution, and the dissatisfaction that may exist in some portions of the community, may safely be attributed to the causes just mentioned, and not in the least to any want of fidelity or zeal on the part of its managers.

"As it respects the general policy, advocated by the friends of a library, to make it the prominent feature of the Smithsonian Institution, the committee are of opinion that the funds of the Institution are sufficient to accomplish that object at a more rapid rate of gradual accumulation than heretofore, without essentially impairing the usefulness and efficacy of the policy pursued at present by the managers. Active operations, original researches, and the publication of scientific treatises, if the whole income were consumed in them, would have to be confined far within the limits of what would be desirable. A limitation must be suffered at some point within the income; and the satisfaction of the country is of greater importance than a few thousand dollars, more or less, expended in either direction.

"But a few words are needed to do justice to the value of a great universal library at the metropolis of the Union. Every person who undertakes to prepare and publish a book, on any subject, will be found to bear testimony to the need of such a library. The great historians and classical writers of the country have to send abroad, often to go abroad in person, in order to obtain materials for their works. All literary men are eager to inspect catalogues, and explore alcoves, in the prosecution of their favorite departments; and there is no direction in which they are more tempted to drain their frequently quite moderate resources, than in the purchase of books. Such a library as would be accumulated by an appropriation of $20,000 annually, for twenty years, judiciously expended, would be frequented by scholars and authors in much larger numbers than persons not acquainted with their wants will be likely to suppose. In half a century it would give to America a library unequalled in value, and probably in size, in the world.

"There is a special reason why such a library should be provided at the seat of the Federal Government. The annals of all other countries, running back into the past, are soon shrouded in fable, or lost in total darkness. But ours, during their whole duration, are within the range of unclouded history. The great social, moral, and political experiment here going on, to test the last hope of humanity, is capable of being described in clear and certain records. The history of each State and Territory can be written on the solid basis of ascertained facts. In each State and Territory there are, and from the first have been, many persons who are preparing, and have published, works illustrative of the entire progress of those respective communities. In local histories, commemorative addresses, and the vast variety of productions of this sort, our literature is rich and ample—beyond that of any other people. There is no way in which the patriotism and virtue of a people can be so effectually fostered and strengthened as by cherishing in their breasts an interest in their ancestry, in the incidents that have marked the fortunes of their States, their towns, and the scenes of their residence—the transmitted reminiscences of their homes and firesides. It would be a great and a good thing, could there be collected in a national library, in distinct alcoves, all valuable publications illustrating the history of the several States of the Union. Different processes of legislation, and various social and political influences, have operated upon them severally, and the records of the results ought to be here for the inspection and instruction of the Representatives of the people, of the people themselves, and of the whole world.

"But if every other description of books is avoided or crowded out, there is one which surely ought not to be. If the resources of the Institution are to be exclusively or mainly devoted to science rather than to general literature and knowledge, it ought, at any rate, to have within its walls a perfect and universal library of science and art; not merely modern science and recent researches, but all the publications of all ages, and all countries, that illustrate the progress of science, as such. If we cannot have a universal library, give us, at least, a scientific library, such as no other nation can boast.

"One advantage of a liberal expenditure for a library, not to be thought lightly of in a Government resting entirely on popular opinion, is that it results in something that shows for itself. The people can see in it what has become of the money. It would forever grow before their eyes, and in all coming generations, from its unapproached and ever expanding magnitude, would be an object of perpetually increasing national pride. Under the present policy, the funds disappear as they are expended, however salutary their application may have been, and the only monuments are a few volumes, admirable, no doubt, in their form and substance, highly appreciated by scientific societies at home and abroad, but never seen by the people.

"The short time allowed them, the necessary consequent inadequateness of their investigations and deliberations, and the impossibility of any legislative action by this Congress, restrain the committee from reporting any bill to the House; but, in view of all the circumstances, as a measure of peace, as a mutual concession, which, in such a matter, is the only way of settling a difficulty, they would express their conviction that the compromise adopted at an early day by the Board of Regents, ought to be restored, and that all desirable ends may be ultimately secured by dividing the income equally between the library and museum on the one part, and active operations on the other.

"The only other suggestion the committee have to make is, the expediency, in order to avoid all embarrassment in future, to have each division of the Institution placed under its proper and distinctive head. Let the secretary have charge of the active operations, preside over the scientific researches, and direct the publications. Let the librarian have charge of the library and museum. If the two departments are thus separated, and placed under the control of well devised and clearly defined regulations, never interfering with each other, but working freely and harmoniously in their respective spheres, each principal responsible only for his own province, and subject alike to a common head, whether the Secretary of the Interior or a Board of Regents, the Institution would, we think, be found to work more auspiciously, and produce the best and greatest results. For the committee,

"CHARLES W. UPHAM, *Chairman.*"

GRANTS OF LAND FOR RAILROADS.

SPEECH OF HON. JOHN PERKINS,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1855,

On the bill granting alternate sections of Land to aid in the construction of the Vicksburg and Shreveport Railroad.

Mr. PERKINS, of Louisiana, said:

Mr. SPEAKER: In offering the bill granting alternate sections of land to aid in the construction of the Vicksburg and Shreveport railroad, prepared by the Committee on Public Lands, as an amendment to the railroad bill now before the House, my object is to avoid anything like sectionalism in the passage of either of these bills. They are not so in their character, and should not be made to appear so by the mode of their introduction.

Substantially, the same bill that I now offer as an amendment has passed twice the Senate. It was introduced into this House last session, before any of the other bills now with the Committee on Public Lands, and, under the circumstances, I see no reason why its report should be delayed. It is in discharge, therefore, of a duty, and without reflecting upon the members of the committee for the order in which they are disposed to bring forward their bills, that I offer it at this time.

If it is voted down now, it will again come up, when reported by the committee, should the committee be again called.

My time will not permit me, Mr. Speaker, to do more than suggest the points I would wish to discuss fully before the House.

The action of past Congresses on the subject of railroads, the indorsement of the policy and constitutionality of the grants of alternate sections of land to aid in their construction by Mr. Calhoun, the reasoning of the President's first message on the subject, and the full approval of the same policy in the annual report of the Secretary of the Interior, makes entirely unnecessary any constitutional argument.

The third section of the fourth article of the Constitution says:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Mr. Calhoun, in a report to the Senate on the memorial of the Memphis convention, at the session of 1845–'46, said:

"Your committee will next proceed to consider that portion of the memorial which relates to the communication by railroad between the valley of the Mississippi and the southern Atlantic States. They regard works of the kind as belonging to internal improvements, (that is, improvements within the body of the States,) and as such are, in their opinion, not embraced in the power to regulate commerce. But they are, nevertheless, of opinion, that where such roads, or other works of internal improvement, may pass through public lands, the United States may contribute to their construction in their character of proprietors, to the extent that they may be enhanced in price thereby. This has usually been done by ceding alternate sections on the projected line of such works, and it is believed that no mode of contribution more fair, or better calculated to guard against abuses, can be devised.

"That Congress has a right to make such contributions, where there is reasonable ground to believe that the public lands will be enhanced in proportion, under its right to dispose of 'the territory and other public property of the United States,' your committee cannot doubt. In making this assertion, they hold to the rule of strict construction; and that this power, like all the other powers of the Government, is a trust power, and, as such, is strictly limited by the nature and object of the trust. In this case the rule requires that the lands and other public property of the United States should be disposed of to the best advantage; and where that can be done by contributing a portion to works which would make the residue equally or more valuable than the whole would be without it, as is supposed, they hold it would be strictly within the rule. Your committee go further: They are of the opinion, not only that Congress has the right to contribute to the extent stated, in such cases, but that it is in duty bound to do so, as the representative of a part of the proprietors of the land to be benefited. It would be neither just nor fair for it to stand by and realize the advantage they would derive from this work without contributing a due proportion towards its construction. It would be still less justifiable to refuse to contribute, if its effect would be to defeat a work, the construction of which, while it would enhance the value of the land belonging to the public, and that of individual proprietors, would promote the prosperity of the country generally."

President Pierce, in his first annual message to Congress, 1853, said:

"Numerous applications have been, and no doubt will continue to be, made for grants of land in aid of the construction of railways. It is not believed to be within the intent and meaning of the Constitution that the power to dispose of the public domain should be used otherwise than might be expected from a prudent proprietor, and therefore, that grants of land to aid in the construction of roads should be restricted to cases where it would be for the interest of a proprietor, under like circumstances, thus to contribute to the construction of these works. For the practical operation of such grants, thus far, in advancing the interests of the States in which the works are located, and, at the same time, the substantial interests of all the other States, by enhancing the value and promoting the rapid sale of the public domain, I refer you to the report of the Secretary of the Interior. A careful examination, however, will show that this experience is the result of a just discrimination, and will be far from affording encouragement to a reckless or indiscriminate extension of the principle."

The Secretary of the Interior said:

"There can be as little doubt of the constitutionality of such grants as of their propriety.

"The right to donate a part for the enhancement of the value of the residue can no longer be justly questioned. The principle has been adopted and acted upon for nearly thirty years; and since experience has shown it to be productive of so much good, no sound reason is perceived why it should now be abandoned.

"It has been of incalculable importance to the great West, and either directly or indirectly to all the States."

The Commissioner of the General Land Office, in his report, 1853, said:

"The great and extraordinary increase in the amount of lands disposed of in sections of the country remote from each other, can only be accounted for by the improvements, aided by grants of alternate sections of land." "If no other reason existed this one, on the score of sound economy, would be sufficient. Many of these lands, however, have been in market long enough for the interest to amount to much more than the principle, and during all this period the States were deprived of the right and benefit of taxation." "To grants of this character for railroads," he continues, "not one tangible or substantial objection can be presented. The increased value given to the lands enables the Government to get double price and a ready sale for those retained, and hence the grant costs them nothing."

The power to "dispose of" the public lands exists. The exercise of this power is in the Government as proprietor, and although limited properly by the nature and restraints of the Constitution, the power, if employed at all, should be to insure the greatest advantage to the country.

Those who interpret the Constitution most largely, and contend for the right, under it, to carry on a general system of internal improvements, find no difficulty in these grants. Those who, like Mr. Calhoun, interpret strictly the terms of that instrument, deduce the power from the proprietary character of the Government. The difficulty is in the limitation of the power. But there are guards upon its exercise that do not exist in appropriations for internal improvement, both of time and locality. *Time ceases* when all the lands in a State are appropriated. *The locality* is *determined* in the designation by a State of the road chartered, and the confining of the grant by the Government to the vicinity of such roads.

Illinois has received for railroad purposes,				2,595,053	acres.
Missouri	"	"	"	2,442,240	"
Alabama	"	"	"	419,528	"
Mississippi	"	"	"	737,130	"
Arkansas	"	"	"	2,189,200	"
In all				8,383,151	acres

of land have been thus granted.

It is proposed, by the amendment I have offered, to grant to the State of Louisiana, for the Vicksburg and Shreveport railroad, alternate sections of land on the same terms of the grants to these States.

If this bill passes, it will secure to that railroad about 729,600 acres.

A letter from the Commissioner of the Land Office, which I have just received, says:

"In regard to the lands along the Vicksburg and Shreveport railroad, I have to state, as follows:

The estimated quantity of land proposed to be granted is		729,600 acres.
The estimated vacant within six miles, on each side of the road is		422,400 "

"The average length of time these lands have been in market is twenty one years. About three quarters of the lands were offered between the years 1822 and 1843. The remaining one quarter—chiefly in the De Bastrop claim—is not yet offered. The graduated price of lands in market twenty one years would be fifty cents per acre.

"I am, very respectfully, your obedient servant,

"JOHN WILSON, *Commissioner.*"

This, sir, is not a large demand. Reduced to dollars, it would be about $350,000. This is in the supposition that there remain sufficient vacant land within twelve miles of the line of the road to supply alternate sections for the grant. Within the last three months, however, a very large portion of these lands have been entered in anticipation of the construction of the road, and the fairer estimate would be that the lands to be conveyed by this bill do not value at more than $250,000. Louisiana has never yet had a grant of land for railroad purposes. All that she has ever asked for, is less than you have granted to the State of Illinois.

Road from New Orleans to Canton.

	Miles.			*Feet.*	*Acres.*
Distance from N. O. to 31st° latitude...	90	grant would be		540	345,600
Road from N. O. to Mobile.					
Distance from N. O. to Pearl river,....	39	"	"	192	122,880
Road from N. O., via Opelousas, to Texian line.....	310	"	"	1,800	1,190,400
Road from Vicksb'g, via Shreveport, to Texian line.....	190	"	"	1,140	729,600
Total.....	693			3,732	2,388,480

The States all around her have had such grants. They have been made to Alabama and Mississippi on the east; Arkansas and Missouri on the north. Texas on the west, has entire possession of all her lands. Why this distinction? Louisiana purchased after the adoption of the Constitution—from her history—the treaty stipulations of her cession; and her peculiar position, with the mouths of the Mississippi river within her borders, has certainly as great a claim upon the consideration of Congress. She brought with her to the Union, the free navigation of the Mississippi. She gave to the United States the commerce of the Gulf of Mexico; and opened the way to the Pacific coast. She has "contributed more," it has been well said, "than any other cause," to the growth and prosperity of the valley States east of the Mississippi, whose commerce has built up the cities, the commercial marine, the manufactures, the canals, and railroads of the States bordering on the Atlantic.

In return for all this, Louisiana, Mr. Speaker, has received but little from the Government. She has not, to be sure, been importunate in her demands, and I hope she never will be; but when she has a just claim upon the Government it should be acknowledged. The money paid into the Treasury for her lands, and collected on customs from her commerce, has been to her a dead loss of so much extracted from her wealth and disbursed in remote portions of the Union. She has been, in fact, like a mine, out of which treasure has been dug for the General Government

I have a remarkable table of receipts and expenditures by the Federal Government in Louisiana, to which I invite the attention of the House.

RECEIPTS INTO THE UNITED STATES TREASURY FROM THE STATE OF LOUISIANA.

Customs.

The gross amount received from customs in the State of Louisiana from 1812 to 1853, inclusive, was		$59,663,683 77
Debentures, drawbacks, refunded duties, &c.....	$12,897,393 98	
Expenses of collecting revenues from customs.....	3,855,503 01	
		16,752,896 99
Net proceeds from customs.....		$42,910 766 78

Lands.

The gross amount received from lands in the State of Louisiana from 1821 to 1853, inclusive	$4,976,262 54	
Surveys, &c., including salaries and commissioner to settle land claims.....	1,306,939 47	
		3,669,323 07
Received from miscellaneous sources....		532,044 31
Net amount received from all sources..		$47,112,134 16

EXPENDITURES BY THE UNITED STATES TREASURY IN THE STATE OF LOUISIANA FROM 1812 TO 1853.

Expenses of the judiciary, including salaries of judges, attorneys, marshals, &c	$685,779 30
Expenses of marine hospital establishments..	541,412 98
Support and maintenance of light-houses....	363 537 93
Building light-houses, buoys, &c.....	259,755 33
Building custom-houses.....	1,107,235 31
Building branch Mint, including the machinery, &c.....	359,088 55
Salaries of officers, wages of workmen, and contingent expenses of branch Mint.....	947,334 63
Building marine hospital.....	123,081 00
Improving the navigation of the Ohio and Mississippi rivers.....	275,000 00
Improving the navigation of the Ohio and Mississippi rivers from Pittsburg to New Orleans.....	167,800 05
Improving the navigation of the Ohio and Mississippi rivers, from Louisville to New Orleans.....	191,300 00
Improving the navigation of the Ohio, Missouri, and Mississippi rivers.....	258,523 84
Improving the Missouri, Mississippi, Ohio, and Arkansas rivers.....	430,000 00
Increasing the depth of the mouths of the Mississippi	286,497 97
Improving the navigation of the Red river...	433,070 36
Survey of the Delta of the Mississippi.....	56,510 00
Snag and dredge boats for the use of Ohio, Missouri, and Mississippi rivers.....	140,596 00
Improving the Mississippi river below the rapids	21,000 00
Forts, fortifications, and other works of defense.....	2,387,089 23
Refunding money for land sold in the Greensburg district.....	174.944 89
Expenditures of all kinds.....	$9,208,857 37

BALANCE-SHEET—LOUISIANA.

To receipts, net.....	$47,112,134 16
To expenditures.....	9,208,857 37
	$37,903,276 79

This statement exhibits the net proceeds, say $37,903,276 79 of the receipts of Louisiana from her admission into the Union in 1812 until 30th of June, 1853, after deducting every expenditure by the Federal Government within the State, as well as the appropriations to the Mississippi and its tributaries.

Mr. Speaker, the interest of Louisiana, particularly the portion of it that I represent, is agricultural.

The Mississippi river, flowing along the borders of the seven land States of Wisconsin, Iowa, Illinois, Indiana, Missouri, Arkansas, and Mississippi, passes through Louisiana with a western bank of more than six hundred miles, and an eastern one of more than four hundred, together, about one thousand miles.

The alluvial bottom along its course, that is but a narrow strip above Missouri, widens out with the waters of its lower tributaries into an immense basin of low land, that gives to Louisiana a gulf shore of several hundred miles all along the line of, and over and through which the waters of the great West reach the Gulf level.

This physical peculiarity has given to Louisiana an exceptional character of interest, connected with the land policy of the Federal Government, difficult to be appreciated by one who has not lived within her borders.

The fact that she has been under three different rules—Spanish, French and American—has complicated her land titles, and dotted her over with disputed grants and unadjusted claims, that in 1849 numbered 4,721,180 acres. Although organized as a Territory in 1804, and as a State in 1812, the first land office opened within her limits was in 1818, and such was the delay on the part of the General Government in surveying her lands, that of her (in round numbers) 29,000,000 acres of land, only 2,700,000 had, up to 1850, been surveyed.

In fact, sir, since her introduction into the Union, she has been like a captive fettered by the operation of your land system. For the whole of the original territory of Louisiana, beyond the Mississippi, extending north to the British possessions, and west to and over the Rocky mountains, you gave but $15,000.000. Years since you have been more than paid back this sum from the sale of lands, within but a small portion of this territory.

Amount of Moneys received for Lands sold in the undermentioned States up to January 1st, 1849, as per Statement of R. M. Young, Commissioner of the General Land Office, and as per Appendix to the Report of the Commissioner for the year 1848, page 255.

States.	Acres sold.	Money received
Missouri*.....	9,726,360.86	$12,721,141 64
Louisiana†.....	3,224,425.60	4,086,394 26
Arkansas‡.....	2,995,237.15	3,769,694 90
Iowa§.....	2,361,022 24	2,954,052 29
	18,306,646.05	$23.531,283 09

*Averaged per acre, $1 31. †Averaged per acre, $1 27. ‡Averaged per acre, $1 26. §Averaged per acre, $1 25 1 9.

Every dollar you now realize from the sale of the remaining land in the State of Louisiana is in the nature of profits from a Government speculation.

I have once before, since I have been in this House, alluded to this subject, as a cause of just complaint. Mr. Benton said, in 1829, that the Federal Government had treated Louisiana worse with reference to her lands than she had been treated by the kings of France and Spain. His words were: "For all that the Federal Government has done, that State would now be a desert."

Mr. Livingston, in 1830, said "that in the twenty-five years she had been in the Union the Federal Government had retarded her just one half in her population;" and the Commissioner at the head of your General Land Office has said, "that it would have been cheaper for the original citizens of Louisiana to have purchased over again their lands from the General Government, than to have incurred the expense of the litigation to which they have been exposed in defending their titles."

I refer to these facts, Mr. Speaker, as showing, that aside from the peculiar merit of the present grant, Louisiana has claims of a general character upon the consideration of Congress.

Gentlemen may remind me of the swamp grant of near ten millions of acres, made to Louisiana at the time of similar grants to the other States, South and West.

This was, Mr. Speaker, to some of the States, in many respects a munificent grant. It was, as regards Louisiana, certainly a most just and proper grant. The Representative, [Mr. Harmanson,] who, by his active zeal, honorably attached his name to the legislation which secured it was from the congressional district of Louisiana I now represent. His untiring exertions in this behalf were gratefully appreciated at home.

But, sir, Louisiana has not yet been benefited by the grant to the same extent as the other States who were its recipients. It was a grant not only to reclaim land, but to secure from miasma and disease, a large region of country. Disease, which higher up the Mississippi river, strikes here and there an individual, has, in some instances in Louisiana, swept whole communities.

The object of the grant was to enable the State to do what the General Government could not so well do, remove, by a system of draining and leveeing, the causes of a miasma which, generated in swamps more than half the year covered with water, and protected by deep and thick forests from the sun, was borne by currents of wind, over the more elevated and healthy regions on each side. I have in my hand the report of the Board of Swamp Land Commissioners of Louisiana, addressed to the Governor of the State, January 2, 1854, with reference to these lands. From it I find, that in that year, two out of the three engineers engaged by the State in surveying this swamp land fell victims to disease. From the report for the present year it appears that the survey has been again delayed by reason of the ill health of those exposed in this duty.

The united report of the three commissioners of the State for the year 1854, says that the protection levees on the Mississippi river, with other rivers and bayous of the State, require such great expenditures that the lands available to that State may not produce more than sufficient to guard

against overflow. And that the draining of the lands would not cost, for main drains, machinery and building, more *than eight dollars per acre, or* $72,000 *for nine thousand acres.*

This is the outlay calculated to be made by the State *for "main drains" only.* The smaller drains and clearings are not included in this estimate, and are to be performed when preparing for cultivation. One of these commissioners, an old and respected citizen of the State, (Colonel Van Winkle,) says, in his report to the Governor:

"It is now, with fear and trembling, that the citizens of our State witness the annual rise of the Mississippi, not knowing at what moment the labor of years may be swept away, and all their plans for the future dissipated."

The effect has been this: The water of the Mississippi river leveed out from the banks above, has been forced down upon Louisiana, in an increased volume, making it necessary to strengthen and build higher her levees, cut outlets, and make drains, resulting in the organization under scientific men, of a system of State internal drainage, attended with great expense, and entirely unknown in any other State of the Union. So great has been the expense entailed upon her by this means, that the Commissioner of the General Land Office, (Mr. Wilson,) than whom no one is better acquainted with the peculiarities of Louisiana swamp lands, recommended in 1852, as but an act of justice and propriety, the granting to her the remaining ten millions of acres of public land within her borders.

Under these circumstances, Mr. Speaker, I trust there will be no more allusion in this House to the grant of swamp lands to Louisiana as a gratuity. In no light can it be regarded as a gratuity. A great portion of the land comprehended in the grant has never yet been surveyed, by reason of their low and marshy character. Had the General Government received no other consideration, the enhanced value in the reclamation of large tracts of public land heretofore produced by private levees would be a full equivalent.

But, Mr. Speaker, I leave this general view of the subject, and ask the attention of the House, while I state, as briefly as possible, a few of the particular reasons in favor of the grant of lands under the bill now before the House.

1. The local peculiarities of the country to be traversed by the proposed railroad, are such as to make it greatly to the interest of the Government to grant alternate sections of land in order to give value to the remaining sections.

2. The national character of the road for which the grant is asked, and the terms of the bill under which it is to be conveyed, strongly recommend it to the favorable consideration of Congress.

3. The amount of land asked is so small, and, in its present inaccessible state, its value so little, that, even should this bill pass, nominally making a grant to the State, the Government in reality will have made a most profitable contract.

I believe that the land to be conveyed under this bill will be more than reimbursed in value to the Government, threefold.

1. By the increased value of the remaining sections of land along the route.

2. By the saving in the carrying of the United States mail.

3. By the saving in the transportation of its troops and military stores.

The Vicksburg and Shreveport railroad company's charter bears date the 5th July, 1852. The company was organized the 25th January, 1853.

The route from Vicksburg across to the Texas line has been surveyed. The distance is two hundred and ten miles. The State of Louisiana has subscribed for $800,000 of stock. Individuals living along the line, the parishes through which it passes, and persons living at the proposed termini, have liberally subscribed. Portions of the road are now under construction, and such is the deep interest felt that many of the planters along the route have contracted for portions of the work, to receive pay in stock.

In the entire distance across the State the road will vary only nine miles from a direct line. From Vicksburg, on the Mississippi river, it will pass directly west to Monroe, in Louisiana, a distance of seventy-five miles, and from Monroe to Shreveport, a distance of about one hundred miles, and from there to the Texas line west about thirty miles. The entire distance, in all, is about two hundred miles. The elevation in this distance will be only about fifty feet.

When completed, the immediate advantages of the road will be felt in the development of the interior regions of Arkansas, Texas, and Mississippi; while its connection with a system of roads to extend through Texas to the Pacific, will open a large avenue of rich trade. There is not, perhaps, a richer agricultural region in the world than portions of that through which the road will pass. It is intersected by marshy lakes, bayous, and small rivers seldom navigable. What Napoleon once called, on his return from his Russian campaign, a *fifth* element of nature in addition to earth, water, air, and fire, *mud* makes it impassable to ordinary roads. There are in it tracts of the finest cotton and sugar land in the world, lying entirely unproductive, islets, as it were, in a region of morass. The road will cross the triangle of land between the Mississippi and the Red river, bringing into market these lands, and connecting, as a link, the railroad going west, terminating at Vicksburg, with that coming east from Texas at Shreveport.

I hold in my hand a table, drawn from the last census returns, showing the extent, population, agricultural product, and wealth of the twelve parishes most nearly interested in the construction of this road.

Statistics of the undermentioned Parishes in Louisiana as per United States Census returns of 1850, with the Marshal's returns of what are considered average crops.

Parishes.	White population.	Free colored population.	Total free population.	Slave population.	Aggregate population.	Acres of land in farms. Improved.	Acres of land in farms. Unimproved.	Cash value of farms.	Value of farming implements and machinery.	Value of live stock.	Bushels of Indian corn.	Ginned cotton—bales of 400 lbs.	Average crops of corn—bushels.	Average crops cotton—bales of 400 lbs.
Bienville	3,623	91	3,644	1,995	5,539	18,016	42,559	$871,252	$39,986	$114,539	193,530	1,648	192,539	4,000
Bossier	2,507	-	2,507	4,455	6,962	40,984	114,186	770,983	37,600	194,571	225,103	4,161	225,128	8,000
Caddo	3,634	42	3,676	5,208	8,884	44,174	136,021	957,109	59,813	227,660	265,945	4,819	530,000	9,600
Carroll	2,336	10	2,346	6,443	8,789	47,701	98,943	9,719,489	494,670	258,693	257,314	15,544	360,000	31,000
Claiborne	4,949	-	4,949	8,523	13,472	31,971	85,039	806,747	35,913	206,953	234,470	9,483	234,470	3,300
Franklin	1,664	14	1,678	2,895	4,573	14,173	41,817	327,401	38,591	111,496	163,785	3,044	163,785	3,944
Jackson	3,408	10	3,418	5,866	9,274	47,281	118,038	304,743	31,618	115,450	136,404	1,394	136,404	1,394
Madison	1,490	4	1,494	7,353	8,773	56,019	186,029	9,696,046	338,553	237,500	214,365	12,771	643,085	37,479
Morehouse	1,907	6	1,913	2,006	3,913	15,895	96,108	316,375	29,330	131,760	119,235	3,303	158,990	4,400
Ouachita	2,300	6	2,306	2,708	5,008	29,373	58,539	601,690	93,595	140,745	126,000	3,498	350,000	10,458
Tensas	1,907	6	1,913	7,027	8,940	38,539	138,530	2,439,734	2,032	2,032	336,725	21,655	508,087	28,287
Union	4,788	10	4,798	3,425	8,223	45,135	73,544	477,950	44,363	241,921	288,093	5,213	392,095	6,950
	33,392	133	33,525	47,884	81,409	419,652	989,908	$19,978,783	$1,138,089	$2,827,153	1,418,950	79,551	3,504,518	148,518

Their production in 1851 was 138 bales of cotton and 2,000,000 bushels of corn, from the labor of 46,099 slaves. Their white population in 1850 was 33,392. I cannot be much in error in relying upon a calculation made by my colleague, [Judge JONES,] when I estimate the product of these parishes for 1853 to have been nearly 300,000 bales of cotton. Complete this railroad, and the increased facility to market will draw a dense population, and cause greatly increased production. I have here, sir, a remarkable table, to which I invite attention, as showing the difference in the expense of getting produce to market at the South by ordinary roads of the country and by railroad:

STATEMENT—

Showing the value of a ton of Cotton, say five bales of four hundred pounds each, at seven cents per pound, equal to $140 the ton, and one of sugar, say, two hogsheads, of one thousand pounds each, at three and a half per cent. per pound, equal to seventy dollars the ton—at given points from market, as effected by cost of transportation by railroad, and over the ordinary roads, computing the cost by railroad at three cents per ton, ten miles, and by the ordinary road, one dollar and a half per hundred for ten miles—the estimated average rates in the southern country by these two modes of conveyance:

	Transportation by railroad.		Transportation by ordn'y road.	
	Cotton.	*Sugar.*	*Cotton.*	*Sugar.*
At market	$140 00	$70 00	$140 00	$70 00
10 miles from market	139 70	69 70	137 00	67 00
20 miles from market	139 40	69 40	134 00	64 00
30 miles from market	139 10	69 10	131 00	61 00
40 miles from market	138 80	68 80	128 00	58 00
50 miles from market	138 50	68 50	125 00	55 00
60 miles from market	138 20	68 20	122 00	52 00
70 miles from market	137 70	67 90	119 00	49 00
80 miles from market	137 60	67 60	116 00	46 00
90 miles from market	137 30	67 30	113 00	43 00
100 miles from market	137 00	67 00	110 00	40 00
110 miles from market	136 70	66 70	107 00	37 00
120 miles from market	136 40	66 40	104 00	34 00
130 miles from market	136 10	66 10	101 00	31 00
140 miles from market	135 80	65 80	98 00	28 00
150 miles from market	135 50	65 50	95 00	25 00
160 miles from market	135 20	65 20	92 00	22 00
170 miles from market	134 90	64 90	89 00	19 00
180 miles from market	134 60	64 60	86 00	16 00
190 miles from market	134 30	64 30	83 00	13 00
200 miles from market	134 00	64 00	80 00	10 00
210 miles from market	133 70	63 70	77 00	7 00
220 miles from market	133 40	63 40	74 00	4 00
230 miles from market	133 10	63 10	71 00	1 00
240 miles from market	132 80	62 80	68 00	-
250 miles from market	132 50	62 50	65 00	-
260 miles from market	132 20	62 20	62 00	-
270 miles from market	131 90	61 90	59 00	-
280 miles from market	131 60	61 60	56 00	-
290 miles from market	131 30	61 30	53 00	-
300 miles from market	131 00	61 00	50 00	-
310 miles from market	130 70	60 70	47 00	-
320 miles from market	130 40	60 40	44 00	-
330 miles from market	130 10	60 10	41 00	-
340 miles from market	129 80	59 80	38 00	-
350 miles from market	129 50	59 50	35 00	-
360 miles from market	129 20	59 20	32 00	-
370 miles from market	128 90	58 90	29 00	-
380 miles from market	128 60	58 60	26 00	-
390 miles from market	128 30	58 30	23 00	-
400 miles from market	128 00	58 00	20 00	-
410 miles from market	127 70	57 70	17 00	-
420 miles from market	127 40	57 40	14 00	-
430 miles from market	127 10	57 10	11 00	-
440 miles from market	126 80	56 80	8 00	-
450 miles from market	126 50	56 50	5 00	-
460 miles from market	126 20	56 20	2 00	-
470 miles from market	125 90	55 90	-	-
480 miles from market	125 60	55 60	-	-

These facts and figures are not given except to show that this application for land is not made in behalf of a small interest, or for the advantage of a few speculators.

If ever there was an application for a grant of lands for railroad purposes within a State that could with propriety be termed national in its character, this is certainly one. It is to connect the great chain of railroads which already exists, with one or two broken links from Charleston to Vicksburg, with that which is provided for in the magnificent grant by Texas to construct a road across her entire borders.

A region of country five times the size of the great State of New York, and much larger than the whole of New England, lies to the southwest of the Mississippi valley, all embraced within the single State of Texas. Its resources are yet undeveloped. In population and wealth it will exceed what New England now is. Without going beyond its limits we may, without any stretch of imagination, picture it to the other States of the South, and in its influence upon the Union what New England has been to the northern States and the Union. This region, once alien, now seeks to be

bound yet closer by increased means of intercourse and trade with the Union.

Her gulf shores are shallow, and not always accessible to our large merchant vessels.

The Red river, her natural outlet to the Mississippi valley, is obstructed in its navigation by rafts and other causes, that make it, for almost six months in the year, entirely useless for trade. The small town of Shreveport, of only a dozen houses a few years since, has grown into a flourishing city, second only to New Orleans in population and wealth, of any in Louisiana. It has become so by being the stopping point of the wealth and trade of the West in its course East. Often the merchants of Texas, deterred by the sickness in the Gulf cities, from passing through them, on their way East for northern purchases, have been obliged to trust the uncertain and circuitous navigation of the Red river, or to force their way by land across north Louisiana, along the very line of this projected road. The emigration from the States east of the Mississippi, west over this line, and through Shreveport to Texas, is very great. It has been estimated, in some years, from sixty to one hundred thousand persons. When the water in Red river is low, the principal portion of it is through by land; and when high, by the river. It is not unusual at certain seasons (my colleague, Judge Jones, tells me) to see forty or fifty large traveling wagons together, on the eastern bank of the Red river, waiting their turn to cross the ferry toward Shreveport.

I will not enlarge upon the commercial advantages to result from the completion of this road. It will open a direct, valuable, and increasing demand for the manufactured articles of the middle and southern, as well as for those of the northern States. It will go far towards completing, almost on the same parallel of latitude, of thirty-two degrees, the longest line of railroad in the world, and passing through the richest agricultural region that exists. It will make comparatively easy the accomplishment by capitalists, even without the aid of Government, of railroad communication with the Pacific, and through a region embarrassed neither by the snows of winter, nor the excessive heats of summer. The fields where are grown the cotton and sugar of the world will be along its line. The gold mines of California and the trade of the Pacific will be at one end, and Cuba and that of the Atlantic near the other. The same trade that made the shores of the Mediterranean sea to bloom with civilization and built up large cities along its line, will pass directly through our borders. There can be no calculation of the effect upon the future of the South. New life and energy will be given to every interest. I forbear, however, to more than suggest a few of these national considerations.

I have said, Mr. Speaker, that the grant of alternate sections to this road would be, I believe, more than threefold repaid to the Government.

1. The value of the land granted is to be repaid by the sale of the remaining sections along the line, at double their present price. Experience shows that the Government has been (says the Commissioner of the General Land Office) fully reimbursed in this way for railroad grants heretofore made.

If there is any doubt, however, on this point in the mind of any one, I ask his attention to another aspect of this question. The amount of duty on iron which this company will pay into the public Treasury in constructing two hundred miles, will of itself pay more than the value of the lands. It is estimated that the present duty on every mile of railroad iron laid down, is over $1,200. This for two hundred miles would be $240,000 paid into the Treasury.

2. The present bill proposes that, first, the Postmaster General, and afterwards (if it sees proper) Congress, shall fix the amount at which the road, when constructed, shall carry the United States mail. The rates now paid railroads for single daily service vary from $50 to $150 a mile. If, as is most likely, the road should be directed to carry the mail for the least sum now paid, it will cause an annual saving to the Government of $100 a mile. This for the two hundred miles of the road will be $20,000. Thus by this means in a few years the Government will be reimbursed the value of its lands.

3. By the bill, the road, when constructed, will "remain a public highway for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States." Under this section, in case of war with Mexico, the Government would be in one year more than repaid in the transportation of its troops, the full value of the lands proposed to be granted. That this may be perfectly plain, I call attention to House document No. 24, containing a letter from the Secretary of War, transmitting reports in reference to obstructions to the navigation of the Red river, dated January 16, 1854, in which the Quartermaster Department reports to Colonel Davis, that in 1851 it was estimated "that if the raft in Red river were removed, so as to afford an unobstructed navigation to that river, it would result in a saving of about $4,500 for each company to be supplied or for a regiment about $45,000 annually."

The report says that from 1851 to 1854 the cost of transportation remained about the same.

General Jesup, in 1851, gave the data of this calculation, as follows:

On one hundred and thirty-two thousand one hundred and sixty pounds subsistence, at three cents per pound	$3,964 80
On five thousand pounds clothing and camp equipage, at three cents per pound	150 00
On ten thousand pounds quartermaster's ordnance, and medical stores, at three cents per pound	300 00
On twenty-eight enlisted men, at four dollars each,	112 00
Amount saved to a company	$4,526 80

There is at present one regiment (fifth infantry) which is to be supplied from Fort Smith, or by Red river; consequently, the saving to the Government, which would be made by the removal of the raft, may be estimated at $45,000 annually, provided a regiment of troops is to be maintained on that line of the frontier, and in proportion as the number may be decreased or increased.

The foregoing calculation is based upon the supposition that only the new posts ordered to be established by the fifth infantry are to be supplied by way of Red river; but, if that river should be effectually cleared out so as to render its navigation certain during the high stages of water, it is believed that at least two of the present posts in Texas, now occupied by other troops, could be more economically supplied than at present, by way of Indianola, on the coast; added to which, it is but fair to presume that, as the posts on the new line be pushed forward towards the Rio Grande, it will be found that that route will be cheaper and more certain for supplying the posts in the vicinity of El Paso, in New Mexico, than the present routes via Indianola or Fort Leavenworth.

It will be observed that this saving, of near $50,000, is *the difference* between what the Government now pays, and what it would have to pay for the transportation of troops and military stores, were the raft in the Red river removed. By the railroad, if constructed, with the aid of a grant of lands from the Government, its saving would be of nearly the *entire amount* now expended. It is not extravagant to estimate, therefore, that the Government would thus be more than paid back to the fullest in a few years the value of the lands donated.

Mr. Speaker, I will not refer to the injustice of individuals—*small landed proprietors—paying taxes* for the construction of railroads by which the *General Government, the largest landed proprietor* along the line, is to reap the greatest advantage in the enhanced value of its land, *without itself paying even a cent in taxes*. I have heretofore called to the attention of the House a calculation made in 1849, that from a forbearance to tax the land of the General Government, within their limits, the States have lost $72,000,000. I have now said, sir, all that I intend to say on this subject. My remarks apply, except where the Vicksburg and Shreveport railroad is mentioned, to all the other railroads in Louisiana for which land grants are asked.

I will not be tempted into anything that even by perversion can be construed into a sectional advocacy of the bill before the House. Louisiana will construct her roads, Mr. Speaker, whether you grant or refuse her the lands along their line. She has capital, energy, and intelligence united in the direction of these enterprises. She has never been, and I trust she never will be, an importunate beggar for grants of any kind from the Federal Government. If you deny her justice under the legislation of this House, she will, at least, preserve her self-respect. When the recent bill for the Pacific railroad was up for passage, under the rules of your House I could not protest against what seemed to me very much like an effort to shut her off from all the advantages of the Pacific road. I do not charge it as such an effort. I have too much respect for the gentleman from Indiana [Mr. Davis] to believe that was the design; but, sir, coming from almost any other source, I would have believed it to have been such an effort. To the proposition to construct a great central road to the Pacific, with one northern branch running towards the great lakes, and the other, not, sir, towards the Gulf of Mexico, but towards Memphis, I did not move an amendment turning that southern branch towards New Orleans; for even then it would have been a virtual exclusion of both Texas and Louisiana from the advantages of the California trade.

My colleague [Judge Dunbar] offered the bill of the Senate, providing for a northern, a central, and a southern route. Could anything be more just? It was rejected. I then offered to the House a proposition prepared by the member from Arkansas, [Mr. Warren,] which I thought national and entirely just towards all sections. It was, that *the Government should grant alternate sections of land for the construction of a railroad through its Territories, from any point west of the Mississippi river that individual enterprise and capital should select, with proper guarantees for its completion to the Pacific.* To such a grant few entertain constitutional objections. President Pierce, in his first annual message, said:

"Congress, representing the proprietors of the territorial domain, and charged especially with power to dispose of territory belonging to the United States, has, for a long course of years, beginning with the Administration of Mr. Jefferson, exercised the power to construct roads *within the Territories, and there are so many and obvious distinctions between this exercise of power and that of making roads within the States*, that the former has never been considered subject to such objections as applied to the latter, and such may now be considered the settled construction of the power of the Federal Government on the subject."

Asking no monopoly, Mr. Speaker, by the Federal Government of this trade to herself, I know I speak the sentiment of Louisiana when I say she will not acquiesce without a sense of wrong done her in any legislation on the part of Congress which secures it to some other State further north. Natural advantages, capital, and individual enterprise should determine the route. Left to such a decision, I have no doubt where the railroad will run. I have material which, on this point, it seems to me, should satisfy every unprejudiced mind. To place it on record, and, at the same time, give it circulation, I will conclude my remarks by reading it:

Captain Marcy, in his report dated November 20, 1849, concludes by saying:

"From all I can learn of the other routes to California, I am induced to believe, that should our Government at any future time determine upon making a national road of any description across the continent, the southern route we have traveled is eminently worthy of consideration. We find upon none of the northern routes as much water, timber, or rich fertile soil, as upon this. There are many more mountains to pass over, and during a part of the year they are buried in deep snows.

Major H. H. Merrill, United States Army, writing from Austn, Texas, May 6, 1854, to Hon. Anson Jones, of that State, says:

"An active service of over five years in your State, most of which has been confined to her remote borders, has brought under my personal observation much of her country, and, I may say, quite all you refer to, and as lying east of the Rio Grande." "For grazing purposes there is, perhaps, not a finer country in the world." "The climate of this latitude is mild and beautiful all seasons of the year." "For general health it will compare with an equal extent of any country throughout the United States." "Nearly all the country along this route is susceptible of a dense population, composed generally of rich lands easily cultivated, well watered, and has an abundance of stone, with a due proportion of timber." "That the line of 32° is by far the cheapest and most practicable route for the Atlantic and Pacific railroad is, in my own mind, settled beyond a doubt. Possessing an easy grade, with ample stone, timber, and water, passing through a rich and beautiful country, with a climate not surpassed, if equaled, by any in the world, it cannot fail to attract the attention of all, and become the favorite route of the country. The very liberal donation of your State in granting twenty sections of her land, of six hundred and forty acres each, for every mile of road constructed on this route, I regard as ample for its entire construction within your limits."

For an interesting and concise statement with reference to the southern route, made by A. B. Gray, (not yet published,) late United States surveyor of the Mexican boundary, under the treaty of Guadalupe Hidalgo, I am indebted to General

RUSK, of Texas. I am assured every reliance can be placed upon its correctness:

Estimates, &c.

Assuming the distance from Lake Lodo, near Shreveport, on Red river, Louisiana, to the eastern bank of the Rio Grande, at El Paso, to be eight hundred miles by the route proposed in the vicinity of the parallel of 32° north latitude, the following estimate will not, I think, be far from the truth. It is, of course, only approximate, but, based upon a computation upon reliable data, and I believe that, with proper judgment and economy, and a faithful management of affairs, will be fully sufficient to complete the whole line from the eastern to the western limits of the State of Texas.

Approximate Estimate.

1st. 200 miles grading, $4,000	$800,000	
2d. 200 miles grading, $3,500	700,000	
3d. 200 miles grading, $4,500	900,000	
4th. 200 miles grading, $9,000	1,800,000	
800 miles, at a cost of		$4,200,000
Ballasting, 800 miles, $500	$400,000	
Ties, 800 miles, $2,000	1,600,000	
Iron, 800 miles, $8,000	6,400,000	
Bridging, 800 miles, $1,500,000	1,500,000	
		$9,900,000
		$14,100,000

Equipment.

Engines, passenger cars, freight and baggage cars	$5,000,000
Engine-houses, station-houses, water-stations	2,000,000
Right of way, engineering, and contingencies	6,000,000
Total for line in Texas	$27,100,000

I have shown that no impassable barriers exist between Texas and the Gulf of California; and should a railroad be built through Texas, nothing, in my opinion, can prevent its continuance to the Gulf and, likewise to the State of California.

A line west of El Paso for two hundred and fifty miles to a point in the neighborhood of the town of Tubac, (now in the United States, under the recent treaty with Mexico,) might be a common trunk to California, as well as to the Gulf. A railway to the latter I conceive would facilitate the construction of a road to the former.

I is less than five hundred miles from the Rio Grande to the Gulf, and two hundred and fifty of it being in common, would leave two hundred and fifty miles at most to build, and when finished would be the means of easy transportation for the heavy materials, necessary to the construction of the road to California.

Guaymas has a large and safe harbor, and accessible at all times. The geographical situation of the Gulf of California renders it certain that some place there must become important, and it holds a conspicuous position in connection with the speedy construction of the line to the Rio Grande.

The fine back country of Sonora, Chihuahua, and part of New Mexico, with its mineral and agricultural wealth, has its natural outlet upon that Gulf, and it only awaits a steady and liberal Government there to develop it as one of the most valuable districts upon the continent.

At the same rate of estimate as given for the line through the State of Texas, a railroad from the Rio Grande to the Gulf of California, would cost as follows:

Approximate Estimate.

1st. 200 miles from El Paso, grading, &c., $9,000		$1,800,000	
2d. 200 miles from El Paso, grading, &c., $4,500		900,000	
3d. 75 miles to the Gulf, $3,000		225,000	
475 miles, at a cost of			$2,925,000
Ballasting 475 miles, $500		237,500	
Ties, " 200		95,000	
Iron, " 8,000		3,800,000	
Bridging, " 700,000		700,000	
			4,832,500

Equipment.

Engines, passenger cars, freight and baggage wagons	3,000,000
Engine-houses, station houses, water-stations, &c.	1,500,000
Right of way, engineering, and contingencies	4,000,000
Total	$16,257,500
Total cost of line west of Rio Grande	16,257,500
Total cost of line through Texas as per estimate	27,100,000
Total whole line from Mississippi waters to Gulf of California	43,357,500

The line through Texas, I believe, can be built in five years, and, upon its connection with the gulf, will at once be available to the China, Australian, and Pacific trade. To California, it will reduce the time from New York to ten days, besides aiding in the continuation of the road to that State.

The benefits to be derived from the construction of the railway along the parallel of 32° north latitude, in Texas, are not alone confined to that State. Incalculable as the advantages may be to her, still every State in this Union must be deeply interested in it, from the frontiers of Missouri to the State of Maine, and from the capes of Florida to Corpus Christi. From the Atlantic to the Pacific, I believe, it will be the great trunk from which, at the east, will branch lines to St. Louis, to New York, to Charleston, and New Orleans, and at the west will likewise branch to California and to Guaymas, or some other convenient point at the gulf.

From its perfect accessibility at all seasons of the year, free from the drifting snows of the north, and the malignant diseases of the tropics, this main trunk railway must command, to a great extent, the trade and commerce of the world.

The route through Texas, by way of El Paso, or Presidio del Norte, to the Gulf of California, would shorten the present mode of travel from England to Australia, by the Isthmus of Panama, at least seven days, by giving a connected line of railroad for two thousand five hundred miles, at the rate of from twenty to thirty miles the hour, whereas at present, by the Isthmus, there would be but eighty miles at that speed.

	D.	H.
Time from Liverpool to Isthmus, (steamship,) 4,446½ miles, at 240 miles per diem	18	12½
" to Panama by railway	0	4
" from Panama to Australia, (steamship,) 7,637 miles, at 240 miles per diem	31	20
Total days	50	12½

	D.	H.
Time from Liverpool to Halifax	10	02
" Halifax to New York	1	06
" New York to the Rio Grande, via Mississippi and Pacific route, 2,100 miles,	3	12
" Rio Grande to Guaymas, 500 miles	0	20
" Guaymas to Australia, steamship, 6,671 miles, at 240 miles per diem	27	19
	43	11

Were Galway, in Ireland, a packet station, it is shown at a railway convention, that the time of travel between the two great cities of New York and London could be shortened by four days, or four days and a half.

Thus the transportation of the mails and passengers, the $40,000,000 specie annually, and the expresses to and from Australia and the South Pacific, at least, would be forced (by the saving of such vast interest) to follow this route. Add to this the mails, passengers, express packages, specie, and manufactured articles that would necessarily be transported by a railway to and from California and the North Pacific, and enormous returns upon the outlay of capital invested in its construction and maintenance would be the result.

The local trade, likewise, that this road would command is of no little consideration, but of itself, in my opinion, would very shortly pay well. The whole valley of the Rio Grande, from Santa Fé to Presidio del Norte, the extensive interior of Sonora, Chihuahua, New Mexico, and Texas, would be subservient to it.

RECAPITULATION.

The length of this line from Eastern Texas to the Gulf of California would be 1,275 miles.

Heaviest grades 67 feet per mile for seventeen (17) miles.

Whole distance through Texas eight hundred miles, (800.)

Heaviest grade 66 feet, (around Guadalupe mountains,) which can be avoided by lengthening the line some ten miles.

Settlements extend for 450 miles westward in Texas.

Three hundred and fifty (350) miles to the Rio Grande at present no settlements.

From Rio Grande to the Gulf of California, near Alta, *settlements* within fifty (50) miles of the route, all the way except for one hundred and fifty (150) miles.

No desert is encountered on this line, water sufficient for all purposes, and no swamps.

Timber for the first four hundred and fifty (450) miles in abundance.

For the second four hundred (400) miles, cotton wood and pine with some post oak, will have to be transported at distances of fifty and seventy-five (50 and 75) miles only.

Two hundred miles west Rio Grande, (200 miles,) no point over (60) sixty miles without timber; and for three hundred (300) miles, plenty at convenient distances.

Climate.—Climate salubrious throughout, admitting of labor on the road at all seasons.

The greater proportion of country along this line, capable of the highest state of cultivation, and the minerals and metals, that will bear transportation upon it, and found in its neighborhood, are coal, iron, copper, lead, silver, and gold.

In concluding this hastily written statement to accompany the profile of the line of my reconnoissance, I would remark that I am much indebted to my friend, W. J. McAlpine, Esq., late State engineer of New York, for important memoranda for estimates, &c., which much facilitated my computations.

I have the honor to be, sir, very respectfully yours,

A. B. GRAY.

KNOW-NOTHINGISM.

SPEECH OF HON. THOS. RUFFIN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1855.

The House being in the Committee of the Whole on the state of the Union—

Mr. RUFFIN said:

MR. CHAIRMAN: I rise in my place for the first time since I have had a seat upon this floor, with the view of submitting a few remarks. I do not propose to discuss the question immediately before the committee, and shall avail myself of the privilege now accorded me, to consider another question. Since I have been a member of this House, it has acted upon many important questions. Being loth to trespass upon the time of the House, I have contented myself by giving a silent vote upon all of them. These were questions which had heretofore entered, more or less, into the political discussions of our country, and upon them my opinions were not unknown to my constituents. Since the commencement of the present session of Congress we have heard discussions in this Hall upon questions which were thought to have been settled long ago. I allude more particularly to those great questions of religious toleration and naturalization.

I had thought that the question of religious toleration was settled by the Constitution of the country, and that American citizens had always proudly boasted that here every man had the right to worship Almighty God according to the dictates of his own conscience, and that this right was not only guarantied by the fundamental law of the land, but was regarded as inherent and inalienable. And, Mr. Chairman, I had thought that the naturalization laws passed under the administration of Jefferson, amended and perfected by subsequent legislation, had given general satisfaction to the country, with the exception of a small faction. Throughout the country discussion on these questions has been revived of late.

To keep pace with the spirit of the times, early in the present session honorable gentlemen were struggling to get the floor to bring them before the House for its consideration. The honorable gentleman from Tennessee, [Mr. TAYLOR,] more fortunate than his competitors, succeeded in his efforts, and, having obtained the floor, introduced a bill proposing an alteration of the naturalization laws. Sir, that gentleman is responsible for the introduction of the subject here, or, if he prefers it, he is entitled to the distinguished honor of having been the first to introduce this measure into the House at the present session of Congress.

And again, sir, not long since a series of resolutions embodying certain principles in relation to these questions was offered by the honorable gentleman from Pennsylvania, [Mr. WITTE.] I was called upon to vote for the suspension of the rules to enable the House to consider those resolutions; and it is not out of place here that I should give the reasons which influenced me in giving the vote which I gave on that occasion. These are generally known as the anti-Know-Nothing resolutions.

I can conceive of no evil, either real, or imaginary, existing or supposed to exist in this country, which will justify American freemen in the formation of secret oath-bound political societies. They may do for the despotism of Russia; they may do for Austria; but there can certainly be no necessity for such in our land.

No, sir; in our country, where every man has the right to speak, print, and publish whatever he may see fit, only being liable for the abuse of that privilege, and where, to use the language of an old revolutionary writer, "The press glows with freedom's sacred zeal,"—here, sir, there can be no necessity for resorting to institutions of this kind with a view of controlling the legislation of the country. Those who framed our Government wisely provided the means of altering such laws as needed amendment. They are open to repeal or alteration; but, sir, this can be done through the ballot-box, in the sunlight of broad day. Our institutions depend, for their success, on the virtue, intelligence, and patriotism of the people; and when the time comes in which they will desert the usual mode, do away with the open action of day, and resort to these secret cabals to influence the legislation of the country, then, in my opinion, the days of the Republic are numbered. He has read history with but little profit, who has not observed that in every country where the people have lost their liberties they have brought such misfortune upon themselves. When they have become demoralized and ready for a change, then the turmoil of the times has given birth to some adventurer who boldly usurps their liberties, assumes the management of their affairs, and concentrates all political power in himself. Learning lessons of wisdom from the records of the past, let us strive to escape the calamities that have befallen other Republican Governments.

What master-spirit devised this organization? I do not know that this is a question of any great importance. I do not think that the author is entitled to any great credit for originality; I do not undertake to say whether it is taken from the forms and ceremonies adopted by Cataline and his co-conspirators at Rome, or whether it is like unto the societies formed in certain districts of England to protect labor against capital, or whether, as seems most probable, it has for its prototype the order of religious Jesuits, as depicted in the "Wandering Jew," and that the Federal Treasury is the Renepont inheritance, which it is using its appliances and secret machinery to get possession of.

I was forcibly struck with the similarity between the two orders—the religious Jesuits and the Know-Nothings—in the speech of the honorable gentleman from Alabama, [Mr. Smith,] and I am sorry that he is not present this evening. From his graphic descriptions in the defense of the Know-Nothing order, we see that it makes use of the same appliances to accomplish its objects as the religious Jesuits, which order he set out to denounce. In one portion of his speech he says that the Know-Nothings are formed for the purpose of making war against the religious Jesuits. Both seem to be the same in organization. Each is after power and spoils. Each is enshrouded in the garb of mystery. One hides its iniquities under the cloak of religion, the other under a most exalted devotion to country. Each teaches the practice of falsehood, craft and deceit. Each binds its members by a mighty oath, the violation of which they assume to punish. The one claims devout piety, the other intense patriotism.

The gentleman from Alabama says, that "when you fight the devil you have the right to fight him with fire." That seems to be in fact an acknowledgment on his part that the new order was taken from the other one. But will this principle hold good? Fight the devil with fire; perpetrate an evil to obviate the consequences of another one; commit one fraud to nullify another! The gentleman is a distinguished lawyer, and I would ask him whether he would consider it right to meet a forged bond with a forged release? The principle is the same. That was said to have been a practice at one time quite common among the British lawyers in the East Indies. It has never been introduced into this country, and I trust that it never will be. It is unsound in morals. It is a sentiment unfit to be proclaimed in the presence of the Representatives of the people here in this Hall. He also says, in the course of his speech, that these religious Jesuits were organized by thwarted military aspirants after the reformation. I would ask whether this order of political Jesuits, of which the gentleman is champion upon this floor, was not organized after the great political revolution which swept Federalism out of power in 1852. Until this power was ground down, until Democracy was in the ascendency we never heard of any such order as this.

But to go on with the simile. The gentleman says that these religious Jesuits were taught to ingratiate themselves into the confidence of men of power and influence, or, to use his own language, "to cultivate their friendship, probe their designs, and communicate their secrets." How stands the order that he defends? Is it not well known to gentlemen on this floor who were candidates in the late elections for Congress, that these Know-Nothings formed this plan; pretended to be their friends, went into convention pretending to be Democrats, assisted in making the nominations, drew their secrets and all their plans from them, obtained all the information they could from them, and after nightfall skulked into the Know-Nothing lodges and communicated those secrets! This is a notorious fact, and cannot be denied. I say, that it is beneath the dignity of American gentlemen and honorable men to resort to such means in midnight lodges for any purpose. Do we not know that they make it a boast in Pennsylvania that, in the gubernatorial election there, they took the distinguished Democratic candidate, Governor Bigler, from one county to another, and his pretended friends of one lodge handed him over (if I may use the expression) to the tender care of his professed friends of another lodge, who would take him in special charge, and, in the language of the gentleman from Alabama, "cultivate his friendship, probe his designs, and communicate his secrets." Sir, this indicated a degree of proficiency in Jesuitism that would have gladdened the heart and raised a ghastly smile even on the countenance of old Rodin himself. [Laughter.]

The gentleman from Alabama justifies the oaths of this order, and says that it finds its justification in the practices of its adversaries. Is not that sound doctrine to hold forth in an American Congress? Finds its justification in the practices of its adversaries! The religious Jesuits are the adversaries he speaks of.

The gentleman says, also, that "an oath solemnly taken is an element of purity." Well, sir, if a solemn oath was what they sought for, this order should not have stopped at the oath of the Jesuits, but gone a few centuries further back and adopted the oath which Cataline administered to his co conspirators when they met in the back room of the house of one Sempronia, a Roman bawd—in a place, as the historian says, every way suited for the purpose, and well adapted to their occult and dark practices, for there, after administering a mighty oath, just as the Know-Nothings administer it, they sealed that oath by drinking from bowls draughts of wine mingled with human blood! Was that an element of purity? Did that oath make them pure? Why, sir, if the history of those times are correct, they were men of desperate fortunes and abandoned characters, men dangling loose upon society, who were ready for any change of affairs that promised to benefit themselves.

Then, sir, the gentleman says that secrecy is the great element of success, and that the "order should preserve in their halls the most inviolable secrecy," all the time acting upon the old doctrine that the end will justify the means. Now, sir, if this is not Jesuitism, I do not understand what is the meaning of the term. But the gentleman says that it finds its great justification of secrecy in the fact that it is warring against Jesuits. Warring against Jesuits! If the religious Jesuits are what the gentleman represents them to be, and if these political Jesuits of Know-Nothingism are what I believe them to be, I, sir, should look upon a contest between them with perfect indifference. I would look upon it as American citizens now generally look upon the war going on between Russia and the allied Powers, or as a western hunter would look upon a fight between a bear and an alligator, or a mink and a polecat. [Much laughter.] Every objection that the gentleman has urged against the Jesuits seems to apply with equal force to the Know-Nothings. They are neither of them suited to our country, and they cannot flourish here. One is the counterpart of the other, and sir, as my friend from the Red river district of Louisiana [Mr. Roland Jones] says, that the men of my State are fond of making quotations from Hudibras; let me say to the gentleman from Alabama, of the Know-Nothings and Jesuits, that:

> "They are so near akin,
> And like in all as well as sin,
> That put them in a bag and shake 'em,
> Himself on the sudden would mistake 'em,
> And not know which was which, unless
> He measured by their wickedness." [Laughter.]

Who set on foot the organization in the United States? We first find it springing up in the North, in the old hot-bed of Federalism. It had been conquered under every name by the Democratic party. It was the old Federal party, and was conquered under that name. It assumed the name of National Republican, then Whig, and then degenerated into isms. The Whig party had become almost extinct at the North. There was in fact but one party there, and that was the Democratic party. All the others were but isms.

Mr. WASHBURNE, of Illinois. Will the gentleman tell me in which State at the North the Democratic party now exists?

Mr. RUFFIN. I think it does in Illinois, judging from the late election there. [Laughter.]

Mr. WASHBURNE. I suppose the gentleman refers to the election of an anti-Nebraska Senator? [Renewed laughter.]

Mr. RUFFIN. No, sir; I do not; but I will come to his election by and by.

Mr. FLORENCE. I will say to the gentleman, that it exists in Pennsylvania, thank God!—"its banner torn, but flying." [Great laughter.]

Mr. WASHBURNE. In what part of Pennsylvania?

Mr. FLORENCE. In the first congressional district. [Renewed laughter.] That will do. Now let the gentleman from North Carolina go on.

Mr. RUFFIN. The Democratic party being triumphant at the North, there was a fusion of all the isms to oppose it. This organization sprang up. It offered great inducements. There were a host of old political hacks out of office, men who had lived all their lives out of the public crib. They had then nothing to resort to. The Democratic party was in power in the General Government, at that time, and in most of the States, and these old political hacks, who were wandering about like stray spirits on the Stygian banks, thought it a fine chance to join in a new venture, and they joined this organization. I say, sir, that it is taken from the old Federal party. That party has never been eradicated at the North. It is true, the old tree of Federalism is dead, its leaves have long since withered and been wafted away upon the winds of Heaven, its boughs have crumbled and fallen, and its aged trunk lying prostrate has mouldered into dust, but from its prolific roots has sprung up this bastard slip of Know-Nothingism. It has incorporated into its platform planks from that old party.

Mr. CAMPBELL. Amen! [Laughter.]

Mr. RUFFIN. Anti-naturalization! Where is that taken from? It is a plank of the black cockade of Federalism of the days of the elder Adams, and the order finds a bright example of secresy in the blue-light Federalists who met in the Hartford Convention to plot treason against the Government. It has flourished in that section of country fruitful in *isms*—in Abolitionism, Free-Soilism, Atheism, Women's-rightism, and every other ism imaginable. These, sir, have given it its strength there, in that section of our country where men meet together in convention and declare "there is no God;" where agrarian mobs, the very scum of the earth, parade the streets by thousands, recognizing no distinction between *meum* and *tuum*, and crying aloud for a division of property—in that section of country, where weak-minded men, crazy fanatics, meet in convention with strong-minded women, clothed in boots and breeches, to discuss the important question of women's rights. [Laughter.]

Inaugurated under these auspices, how can this order be conservative? The idea is preposterous. It professes now to be the only true national conservative Union party; whereas it is a sectional radical destructive party. It is an Abolition, disunion scheme, and in every step, in its progress gives unerring indication of a settled purpose to sever asunder the ties which bind these States together. It has given strength to the Abolitionists of the North, and now it has the unblushing effrontery and daring impudence to offer itself to the South as something which is conservative, something which is designed to place in their hands, and the hands of their friends, the power of the General and State Governments. Sir, I, for one, never had any confidence in it from the beginning, for it came from the wrong quarter.

> "*Timeo Danaos et dona ferentes.*"

I was satisfied that within the cavity of that wooden horse were concealed the elements of Abolitionism. It was absurd to believe that the Abolitionists of the North, when they had for years and years, in their weakness, waged an offensive war against the South, would now, in the pride of their strength, after their shattered ranks had been recruited by untold thousands, after the embattled hosts of Know-Nothingism had flocked to their standards, not in straggling parties like deserters, but in solid column, with flags flying and drums beating—be so magnanimous as to raise the long siege, and celebrate it with a peace offering. I for one, sir, as a southern man, cannot trust it. Was I not right, sir, in my opinion at that time? I say that I was. Recent developments have proved this beyond all doubt. The Know-Nothing party of the North has never aided in the election of a single friend of the Nebraska bill to either House of the Congress of the United States. I again assert that it has not. I challenge successful con-

tradiction from any quarter, and pause for a reply. They have elected no man who is willing to give the South the rights guaranteed to it by the Constitution of the United States. Maine, Pennsylvania, New York, Ohio, Indiana, Iowa and Wisconsin have returned to this House men who are pledged to vote for the repeal of the fugitive slave law, which we regard as the very bond which binds the Union together. In the above named States it has aided Abolitionism in striking down the true friends of the Constitution, and filling their places with a dangerous class of politicians. Let us see what a northern editor says about its doings in the North:

"But if we lacked positive proof of the feelings of the masses of the party in regard to slavery, the late elections in this and other States of the Union show the liberal tendencies of the whole party. In New York the American party polled one hundred and twenty-two thousand votes, *but they aided the anti-Nebraska party in that State in returning to the next Congress twenty-nine men opposed to the admission of slavery into Kansas. In Pennsylvania we saw a like result; while in Illinois, by the aid of this movement, the Douglasites were completely routed: and so in Michigan, where the whole State was carried for freedom by the council-fires of the American party.*"

But, sir, we are sometimes pointed by southern Know-Nothings to the Massachusetts election, and gravely told that the Know-Nothings in that State have sent a new delegation to Congress with but two exceptions. I am not aware of any alteration in this respect, so far as liberality and nationality are concerned. No, sir, these Yankees of Massachusetts are cunning men, and they follow the example of the skillful huntsman who, when his hounds are flagging in the chase, blows them off, lets slip the leashes and hies on a fresh pack, the more speedily to hunt down his prey. The people of Massachusetts no doubt thought that their Representatives here, being removed from the fanaticism which surrounds them at home, had become less zealous, and were rather flagging in the chase, and therefore considered it better to send on a new set. [Laughter.]

But, sir, if anybody has doubted this Abolition sentiment of Know-Nothingism, let us look at the recent elections carried by these Know-Nothings. Look at the men elected by them—Harlan, the fusionist in Iowa: Trumbull, the man of "isms," in Illinois, over the gallant Shields, whose body is scarred with wounds received in defense of the flag of his adopted country: Durkee, the Abolition agrarian in Wisconsin: Wilson, the embodiment of rampant Free-Soilism in Massachusetts, the latter elected by a Legislature in which there was but one Democrat; and, it is said, but some five or six old-line Whigs. Are the Know-Nothings not responsible for the election of these men? Are they not responsible for the election of this Mr. Wilson to the Senate of the United States? Yet another election! that of Seward, the "Jupiter Tonans" of abolition, the "higher law" Senator, who in the intensity of his hatred of the South, stands a head and shoulders above them all. The Know-Nothings had made a boast that they would defeat him; that they would show their nationality in that election; that they were going to take the arch-agitator from the Senate of the United States, and put a conservative in his place. That election was looked to with probably more interest than any senatorial election ever held in any of the States of this Union. We all recollect Tuesday, the 6th of February—I believe that was the day. It was, at all events, a dark and gloomy day. It was known that the election for United States Senator from New York was to be held that day in Albany. The hour had arrived. The telegraphic office in this capital was, on that occasion, an interesting place. Numbers of politicians might be seen wending their way there—your southern Know-Nothings, and your northern Know-Nothings. They were there about the time when they expected the announcement to come. They were watching with straining eyes, and palpitating hearts, and half-suppressed respiration. The mystic wire is watched with the fixed gaze of intense anxiety. A message comes rushing upon the wings of the lightning. The suspense is but short. "The sybil speaks, the dream is o'er." The dispatch is read. It was a sweet morsel to your free-soil Know-Nothings. They hearkened to it as the prodigal son to his father's testament. They gulped it down with all imaginable avidity. It was as sweet to them as the manna from Heaven to the hungry Israelites in the wilderness. But how was it to the southern Know-Nothings? Ah! it was a bitter pill for them. They had to swallow it down; but oh! what rueful grimaces and contortions of countenance; it was like gall and wormwood to a sick and fainting girl.

Now, sir, let us see what is thought of Seward as a national man in the North. I read an extract from one of the New York journals. I do not know whether it is Know-Nothing or not, but I suppose it is, at all events it was allied with them in the grand contest. Speaking of the Senator from New York, it says:

"He has pressed with equal ardor the claims of commerce, agriculture, and manufactures. He has vindicated with equal zeal, the just rights and interests of the West and South, and those of the East and of the North. There is not in this day, in the Senate or in public life, a statesman of more ability—more laborious and conscientious in his discharge of public duties, or more thoroughly and truly national in all his views, than Governor Seward."

And again, what a Know-Nothing journal means by conservatism:

"The slavery question cannot affect the American party for its whole power and all its hopes are north of Mason and Dixon's line. Its aspirations are for freedom, and when the party is accused of being pro-slavery, let its defenders point the men who uttered the base lie to every election that has occurred since the party sprung into existence."

Also, what is meant by "ignoring slavery:"

"The party never has, and we hope never will, fulminate anti-slavery resolves for the purpose of humbugging the masses, but it will do right, move right, and act right, and in every free State in the Union it will give new protection to every citizen within its borders. Its first great national aim is to procure an alteration of the naturalization laws; and upon that point they will know no sectional division; but upon the great question of freedom and slavery every northern American freeman will raise his voice for liberty, and Banks, De Witt, and Truffon will utter upon the floor of Congress the sentiments of this new party. That foreign element that has given the pro-slavery Democratic party the control of this country will soon lose the means of augmenting its numbers; and when that is effected freedom in this Republic is secure. The prize we are battling for is 'liberty to all;' and when Americans rule America we shall obtain it, and not till then."

Thus, we learn what is meant by their "*ad captandum*" expressions. Conservative indeed! "*Lucus a non lucendo*"—Called conservative for the same reason that a certain mythological character was called Midas, from a Greek word meaning to eat, because he could not eat. What can southern men promise themselves by affiliating with this "order?" If the people of the South act with their usual foresight, they will fly from it as from a raging pestilence, and shun a "Know-Nothing" lodge room as they would the charnel-house of a small-pox hospital.

I have thought from the beginning of this new movement that it was an emanation from the filth and corruption of rotten and festering isms, and that it was a mere *ignis fatuus*, fetid miasma springing up from moral and political decay, corruscating and shining in the darkest hour of night, but disappearing before the light of morn. It is not to be expected that the people of the South are to be blinded and led by this jack with a lantern into the bogs and marshes of Abolitionism; nor will they follow Sam with his dark-lantern into the midnight conclave of the Know-Nothings. But they tell us that these men are native Americans, and that we are not to suspect them. Is it not true that much the larger portion of the Abolitionists of this country are native-born Americans? Some of the leading spirits who figure in this Know-Nothing party are foreigners, although the party itself profess such a holy horror for all foreigners. The Crusader, a Know-Nothing paper at New York, is edited by one Caselli, and has for its chief contributor Father Gavazzi. It would require but little credulity for one to infer from the columns of the New York Herald, that a leading spirit in the councils of the order might be found in its editor. Bennett, an unnaturalized foreigner, and a political Ishmaelite, whose hand has been against every man, and every man's hand against him, has probably done more towards furthering the progress of this order, than any man in the United States. History will record two remarkable things of this order: one is, that, professing to be composed entirely of native Americans, its chief pillars of support are foreigners; and the other is, that it is a society of political Jesuits, professedly formed for the purpose of waging war against religious Jesuits.

The friends of the "order" say that it is necessary to establish their secret societies to protect ourselves against foreign influence. In the section of the country in which I live, we have none of this foreign influence, and we are not troubled with anything of the kind. What foreigners we have among us are generally intelligent and educated people, men of character, and I suppose one reason of it is owing to the fact of the existence of the "peculiar institution" among us, which I regard as one of the greatest moral, social, and political blessings that was ever vouchsafed to man, and another reason is owing to the fact that we have not encouraged these men to come as they have in some of the northern States where they are now complaining of them so much. Why, do we not know that two or three years ago the people of some of the northern cities regarded foreign fiddlers and show-girls as beings worthy of adoration, almost of worship; their coming from the other side of the Atlantic was of itself a certain passport to the highest honors. We all recollect with what exultation it was heralded through the land when the "Swedish Nightingale" touched the American shores. No one has forgotten the grand demonstration that was made in the great commercial emporium of New York; when the literati, the elite, aristocracy, and upper-tendom of that city flocked in her train in greater numbers than ever the Pagans followed after the car of Juggernaut. It was but a few years ago that they introduced at the North, a member of the British Parliament, to lecture upon the subject of Abolitionism. The people of the North are alone responsible for the introduction into this country that class of turbulent and vicious foreigners of whom they now complain so loudly.

Here, sir, I will say, that I am as much opposed as any man can be, to the introduction into this country of the vagabonds, felons, paupers, and convicts of the Old World. I say, let the Government pass such laws as it has authority and power to do under the Constitution, let the States and your municipal corporations pass such laws as they please, to suppress the introduction of this class of foreigners; but do not persecute the well-disposed foreigners on this account. You will find it no easy matter to stop the importation of convicts and paupers; and when you try it, you will ascertain that it will be something like the slave trade. Mercenary men will fit out vessels in the port of New York to bring convicts and paupers of Europe to this country, as they now fit out slavers to sail to the coast of Africa to get slaves for the markets of Brazil and Cuba. I do not care what kind of laws you pass against the importation of felons and convicts, you will find Yankee captains visiting the ports of Europe, and having their agents in its cities to contract secretly with the public authorities to rid them of their convicts and vagabonds by bringing them to our seaports—the more risk the higher will be the price of passage, and a brisk trade will soon be "opened up" by these enterprising men. You may have laws upon your statute book, for punishing in the severest manner those who engage in the importation of foreign criminals. You may for what I care, if you can find warrant for it in the Constitution, put this importation of felons on the same footing with piracy—you may take the vessels of the Navy and scour the high seas in search of the violaters of the law—you may, whenever you find a "live cargo" of criminals on board a ship, string up your Yankee skipper to the yard-arm, and pitch his body to the fishes of the sea. Even then, sir, I fear it will be difficult to stop the importation. Sir, there are now men at the North who have grown rich by the importation of this class of foreigners. Punish those who engage in it. Do not adopt the plan recently proposed by the philosopher, Horace Greeley. That amounts, in substance, to reducing the poor class of foreigners to slavery; and if it is carried out, New York will become a great slave-market—white men will be sold at the block.

I am opposed to making slaves out of any class of white men on earth. I know of no good reason for prohibiting the immigration of well-disposed foreigners to this country, to assist in developing its resources. A large portion of the foreigners in the West are German farmers, and they are known to be good citizens. I, for one, can see no reason why an orderly and well-disposed class of our population should be persecuted because merce-

nary men in the commercial cities will violate the rules of decency and propriety by bringing a different class of foreigners here. Enforce your naturalization laws. We hear a great deal said about its having been always customary to naturalize any man who desired to be naturalized. In that part of the Union in which I reside, I rejoice to say that the naturalization laws of the Federal Government are enforced to the very letter—just as strictly as any law we have upon the statute-book of our State. If you will impeach your judges when they violate their duty, and make them enforce the law, we can then have none but a good class of naturalized citizens, and no man, unless he proves a good character, and is well disposed to our institutions, &c., can get his naturalization papers. I do not understand this sudden change of opinion in regard to foreigners. Twelve months ago, the case of Martin Koszta was before this House, and gentlemen then seemed to be exceedingly anxious to curry favor with foreigners. Why this sudden change? Is it because military companies, composed of naturalized citizens, stood in serried ranks in Boston, to maintain the laws, and protect the officers of the Government in discharge of their duties, when a southern man was there seeking to claim his property under the Constitution? Is it because these naturalized Irishmen prevented a bloodthirsty mob of native-born traitors from rescuing a fugitive slave? Is is because Bachelder, who was assassinated by that mob, was a native of Ireland? Yes, Mr. Chairman, because these men kept off Abolition traitors, we hear this cry against them. The fact is notorious that one of the first acts of the present Know-Nothing Governor of Massachusetts was to disband these military companies. I suppose another reason for the outcry against foreigners is because they generally vote the Democratic ticket. In the last presidential canvass the Whig candidate proclaimed a new principle on this subject. He was for admitting to the rights of citizenship all who had served in the Army for a certain length of time, and but a short time at that. The Whigs then said he was right—they then said that service for a few months in camp—(the last place to learn the operation of our institutions)—should entitle a foreigner to citizenship. Such of them as have joined this "new movement," now say, let no one who is born abroad ever be naturalized. Yes, sir, it is because they cannot get the sturdy Germans and generous Irish to sing the peans of Federalism, that they are prejudiced against them. The ways of Federalism are the ways of inconsistency; before an important election it has a high appreciation of adopted citizens—it is then greatly fascinated with the "rich Irish brogue, and the sweet German accent," but the election over, and how is it then? Why, Paddy becomes a "splay-footed Irish bog trotter," and Hans a "damned lop-eared Dutchman." [Laughter.] Why are efforts now made to raise a party opposed to religious toleration?

And here, sir, I must be permitted to say that I have no relation or connection, so far as I know, either among the living or the dead, who ever was a member of any Catholic church; and while I yield to no man in the ardent and sincere hope that the day will come when the Protestant religion shall have its churches and altars in every part of the globe, yet, sir, I do not believe that either the fostering hand of the Government, or a persecution of other churches, would expedite its onward progress. I never will join in persecuting any man for his religious opinions. That is a matter between him and his God. In the part of the country in which I live, and I dare say in the whole State which I have the honor, in part, to represent, there is not a master who would dictate to his slave the manner in which he shall worship God, or the church to which he shall belong. This new-fangled doctrine of the Know-Nothings to hunt down men on account of their religious opinions, is a monstrous proposition. It is at utter variance with the whole spirit of our Government.

And where did this proscription against the Catholic religion originate? It originated in the same section of the country, at the North, where those three thousand and fifty Abolition clergymen got up a traitorous petition to the Congress of the United States. No Catholics joined them. No Catholic signed that petition. But, sir, this seems to be an effort either to make them join the Abolition party, and engage in an Abolition crusade against the South, or that they will drive them from the country by persecution. Opposition to this religion is held out to us of the South as the reason why we should join this "Know-Nothing" order. As the Catholics do not wage a war against us, I, for one, am opposed to waging war against them. As long as they obey the Constitution and the laws, their rights should be respected by every man. It is a deep laid scheme, all these ghost tales, cock-and-bull stories, and old wives' fables about the Jesuits and Catholics of the United States. All designed to operate on the prejudices of the people. They expect them to operate as a charm upon the South, and in that way to throw us off our guard. We have much stronger reasons for apprehending danger from the machinations of the three thousand and fifty woolly-headed Abolition clergymen who, with the wierd sanctity of bigotry and fanaticism, are disseminating treason from their pulpits, than from the tiara that encircles the brow of the feeble and harmless old man at Rome, thousands and thousands of leagues by land and sea, far, far away from our shores.

But, sir, in this connection let us see what is going on in New England. A newspaper has this advertisement:

"SLAVERY AND POPERY.—Rev. Thomas James, a fugitive slave, will address the citizens of various towns upon Slavery and Popery, and show their bearing on the nation."

And then follows a list of appointments. If a southern minister should desire to preach from one of their pulpits the privilege would be denied him; yet this negro can use them.

I have seen it stated frequently in the papers, that in the great State of New York free negroes had actually formed Know-Nothing lodges. This is the conservative party which the people of the South are invited to join, so as to war against the Pope. Sir, we have enemies, a plenty at our own doors, without looking across the waters to find others. How is it proposed to sustain the Know-Nothing party? By boasting and threats. The gentleman from Maryland [Mr. SOLLERS] would have us believe that this party is one of gigantic power, and that he who has any hopes of a political future should not be so rash as to combat it. He says, "it has gone sweeping like a whirlwind" and "annihilating all its opponents." He appeals to the fears of gentlemen, and talks to them of political graves—let him take heed lest when looking around for burial places for others, he shall himself be consigned to a political grave as deep as the "gloom where dreary chaos reigns," and where he may be even beyond the reach of that politico geological explorer of whom he spoke, who, at some future day, is to search for the opponents of Know-Nothingism among the fossil remains of an extinct race. I, sir, tender my thanks to the eloquent gentlemen from Mississippi and South Carolina [Mr. BARRY and Mr. KEITT] for their exposition of the objects and aims of the Know-Nothings, and for their moral courage in being first on this floor to assail the principles of this new order. With keen blades and stalwart blows they shivered into fragments the crazy mail that but feebly protected this staggering carcass of galvanized Federalism, and exhibited it in its nakedness and hideous deformity to the gaze of the world. The order had not then so fully developed its anti-slavery sentiment. The gentleman claimed for it "*intense nationality*." We were to hear no more of the invasion of southern rights; if they dared make the attempt he himself would meet his northern friends at Mason and Dixon's line, not as brothers, but with "banner, brand and bow." Let him adhere to this determination when the rights of the South are invaded; let him be prepared to defend them; when the Scots cross the border line, let him, as a true knight, wind the cornage horn.

Know-Nothingism professes to be eminently patriotic, struggling for the common weal, not for office. Well, Mr. Chairman, why is it, that wherever they have reached power they have proscribed all, from the highest officials even down to the hog constables of the little towns. Anticipating a majority in the next House of Representatives, there are already hosts of applicants for the places within its gift. Yes, sir, if all the men who aspire to these offices were formed into regiments and drilled for a few weeks, General Scott could take them to the Crimea and carry Sebastopol by storm. They are looking after all the places, from the Speaker's chair down to the humble office held by the sable high-priest who ministers at the altars of the temple of Cloacina, in the basement of this Capitol. [Laughter.] Look at their election in this city! It was an extraordinary affair. They seemed to be after the exchequer, the first thing, like Sir John Falstaff. They desired to get the control of the funds of the Washington National Monument. They banded together in this capital and proscribed such men as General Winfield Scott, William W. Seaton, General Walter Jones, Hon. Elisha Whittlesey, and others, to make room for such renowned and august individuals as Vespasian Ellis, French S. Evans, *et id omne genus*. Yes, sir, General Scott was proscribed; the eagle was stricken from his aerie to put the mousing owl there. This plot is said to have been concocted at the National Council of Know-Nothings held at Cincinnati. What right had these intolerant proscriptionists to take in charge the monument to Washington? Let his own words rebuke them. I read from a letter written by the Father of his country to a committee of the Baptist church of Virginia. After paying a high and just compliment to the Baptists for their patriotism and liberality, he says:

"If I could have entertained the slightest apprehension that the Constitution framed in the convention where I had the honor to preside might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and if I could now conceive that the General Government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution; for you doubtless remember I have often expressed my sentiments that every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience."

Mr. Chairman, I have heard many strange sentiments expressed in this Hall, but there was one uttered by the gentleman from Massachusetts, [Mr. BANKS,] which, for boldness and originality, surpasses all others. After speaking of the power, the secret plans, the covered cavernous ways of the order, he says:

"Sir, it is the people who are passing through these avenues, those who make judges and district attorneys, and they will take care of them all. They will take care of the juries and sheriffs as well as the judges."

The startling announcement has been made by a Representative on the floor of the American Congress, that this secret order is to take charge of the judges and juries of the country. Yes, sir, it is to lay its ruthless hand upon the judicial ermine. When that is done, our laws will not be worth the paper on which they are written. If the judges of the courts are to be overawed by the combinations and machinations of midnight conspirators, what becomes of our individual safety? Is such an association fit for American citizens? Can it be commended to the South? The judiciary is the great shield of our protection. Destroy it, and the Constitution would be no more than a rope of sand.

These people took care of Judge Loring. This is an illustration of the feeling existing in what is called the Athens of America. There a judge is prescribed for doing what he conscientiously believed to be his duty. He did his duty; and I presume that no man will here deny it. He delivered up to his owner, after a patient hearing of all the facts, the fugitive slave, Anthony Burns; and for this he is proscribed and hunted down as a wild beast. This is what is meant by the taking care of judges.

Is not a Know-Nothing association illegal? It has been so held by one of the ablest jurists of the country. Judge Porter, of Pennsylvania, once a member of the Cabinet, in a late charge to a grand jury in reference to it, used this language:

"If any number of men combine to form themselves into an association by agreements, vows, or oaths, to control the opinions and votes of any portion of our citizens in the exercise of their suffrages, so that they shall vote not according to their own choice or the dictates of their own consciences, but as a majority of such association shall determine, it is a conspiracy, and punishable as such by indictment.

"And you will remember that it is the agreement to do the act that constitutes the criminality, even if the act itself be not done. It may be well here to observe, that, if any person or persons shall have unthinkingly, unadvisedly, or without being aware of the criminal character of such an act, joined such association, or taken upon himself any such vows, obligations, or oaths, they are not binding upon him in law, and ought not to be in morals. He will enact the part of a good citizen by eschewing all such fellowship or association, and abandoning the illegal enterprise."

This Know-Nothingism is a step in advance of Jesuitism. It combines higher-law "ism"—it claims supremacy over all laws. Is such an institution to be tolerated?

"Is law to be perverted from its course?
Is abject fraud to league with brutal force?
Is freedom to be crushed, and every son
Who dares maintain her cause to be undone?
Is base corruption creeping through the land
To plan and work her ruin undermand?"

Mr. Chairman, in the sincerity of my heart, I hope the people of the South will take warning, and not affiliate with such an organization. I have reason to believe that many good and patriotic men in the South, of both political parties, have joined this new movement. It is to be hoped they will take warning in time. I beseech them to study more closely the aims of this order, before deciding in its favor. I beseech them to test "Sam" by his principles, and they will find that, like the evil spirit when touched with the spear of Ithuriel, he will squat, toad-like, to the earth. They will find that "Sam," the good genius of this Know-Nothing order, has flirted and caressed with every "ism" of the day. Sir, I proclaim it with pride, that the State which I have the honor, in part, to represent has, at all times and under all circumstances, been true to the Constitution and the Union. She is eminently conservative, and no "ism" ever got foothold there, and for this she has been charged with being always asleep. Better, far better, that she should sleep on, than to arouse from her slumbers to find herself locked in the meretricious embraces of that graceless libertine, dubbed by its godfathers with the euphonious and classical sobriquet of "Sam." I have too high a regard for my native State, to suspect, for even a moment, that her people will be controlled by such influences. North Carolina will do nothing to endanger the liberties of her people and the union of these States—nothing to tarnish the bright escutcheon of her ancient renown. In the olden time she was the first to rise up against the oppressions of the British King. Within her borders the first declaration of independence was made—the hills of Mecklenberg first echoed the hosannas of a people who had declared themselves free and independent, and along Carolina's mountain passes first reverberated the sacred hymn of freedom, "nature's melodious anthem," as her patriotic sons hailed with soul-stirring shouts the new-born Goddess of American liberty. The men of that day met openly and boldly; and God forbid that their descendants should discard the noble example.

If there are laws requiring repeal or amendment, why not go about the work openly as heretofore? The time is not auspicious for the southern people to inaugurate new practices. It is said, that in the Know-Nothing councils the majority govern absolutely, and that the national council governs the State councils. Who can tell what mandatory edicts this National Council may issue? Northern Know-Nothings control it; northern Know-Nothings are in favor of excluding all persons who cannot read and write from voting. Will their southern brethren stand with them on that platform? The North has kept the South poor by high protective tariffs and navigation laws; has drawn from it that wealth which would have enabled it to educate all its people, and now, because we have a large number of persons who have not received the benefits of an education, the northern Know-Nothings arrogantly propose to add insult to injury, by declaring to us who are to be admitted to the right of suffrage. They had as well let us alone; we can manage our own affairs. The Whigs of the South have, heretofore, advocated principles. Why quit them now? Why should any southern Democrat quit his party now? It has proved itself equal to every emergency. Under its principles the country has prospered. It is the party of progress, of States-rights, of the Constitution; pledged to maintain all its guarantees. General Pierce has proved true to the principles upon which he was elected, true to the Constitution, and consequently true to the South. If he has lost ground, he has lost it by maintaining the rights of the South. He has proved himself a friend to the South. Ingratitude is not a trait in southern character, and every true Democrat in the southern States will sustain his Administration so long as he stands on that great platform, the "Constitution of our country," and administers the Government upon the principles of that instrument.

THE COLLINS STEAMERS, &c.

SPEECH OF HON. S. R. MALLORY,

OF FLORIDA,

IN THE SENATE, *February* 27, 1855.

The Senate having under consideration the bill providing for the transportation of the United States Mail in Ocean Steamers—

Mr. MALLORY said:

Mr. PRESIDENT: Before the motion to adjourn was made, I was proceeding to say that I should have contented myself with a silent vote but for the observations of the honorable Senator from Michigan [Mr. STUART] upon the condition of the Navy, and the incidental reflection on the propriety of the recommendations of the Committee on Naval Affairs in regard to the service. If any other member of the committee would now rise to respond to the assertions of that Senator, it would afford me greater pleasure to keep my seat than to say a word in response.

I confess, Mr. President, that the proposition now before the Senate, coming as it does from the House of Representatives, struck me with surprise; and I concur in every word uttered by the honorable Senator from South Carolina [Mr. BUTLER] on that subject. I very much mistake the sentiment of this body if it will, upon a full discussion of the question, surrender the power which it now holds over this question of notice. In looking at the facts of the case, I find that they lie in a nut-shell, and I propose to state them briefly to the Senate.

The offer of Mr. Collins made on the 6th of March, 1846, contemplated the building of five ships. Whether this offer was induced by the Postmaster General or not, I am unprepared to say. It is enough that Mr. Collins came to Washington with this offer to build five ships of not less than two thousand tons each. The minimum size was fixed to suit his convenience and not that of the Government. Another stipulation was, that they were to be "*of great speed and sufficiently strong for war purposes.*" This provision will strike the mind of every Senator who looks to the character of the contract. I suppose the term "*war purposes*" embraces every possible incident and contingency of naval warfare, from the transportation of troops and munitions of war, to fighting battles upon the high seas, yard-arm to yard-arm. We are left to float on the sea of conjecture as to the exact understanding of the contractors; but we may by examining the specifications by which these vessels were constructed determine for ourselves whether they are fit for war purposes or not, and to what extent.

The Collins contract provided for the construction of five steamships, which should carry the mails, making twenty trips per annum, for the annual compensation of $385,000. Four ships only were constructed. In 1852 the contractors appealed to Congress, alleged their inability to continue their service without ruinous loss, produced their exhibits to show receipts and disbursements, and asked to be paid (if my recollection be correct, for I have no data before me) $858,000 per annum, they agreeing to make twenty-six instead of twenty trips per annum. This proposition startled the country at the time. The disproportion between the proposed increase of compensation and the service to be performed was remarkable. Rival companies, contractors, and proprietors of ocean steamers came to Washington, active competition was awakened, and it was soon ascertained that the service then actually performed by the Collins ships could be performed by others for the same compensation, with an increase. But the friends of the Collins line were strong, and they triumphed. Congress yielded to their demands, but, in doing so, reserved the right of giving the notice in question. In this condition of the subject, sir, while the representatives of the people and the States here assembled are struggling to restrict the public expenditure within wise and legitimate limits, we receive a proposition for this very mail service which, if accepted, will save some $300,000 of the public money per annum.

Sir, from whom does this come? Not from a mere speculator or unknown adventurer, certainly, but from an American citizen, whose reputation as an enterprising, accomplished, and successful projector of ocean steam navigation is universally conceded in this country, and is familiar to Europe. His offer is to perform the same service, in the same time and manner in which it is now performed by the Collins ships, for $19,250 per trip, or $500,000 per annum. If we accept this offer we save to the public Treasury $357,500 per annum, a sum more, I apprehend, than the total expenditures within my own State for postal service. Now, sir, why should we *not* accept this offer? Are we at liberty to reject it? Can any doubt exist that it is not made in good faith, made with a *bona fide* intention of complying with its terms? Why, sir, if the national reputation, enterprise, and wealth of Mr. Vanderbilt afford us no security upon this point, certainly, the declarations of the Senator from Tennessee must remove all reasonable doubt. That Senator rises in his place here, and upon his responsibility indorses this proposition, and declares further, that the party in question stands ready, if his offer be accepted, to enter into bonds in the sum of $2,000,000 for the faithful performance of its stipulations. This we must regard as conclusive; and that the Senate so regards it is evident from the fact that the honorable Senator's declarations have been received unquestioned, and no Senator here doubts his authority or the sincerity with which the proposition is made.

Mr. President, to myself this proposition and these statements are as new as they were unexpected; nor was I aware that this service could be performed upon terms so favorable to the country. Of Mr. Vanderbilt I know personally nothing, never having seen him to my knowledge; but for the reasons stated I do not feel at liberty, nor do I understand how others can, to disregard his proposition.

The honorable Senator from Delaware, [Mr. BAYARD,] who submitted a few brief remarks on the question a short time since, but who, I trust, will give us his views in full before the vote is taken, said that the difference between the offer of Mr. Vanderbilt and the amount we are now paying, is more than compensated by the postages we now receive, which postages he indicated would be less than they are at present, if the vessels took a longer time to make the trips. In reply to that I have merely to say, that whatever the time may be which is made by Mr. Collins's ships, Mr. Vanderbilt undertakes to make. But, sir, it must be remembered that time was not an element of the Collins contract, and he was at liberty to cross the Atlantic in whatever time his own interest might dictate; and that, under his existing contract, should the speed of his ships, with increasing age or decay, be diminished one half, the Government would be powerless to accelerate it; and hence, sir, you will at once perceive that Mr. Vanderbilt's offer to make the time of the Collins line, fixing, as it does, a *minimum* time, is more favorable to the Government than the existing contract with Mr. Collins. I have no doubt that he would excel the Collins time, sir; for in this progressive age, when the ingenuity of man is devising means to annihilate time, when the telegraph is becoming a "slow coach" to our impatience, the ship which makes the run between New York and Liverpool but one hour quicker than all others, will necessarily have the preference of mails and passengers.

My honorable friend from Delaware, I think, is in error as to the question of postage. The postage stated in our official returns for the past fiscal year, from the Collins contract, is $153,377; while the difference, as I have heretofore shown, between the Collins and Vanderbilt offers, is $357,500. Upon this point I will not dwell, for

the figures speak for themselves; but I will ask gentlemen to examine them and determine whether they should be disregarded.

With me, sir, the propriety of our appropriations of the public money is controlled, not by their amount, but by their legality and national policy and expediency. But, while for legitimate objects of appropriation, a wise liberality may frequently be the soundest economy, I trust I may never be found voting away a dollar of the public money without justification upon these premises.

That the Collins steamers appeal to our national pride, and merit, to a certain extent, national support, I am ready to admit; and in all that has been said here of the enterprise, boldness, and success of their projector, their thorough adaptation to the transportation of mails and passengers, and of their superiority of speed and details of structure, I fully concur. As carriers between the shores of Great Britain and the United States they stand unequaled. Nor have I failed to observe the national advantages derived from that bold and superior effort in the casting and construction of engines and machinery among us which the enterprise and success of Mr. Collins originated. We have made rapid progress in our means and ability to meet, in our machine shops, the wants of ocean steam navigation; and I know that the construction of the engines, shafts and cylinders for these ships developed and encouraged these means and this ability in a remarkable manner.

But, sir, in admitting this we cannot fail to see that every day develops some new and useful addition to our means of ocean navigation, and that we are upon the threshold of startling discoveries or improvements which will bring all parts of the earth in closer proximity, and which must necessarily advance the general good of our race. Even while we are here speaking, a steamer of twenty thousand tons, or six times the size of either of the Collins ships, is being constructed in Great Britain for the Australian trade; and the genius of man is devising the means of crossing the Atlantic in six days. Now, sir, since, through the judicious aid of this Government, the Collins ships have been created and maintained, why should we declare in advance, that similar aid shall not be extended to others? Why should we, by surrendering our right to terminate this contract, and declaring it absolute for the next five years, deprive ourselves of the power of making a better one within that time? Suppose next year steamers should be built to cross the Atlantic in eight days, what chance of profitable competition could they possibly have while the Collins ships receive this $858,000? In such an event, we would be compelled to purchase the Collins ships to get them out of our way. But, sir, what right have we thus gratuitously to tie the hands of our successors, and to preclude them from availing themselves of all the advantages which science and discovery may hold out in ocean navigation? None whatever, sir; and depend upon it, that this proposition will sound strangely in the ears of our people.

But, Mr. President, it was not my design to discuss this branch of the subject, but to reply to those who have deemed it proper upon this occasion to denounce our Navy, and incidentally to condemn your naval committees.

The honorable Senator from Texas [Mr. RUSK] speaks of the great advantages our commercial marine derives from our appropriations to the Collins steamers. I do not perceive this so clearly, sir; nor do I see any advantage which would not equally accrue to it from appropriations to any other steamships. If we appropriated money generally to steamships, I could readily understand how the shipping interest would be developed and fostered; but so long as the business between New York and Liverpool remains as it is, supporting one line only, I am unable to understand the Senator's argument that when we declare that one set of ships exclusively shall receive $858,000 per annum, and shall continue to receive it for five years to come, wherein the *encouragement* to other ships consists. The honorable Senator speaks in exalted terms of these ships as war steamers; the same judgment is pronounced by the Senator from Michigan, [Mr. STUART,] and as this argument is made and relied upon in both Houses to sustain appropriations for them, I deem it proper to reply to it somewhat in detail.

Sir, depend upon it, my friend from Texas has never examined either the ships or this view of the subject; for I know too well, and have too much respect for his judgment to suppose that he would thus speak if he had done so, or that he would vote an appropriation to place one of these ships in our Navy.

Mr. RUSK. I would most cheerfully. This day, if we wanted a war steamer, I should regard them as not only better for service in war than any we have in our Navy, but better than any in the British or any other navy.

Mr. MALLORY. I am glad that my honorable friend announces his opinions so unequivocally, because I am more than ever convinced that he has not examined the condition of our Navy, or that of Great Britain; that he has not duly considered the requisites of war steamers; and that I shall be able, perhaps, to show even to himself the error of his judgment. He regards them, as war steamers, superior to the naval ships of Britain or France.

Mr. RUSK. Of equal tonnage.

Mr. MALLORY. That is equivalent to saying that they are equal to the largest British or French war steamers—for, if my memory be correct, the Baltic's tonnage is not exceeded by that of the Royal Albert, the John Watt, the Agamemnon, the Napoleon, or by many of the first-rate ships of those navies.

The contract between the Government and Mr. Collins contains a stipulation that these steamers should have "great speed" and be built "sufficiently strong for war purposes." Now, sir, I have never understood what was meant by "war purposes," nor was it understood by the Government examiners of these vessels. The transportation of troops, provisions, mails, dispatches, or munitions of war, during the existence of a maritime war, are embraced within the term "war purposes;" yet the contracting parties must have meant more than this, for such duties may be performed by any steamship in our ports, and by many of them, under certain circumstances, better than the Collins ships. But, sir, these duties are required only during actual hostilities, whereas the most efficient, as well, perhaps, as the most glorious, service of a war vessel is to cruise in times of peace and to exhibit such a readiness and adaptation for war as to make peace preferable to our enemies.

But, sir, to me these terms, if they imply anything, must be understood to mean an ability to fight the battles of our country upon the high seas. Upon this ground we can all stand without misapprehension; for these terms at once recall to the mind not only the glorious struggles of our own Navy—when ship to ship and yard-arm to yard-arm, we snatched the sceptre of invincibility from Britain—but those memorable fleet battles and single combats of ships upon the great deep which have been treasured in the songs of every age.

And here let me ask my honorable friend [Mr. RUSK] if he has any knowledge of decided naval battles having been fought at a greater distance between ships than pistol shot? Why, sir, I could recall a hundred to his mind, in which the struggle was hand to hand; and he well knows that Britain won her glorious character on the deep only through her habit of close fighting. The two actions which most distinguished our naval courage and seamanship were those between the Bonhomme Richard and the Serapis, and between the Constitution and Guerriere. In the first the rammers of our guns had to be thrust through the ports of the enemy to enable us to load; and not a gun disturbed the deathly stillness of the Constitution's decks until the enemy was within pistol range. In such a contest, sir, when the destructive character of sea batteries is augmented a hundred fold, when rapidity and accuracy in gunnery practice are in full development, what would become of such ships as these, whose side wheels, shafts, boilers, and machinery, whose very life, in short, are all defenseless upon the surface, and exposed to utter annihilation by a single shot? My friend speaks of their great speed. Let me ask him to point out the advantages of speed in such contests as I have described. To fight at all, ships must be in close proximity. The very character of their element renders successful fighting at any distance out of the question; and of what benefit to war ships would be the speed of the locomotive, if with its speed were combined the locomotives exposure and vulnerability? But, sir, the argument in favor of this great speed is fallacious. Great speed in large ships can only be attained by great boiler surface, and great consumption of fuel, and while the first exposes the boiler to every shot, the latter deprives the ship of the power of remaining at sea beyond a few days.

Now, sir, the Collins ships burn from eighty to one hundred tons of coal every twenty-four hours, and this enormous consumption must ever prevent them from carrying our flag into distant seas; for they could not carry sufficient coal to sustain themselves; nor can we belive for a moment that, sharp and lean as they are, anything like present speed could be maintained, if armed and provisioned, and strengthened as ships of war. But, apart from all this sir, their construction as shown by the specifications accompanying the contract, prove them to be extremely weak and light in comparison to vessels built as war ships; and to make this apparent, we have but to examine and compare them with the construction of the steam frigates now in progress. While these frigates are timbered with the best of seasoned live oak, and planked with white oak, the frames of the Collins ships are composed of white oak, locust, chesnut and cedar, and they are planked with pine. These different woods are all of unequal durability; their decay under the various modifications of wear and tear must be unequal; and the result is, that repairs must always be needed. Their pine bottoms are an insuperable objection. Not that pine is less durable than the white oak in our naval ships, but because it does not hold the bolts, or what is technically called the fastenings, so well. The action of the powerful engines of these ships produces a constant tremulous action upon the hull, which, in addition to other obvious causes tends to shake or disturb the bolts which hold the planking to the timbers; and the fibre of the oak resists this tendency far better than pine.

The specifications alluded to show the frames of these ships to be "four feet from center to center, and the timbers to ride ten inches;" that is, to a surface of twenty inches of timber there is immediately adjoining an opening of twenty-eight inches. Here it will be seen that solidity was sacrificed to speed, and to these mixed timbers of light cedar, locust, and chestnut—planked with pine—and having between them these extraordinary spaces (extraordinary for war vessels) of twenty-eight inches, must we look for the causes of the Arctic's loss. The Vesta which sunk her, was about two hundred tons burden, and her cutwater, it will be remembered, remained wedged in between the timbers of the Arctic. Every man conversant with this subject—nay, every sensible man in the country—must see that, had the Arctic's sides been constructed as our naval ships are, such a thing could not have occurred. The thickness of the sides of the new steam frigates is twenty-four inches at the water line—a solid wall of live oak frames and white oak planks—and to twenty-six inches of timber there is a space only of eight inches. Such a mass of the best timber, twenty-four inches thick, thoroughly bolted and riveted together, could have received no material injury from such an encounter. But, when the Vesta struck the Arctic, stem on, in the fore channels, she unfortunately struck between the frames, or in the open space, and the pine planking offered the only resistance. When these gave way the ship filled.

I have seen an account of a collision between an iron steamer and a merchant ship, which was so remarkably like the case of the Arctic that I deem it worthy of quotation. It is this:

"The ship Young Brander, Hamilton, of and from New Orleans, which was in contact with the iron screw steamer Pactolius, off Tuskar, was struck in the fore channels, cutting the ship from the water up to five planks on deck, carrying away mizen top mast, back stay, lanyard, and main-brace; eight timbers were stove in, and all the thick work and water-ways between decks, and from forty to fifty knees, were broken, starting almost every butt in the ship. The iron cutwater of the steamer, weighing about two tons, was driven clean through the side of the ship, till it reached the cargo of cotton, when it broke, and remained hanging to the ship after the collision—the steamer was going at the rate of thirteen knots at the time. Captain

Hamilton had the usual lights set, and a man on the look-out, who warned the steamer to keep off. It would cost from £3,000 to £4,000 to repair the ship, and the Captain has sued the steamer for damages. The same steamer was afterward in collision with a bark, and had to put into Liverpool for repairs."

Such being the weak materials of these light passenger ships, let us look at their fastening. They are not *through* bolted; that is, the outside plank is spiked and tree-nailed (or pegged) to the timbers only, and not through the inside or ceiling plank; and these inside plank, in like manner are unconnected with the outside plank. Now, in our new steam frigates, and I have most carefully gone over, step by step, the one in progress at this navy-yard, every outside plank has two copper bolts going through every frame which it crosses, and through the inside plank where it is riveted, besides two short bolts.

The knees, those most important parts, upon which the general strength so much depends, are not bolted through the outside plank or wales to give the requisite strength, as is universally the case with our substantial naval ships; and they have so much iron fastening in them, that, taken in connection with their general structure for lightness and speed, it can hardly be expected that they will last over ten years of good service.

Naval steamships, constructed for fighting, giving and receiving broadsides, can never attain the speed of merchant ships built for no such purpose.

A ship of war must not only possess the power to destroy an adversary, but she must herself be able to withstand his shock. Consequently her boiler and all other vital parts of her machinery must be placed below the water-line, out of his reach, and when this is done, no very great speed is attainable; and hence it must be that the merchant steamers of all nations must greatly excel in speed their naval steamers. The boilers of the Collins ships built high for greater steam surface, project far above the lower deck, and consequently not only is the boiler exposed to every shot, but the beams uniting the sides of the ship, are cut away to make room for it. The shaft of their paddle-wheels is three feet at least above the main deck; and this brings a large portion of the machinery above the main deck. Thus it will be seen that, to obtain speed, the boiler and the shaft are, in these ships, necessarily placed so high that for a length of near one hundred feet amid-ships of these so-called war steamers, there are but three beams in each of their two decks; and it is on one of these decks that it is proposed to mount the guns—guns which weigh, with their carriages, each ten tons.

But, Mr. President, I will not go further into these details; for surely I have said enough to show gentlemen their light, buoyant, and elegant structure, so admirably adapted to speed, but so unsuited for war purposes. The Senator from Michigan has produced here a letter written by Commodore Perry two years ago, and one written by Commodore Stewart a few days ago, since this subject was agitated in Congress, both apparently sustaining the character of these ships as war vessels. Sir, I have a high regard for Commodore Stewart. I feel towards him, sir, as every American should feel towards one who has done so much to establish and maintain his country's honor. But yet, sir, great names have with me but little weight when unsustained by reason; and unless the conclusions to which Commodore Stewart arrives are supported by other arguments than those given in this letter, I must be pardoned for adhering to my own judgment. I do not think that Commodore Perry would dissent from any fact I have stated to-night, or from any conclusion I have drawn from them; nor can I perceive, taking his letter and his various other official reports and letters upon these ships together, that there is any essential difference in our views.

And, sir, let me tell my honorable friends from Michigan and Texas [Mr. STUART and Mr. RUSK] that, when it became apparent to the British Government that war with Russia was inevitable, and she began to count up her available resources, her side-wheel ships were not held or enumerated as "*war steamers*," but as transports. A board of experienced officers examined the whole subject of naval warfare, and reported against the ability of side wheels for war purposes. Britain at once began to put propellers into her sailing ships, and she now has the most powerful fleet of war ships that ever floated. None of them have attained anything like the speed of the Collins ships. They are sailing ships with an auxiliary screw, and their steam power is secondary to their sailing power. These heavy ships of Britain and France, possessing, as they do, all the power, advantages, and ability of thoroughly appointed sailing liners, with an auxiliary steam power of from four to seven knots, are the most formidable naval batteries afloat. All their machinery is below the water line, secure from shot; and should they, in any close hand to hand struggle, like those of Trafalgar, Navarino, or the Nile, have every spar shot away, and their hulls above water riddled with shot, so far from impairing their efficiency, their submerged machinery would but drive them the faster, and their tremendous batteries would still be as deadly. These ships are striking illustrations of the remark of one of England's brilliant naval commanders—Captain Plunkett, I think—that "a side-wheel ship paddles best *without* her sails, and sails best *without* her paddles; whereas a propeller screws best *with* her sails, and sails best *with* her screw."

Mr. President, in further reply to the assertions so broadly made, of the ability of these Collins ships to engage in naval battles upon the sea with ships of equal size, I will observe, that, in my judgment, the perfection of a war ship would be a combination of the greatest known speed and the heaviest known battery in one vessel; or, in other words, a ship of a hundred and forty heavy guns having the speed of the Collins ships. But this, from the very nature and requirements of the subject, has not been, nor does it seem likely to be, attained; and we must combine these two elements of power—speed and battery—in such manner as will best accomplish the particular end in view. This country must always maintain a certain number of ships in foreign and distant seas, and necessarily upon protracted cruises. Without colonies, coal depots, or refitting stations, (with which Britain and France are so well supplied,) these ships must have the ability to maintain themselves at sea without resort to port. They must be manned, provisioned, and furnished with all things needful and necessary for a long voyage and constant efficiency. Such ships must be large, with heavy batteries. The space allotted to coals must be comparatively small, and steam, which must be *auxiliary* only to their sailing qualities, must be resorted to only upon special emergencies. They cannot steam fast; for, in the first place, the space below the water line, allotted to machinery and the size of the boiler, must be limited, while the consumption of fuel must be reduced to the minimum quantity. In such ships, therefore, we must sacrifice speed for battery. But the ships of our coastwise or home squadron, whose operations are confined to our own seas and shores, whose cruises from port may be limited to a few days, with ship-yards, and coal depots, and work-shops ever under their lea, such ships are required to be fast; they are the eyes of the country; and their glances at anything approaching our shores should be rapidly taken. Here, then, we may well sacrifice battery for speed; but it must be a speed combined with powers of defense and endurance. The speed of the Collins ships, so long as their fuel lasted, would certainly enable them to escape an enemy, or evade an engagement, which their exposed and defenseless hulls and machinery would render fatal; for the breaking of a crank, or the bursting of a steam pipe or boiler—an enemy's broadside at close quarters could hardly fail to do this—would leave them as helpless upon the sea as a crippled bird.

If it shall appear, Mr. President, that our public service requires such ships as these, it is the dictate of wisdom and economy to build them ourselves, and in doing so, to make those improvements and avoid those errors which experience has taught us. These ships already show evidences of weakness and decay. One of them, if my memory serves me correctly, is running her third shaft, and their repairs, as shown by the exhibits of Mr. Collins, are frequent and expensive. I presume a proposition will be made before long to dispose of them to the Government; but I trust that we shall have wisdom enough to crush any such folly. The time is rapidly approaching when they will demand thorough and most expensive repairs; and it is just at this particular time that a prudent owner would seek to get rid of them, and that a prudent purchaser would avoid them; for the attempt to repair an old steamship, in this progressive day, after hard usage, and built of light, mixed, and unseasoned materials, is very much like having the wolf by the ears, it is useless to hold on, and perilous to let her go.

The honorable Senator from Michigan, Mr. President, says that all the money which has been expended for our naval ships might as well have been thrown into the sea. This is a very strange remark. Why, sir, it will sound strangely in the ears, not only of our own naval men, but of those of Europe. Does not the honorable Senator know that our naval ships, for model, material, and construction; for sailing qualities, buoyancy, and capacity for carrying their batteries, crews, and provisions; for strength and durability; in short, for the combined excellencies of naval ships, are acknowledged by the naval Powers of Europe to have no superiors. Our ships have ever been the admiration of all foreign officers, and at this very hour, while the honorable Senator from Michigan denounces them, they challenge comparison with the ships of all other nations.

Our steam machines have sometimes failed, but the reason is obvious. We have no national machine shops except the limited establishment at this navy-yard; and, relying upon contracts for our steam machinery, we are too frequently imposed upon in its quality and workmanship. But, sir, let me say to the honorable Senator that our frigate Mississippi, side-wheel as she is, and therefore unfit to fight, has done more service for the same expenditure of money than any steamer, merchant or otherwise, that floats. Burning but from twenty to thirty tons of coal per day, under full steam, she has great power, and has performed services of the greatest value to the country. Let me refer him, too, to the San Jacinto, of which accounts have reached me to-day. She is a magnificent ship in all respects; makes twelve knots under canvas alone; and recently, when two of three blades of her propeller broke off, leaving her with but one, she made very good headway under steam with that one. The honorable Senator from Texas alluded to the battles of the last war as being fought by men who had learned their profession before the mast——

Mr. RUSK. The Senator from South Carolina said it was not the merchant marine, but the officers of the Navy who fought the last war; and my remarks were in answer to that statement.

Mr. MALLORY. Well, sir, the Senator is right in saying that his remarks were based on what was said by the Senator from South Carolina; but in reply, I will remark that the national reputation which we have as a naval power rests, not upon one or all of the battles fought by our merchant seamen, but upon those fought by our Navy. When we entered upon the last war, we did so with many misgivings as to the results. In the language of a noble statesman, we went into it feeble, and as it were with but a sling in our hands.

Mr. RUSK. Will the honorable Senator allow me to ask him a question?

Mr. MALLORY. Certainly.

Mr. RUSK. If there had been no sailors on board any of the vessels which fought during the last war who had acquired their profession in the merchant marine, does he think there would have been a single victory?

Mr. MALLORY. The Senator and myself agree perfectly that the merchant marine is the school for seamen, not in our own country alone, but in every country. It is that school to which we naturally look for seamen; and we should cherish and nurture it, and protect it, as the school from which our naval seamen are to be drawn. Our seamen of the last war were nurtured in the commercial marine, but not of our country alone; for we had men in our Navy from all parts of the habitable globe, although we professed to have none but Americans born; and we had men, too, of every color. But, sir, what I do say is, that no single fight, no number of fights, and no conduct of the merchant marine of this country ever gave character to our naval warfare. Why, sir, we were reminded here but a few days ago, of a striking

incident in relation to this subject. When the British, forgetful of their own magnanimous character, were ruthlessly imitating the deeds of their freebooters, and were tearing this capital to pieces, a British naval officer mounted the naval monument erected to the heroes of the Tripolitan war, and which still stands before us, and, snatching the pen from the hand of the muse of History, declared that she had no use for it, because the American Navy had no history to write; and, sir, up to that day, with the exception of the Tripolitan war, the taunt was partially true; for our Navy had no history to write. But, sir, History soon vindicated herself, and avenged the insult; for every page of her journal of the last war records something which shows that our Navy has a history, and a glorious history—a history, sir, which, though replete with personal daring and devotion, teeming with courage, and patriotism crowned with eminent success, is unsullied by a single instance of cowardice, or a breath of treachery. Yes, sir, our naval men restored the pen to History's hand, and with it the sceptre of British invincibility; and, no longer breathing the vandal spirit of her despoiling official, the frank and manly hearts of Britain, so prone to do justice to an adversary in a fair stand-up fight, accorded to our Navy their praises and commendations. Individual instances of the heroic daring of privateers marked the war. Such was the case of the General Armstrong. But these were not the features of the struggle which gave us a national character as a naval people; but it was acquired by the victories and the conduct of such men as Hull, Stewart, Lawrence, Bainbridge, Perry, and their gallant associates.

The Senator from Texas speaks of officers idling away their time on shore. This remark I frequently hear made, and to me it ever seems unjust. Why, sir, we must always have a sufficient number of officers to relieve those at sea occasionally. Would you keep a man always at sea, always abroad from his country? No, sir; it is the interest of the Republic that they should be identified and linked to it by ties no less enduring than those which bind us all; and let me say too, that the profession which presupposes always abroad, which ostracises him from home and kindred, which precludes marriage and crushes the holiest affections which cluster around the heart; is unworthy the ambition of any honorable mind. But, Mr. President, I will not longer detain the Senate, nor would I have offered these remarks, made as they are, unexpectedly, without preparation or notes, crude and unconnected; but for the fact, that, as a member of your Committee on Naval Affairs, I do not feel myself at liberty to listen to attacks here upon the service, based, as I conceived, in palpable error, without responding. I profess no more regard for the Navy than other gentlemen; but I know its past services, its present condition, and believe in its glorious future; and while I have a seat here, it shall never want a voice to sustain and cherish it. I entertain earnest hopes that the bill which we have recently passed to promote its efficiency will breathe new life into the service, and that it will soon become what it was at the close of the last war.

DIPLOMATIC SYSTEM OF THE UNITED STATES.

SPEECH OF HON. JOHN PERKINS,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

January 11, 1855.

Mr. PERKINS said: I am instructed by the Committee on Foreign Affairs to report to the House, and put upon its passage, the consular and diplomatic bill, which it has had under consideration.

There are constantly referred to that committee claims of different kinds arising under our foreign intercourse, upon the justice and legality of which it is expected to give an opinion. The investigation of these claims involves a reference to existing law and the customs and practice of the State Department. In the discharge of this duty the committee has labored constantly under embarrassment from the unsettled character of the rules regulating the duties and pay of our foreign agents. From a defective organization of the foreign service of the Government in the first instance, reference has now to be had to precedent rather than established law. The consequence is, that a great variety of claims are annually presented against the Government through uncertainty as to what services are properly required to be discharged, and the remuneration that should attach to them. In deciding upon claims of this character the committee has had to be governed either by precedent, or the peculiar circumstances of equity in each particular case.

In this, too, they have met with difficulty; for it has happened that our Secretaries of State have differed as to the rules that should govern in many of these cases, and the decisions of the Department have, consequently, changed with its administration. As the Committee on Foreign Affairs changes, too, with each Congress—some of its members going out, and new ones being added—its decisions have increased the uncertainty.

To relieve themselves and the House from the evils of this uncertainty, early last session the committee called upon the head of the Department of State for his views as to a thorough remodeling of our consular and diplomatic systems, in order to its establishment on definite principles. The Secretary of State replied, referring the committee to the several plans heretofore proposed to Congress for that purpose, and to the expression of his predecessors in office upon them. He also offered the committee access to the suggestions of persons in the foreign employ, and upon file in the Department.

The report of Mr. Livingston, made to Congress in 1833, and that of Mr. Buchanan in 1846; the report of a special committee raised upon the subject in this House in 1845, and the bills introduced into Congress in 1844 and in 1846, and other plans prepared in the Department, but never presented to Congress, were all examined. Consultation was had with those long engaged, both in the consular and diplomatic service of the country; and after examination and comparison, the result of the action of the committee was the report and bill unanimously presented to this House last session. That bill was printed and referred to the Committee of the Whole House. It was distributed among members of the House, and sent abroad to all our consular and diplomatic agents.

During the late recess of Congress numerous and valuable suggestions were received in reply from those in the past and actual foreign service of the country; and, at the opening of the present session, the bill was taken up from the Committee of the Whole and referred back again to the Committee on Foreign Affairs, that it might be revised and improved in some of its provisions.

The bill that I have now reported to the House is the original bill thus matured. It has been modified in some of its minor details, but in its general character and principles it is identically the same bill that was originally reported. It omits some things contained in each of the bills heretofore before Congress, and embraces everything, it is believed, in which previous bills have been unanimous. Its provisions cannot, therefore, be regarded in the light of experiments, but rather as the results of the experience of all who have been heretofore occupied with, or have examined, the subject.

In asking, Mr. Speaker, the attention of the House for a few moments, while I point out the reforms in our existing systems proposed by this bill, I am painfully sensible of my inability to make interesting to the House a subject necessarily of so much detail. *I do not design to speak of the foreign policy of the country, nor of the necessity of some kind of machinery for conducting it.* I take it for granted that the age of entire national isolation has passed, and that, however independent we may be of other Governments in our foreign policy, still we are now, and will ever be, necessarily bound to them, in a certain degree, by ties of commerce and humanity that, with the increase of knowledge among mankind, will bring the people of this country more into connection with the people of the rest of the world, and, at the same time, multiply the points of contact between our own and other Governments.

I will, also, in what I have to say, take it for granted that a system of foreign ministers and consuls resident abroad, such as has been found necessary in the experience of all other civilized Governments, is required under our own Government.

To the existence of such a class of men, Wheaton, in his Law of Nations, has ascribed the great advance of Europe in civilization within the last century; and, as our forefathers, after employing special ministers during the Revolution, and under the Confederation, decided on the first nominations of foreign ministers (in 1790) under General Washington, that they should be *permanent*, and, as such, ministers and consuls were at once, and have continued to be since, appointed, I shall take it for granted that their existence was wisely provided.

I wish simply to call the attention of members to some of the most striking evils in the machinery of our foreign intercourse, and I shall indicate, without arguing, the remedies proposed for them in the bill before the House.

The first great evil results from our having originally adopted, in 1789, *with very little modification, the foreign system of the English Government.*

It was the growth of institutions directly opposed in principle to our own, and its peculiarities, ill-adapted to the nature of our Government at its origin, have grown with our development into great and positive evils.

The grade of diplomatic rank was artificial and involved.

It required an expensive provision of outfit entirely unsuited to our institutions.

Its salaries were left chiefly to the discretion of the Executive.

It was without proper guards upon the action of ministers; and, as the foreign policy of the British Government was under the control of the Sovereign, so, on our adopting its machinery, a larger share of influence and discretion was imposed by it upon the Executive of this country than was consistent with the theory of our Government. On the acknowledgment of the national existence of the United States by the treaty of 1783, there was no full and unequivocal expression of our national rights. It was not until after the dissolution of the Confederation, and the adoption of our present Constitution—1789—that even a commercial treaty could be formed with England.

Before that time she was not even represented here by a minister. In fact, it was long after that date before we can be said to have had any existence, except by sufferance, as an independent nation. The position our Government was to occupy among the other Governments of the world was undetermined; the rights of our citizens were continually violated, and our commerce depredated upon and driven from the sea. It was only when we had fought ourselves into respect through the war of 1812 that these rights were practically recognized. That this was the case is not remarkable. The domestic policy of a Government is always most seen and felt in the homes and business of men. Its foreign policy, although often almost as important, seems more remote.

The great interest, therefore, Mr. Speaker, felt at the formation of our Government in adjusting internal affairs, and the establishment of the Constitution, as a kind of international law between the States themselves, diverted attention from the importance of a well regulated system of intercourse with foreign nations; while the general confidence reposed in the moderation and good sense of General Washington, who was then President, checked all disposition to question the amount of power left to be exercised at his discretion. Thus, sir, while our Constitution, differing from the British Government, divided between the Executive and the Senate the control of foreign affairs, our early legislation conferred upon the President a degree of discretion over foreign intercourse more in accordance with the spirit of the English than of our own Government.

The second article of the second section of the Constitution provided for such intercourse by declaring that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and, by and with the consent of the Senate, shall appoint embassadors, other public ministers, and consuls," &c., &c.

By this provision ministers and consuls were not created, but referred to as existing agents of international intercourse, under the law of nations.

The foreign policy of the English Government had been always, and is still, under the direction of the Executive; that of the United States by the framers of the Constitution was divided between the Executive and the Senate.

The Constitution went into operation on the 4th of March, 1789. The first Executive session was held on the 25th May, 1789, and to it General Washington proposed the regulation, by treaty with France, of the functions and prerogatives of consuls.

On the 16th of June, 1789, William Short was nominated and confirmed minister to France, in place of Mr. Jefferson, who desired to return.

On July 27, 1789, Congress established a Department and Secretary of Foreign Affairs, which, on the 12th of December of the same year, was changed into the present Department and Secretary of State.

The Secretary of this Department was to be appointed by the President, and to correspond with our consuls and ministers, and attend "to such other matters respecting foreign affairs" as the President should assign to his Department. On the 22d December, 1791, Pinckney, of South Carolina, was nominated by General Washington minister to London, and Gouveneur Morris, of New York, minister to Paris.

It was upon these nominations that the Senate discussed the policy of permanent over special missions to foreign courts, common under the Confederation. Permanent missions were preferred, and Pinckney and Morris confirmed.

The first act of Congress, after the formation of the Government, making appropriation for diplomatic intercourse, was passed July 1, 1790.

It authorized the President to draw from the Treasury an annual sum, not exceeding $40,000, for the support and incidental expenses of such persons as he should commission in the foreign service.

The amount of salary to be paid each was left to the President's discretion, except that (exclusive of outfit, which was not to be more than one year's salary) no minister plenipotentiary should be paid more than $9,000, nor a chargé more than $4,500, nor the secretary of the minister more than $1,350.

The salaries and outfits continued unchanged until May 1, 1810, when Congress raised the allowance for salary to the secretary of any legation from $1,350 to $2,000, and confined the allowance for outfit to minister plenipotentiary or chargés on going from the United States to any foreign country.

General Washington exercised the power granted by Congress, and appointed ministers and consuls abroad, with the highest salaries permitted by law. Having lived under the English diplomatic and consular systems, they were followed in their appointments in rank, except that no embassador was sent or received.

The term embassador, in diplomatic language, describes the *personal representative* of a sovereign, and differs from a mere minister in that the latter *represents his nation.*

The actual diplomatic grades were: *minister plenipotentiary and envoy extraordinary, minister resident,* and *chargé d'affaires,* with *secretaries* for *each legation.*

In 1802, under Mr. Jefferson, these systems had been in existence a little more than ten years, and comprehended ministers plenipotentiary to France, England, Madrid, Portugal, and a secretary to each legation—four ministers plenipotentiary, and four secretaries of legation.

A minister resident and a secretary of legation to the Hague—one minister resident, and one secretary of legation.

There were at the same time in service abroad two sets of commissions, under the sixth and seventh articles of the treaty with Great Britain, with an agent attached; making in diplomatic service eighteen persons.

There were consuls general at Amsterdam, Algiers, Tunis, Tripoli, and Morocco—five consuls general.

Two agents for the relief of American seamen; one at London, and the other at Kingston, Jamaica—two agents.

There were fifty-one consuls, three vice consuls, and four commercial agents in the consular service—sixty-five persons.

Making, in the foreign service of the Government abroad, in all, eighty-three persons.

Total expense of their salaries, $105,597 17.

The consuls general were salaried; consuls, and vice consuls, and commercial agents were supported by fees.

From 1800 to the present time our diplomatic and consular systems have remained without important modifications. In that period we have made great advances in wealth and power.

	1800.	1850.
Population	5,305,925	23,191,876
Area of territory	820,680	2,936,166
Exports	$70,971,780	$151,898,720
Imports	$91,252,768	$178,138,318
Tonnage	972,492	3,535,454
Seamen	60,000	140,000
Commercial treaties with	5 nations.	19 nations.
Revenues of Government	$10,624,997	$43,375,798
Expenses of Government	$7,411,370	$43,002,168
Expenses of foreign service	$153,000	$412,789

Such has been the development, in fifty years, of the interests particularly affected by our foreign intercourse. My time will not permit me to enlarge on particular points; but I call attention to the fact—

1. That coming into existence the first great neutral Power of the earth, with political institutions antagonist in principle to those of other Governments, we adopted their machinery for foreign intercourse; and that, during a period of sixty-five years, (three political generations,) we have maintained it without important modification.

2. That within the same period other Governments, with whom we hold intercourse, have greatly modified their systems; and Great Britain, whose system we more particularly copied, has several times (in 1815, '16, '25, '30, '31, and '50) thoroughly revised and changed hers in many important particulars, so as to have it conform to the requirements of the age.

3. That every President of the United States for the last thirty years has been embarrassed by the defects of our foreign system; that every Secretary of State during that period has desired its reorganization; and that almost every Congress, through regular and special committees, has reported in favor of its establishment upon a new basis.

4. That the commercial interest of the country has repeatedly protested against the incompatibility of many of its provisions, and their utter inadequacy to meet the wants of our extended trade; that the captains and seamen of our vessels abroad have constantly complained of its unequal and oppressive operation; and that our ministers and consuls, under Whig and Democratic Administrations—those in the actual and those in the past service of the country—have united in its condemnation.

5. That at many Governments where we are represented our ministers have been without right of admittance to the royal presence, and forced to yield in dignity and position to the representatives of petty and comparatively insignificant States, from the simple circumstance of our not having adopted the grades of diplomatic rank established at the treaty of Vienna, in 1815, and followed by all the other Governments of Europe—a modification simplifying diplomatic grades, and involving no sacrifice of principle or increased expenditure.

6. That while those of our ministers who accept diplomatic position merely for the sake of foreign travel, and who remain abroad only so long as the novelty of the life charms, and return home before they have acquired a knowledge of the language or a familiarity with the public men and feeling of the nation to which they have been accredited, are extravagantly paid in salary and outfit, (equal to $21,000 for a single year abroad,) others, of the same grade and to the same court—whose services, from a longer residence abroad and a more intimate knowledge of foreign matters, may be supposed to be of at least equal value—receive at the rate of only $9,000 a year.

7. That while some of our consuls amass fortunes, making, in some instances, from $9,000 to $20,000 a year, others, at points of much importance, are struggling on with a very bare support.

8. That with commerce spreading into every sea, and citizens establishing themselves in trade upon almost every coast the world round, and with legal provision for their protection, the agency for its execution is so defective as to make our law but little more, in many cases, than an instrument in the hands of citizens of foreign countries for our injury.

These evils, the committee have thought, originate chiefly in two causes:

First. *Our having adopted a system cumbersome in its details, and unsuited to the nature of our institutions from the degree of discretion conferred upon the Executive.*

Second. *In our having retained this system as originally adopted, without modifying it to meet either the requirements of our development or the changed spirit of the age.*

I am not insensible, Mr. Speaker, of the difficulties with which the committee have to contend in effecting the reforms proposed by the bill they have reported.

I am aware that the very just and popular prejudice which exists against any change in the cautious and wise system of foreign policy inaugurated under the administration of General Washington attaches, in some degree, to any change, even in the machinery of our foreign service.

I am aware that the subject of the reform itself is peculiarly within the district of no member on this floor, and that it is in the power of any one, either from design or ignorance, to distort its provisions in a way to excite vulgar clamor.

I am also aware, sir, that there are individuals of influence and respectability in the consular service to whose pecuniary interest it is that this bill should not pass. But for these very reasons I expect to find support for the bill in the good sense and reflection of members of the House.

The committee has desired to shape its provisions in strict accordance with our existing foreign policy, and in the arrangement of its details it has been governed by principles of general application. In no instance is the committee aware of having been influenced by the private interests of any individual.

The bill appears to be a long one; but, in reality, it is not long. The changes proposed would not, if brought together, cover more than four of the twenty-three printed pages of the bill. One great evil at the present time is, that the law of our consular and diplomatic service is scattered in various separate provisions all through our statute-books.

The present bill is a compilation of existing laws, placed in proper connection, to render plain the few modifications proposed.* It simplifies their duties, and makes ministers and consuls respond more nearly to the purpose of their creation. It takes from them any other character than that of representatives of their country, clothed with the influence and responsibilities properly belonging to such a position. It throws around them additional guards for the faithful discharge of official duty, and relieves them from temptation to sacrifice the public to private interests. It provides for them regular and economical support in a way that, freeing them from the distrust and suspicion of personal gain in the transaction of public business, either with foreign authorities or our own citizens, is, at the same time, little burdensome upon the Treasury, and equal and just in its operation upon different interests.

* The sections of this now substantially in force, either by law or the instructions of the State or Treasury Department, are:

Sections 9 and 10.—See circular instructions to diplomatic agents, secretaries of legation, and consuls, June 1, 1853.

Section 11, to line 6, 1 Statutes at Large, 256, to line 9; Instructions in Supplement to General Instructions to Consuls, (note,) page 36, to line 14; Law or Instructions, 1 Statutes at Large, 256; General Instructions, chapter I, article 1. The remainder of this section, General Instructions, chapter II, article 2.

Section 12.—In respect to making returns of fees at stated times, General Instructions, chapter III, article 12, and Circular Instructions, June 1, 1853.

Section 13.—Circular Instructions, June 1, 1853.

Section 15.—Law or Instructions, 2 Statutes at Large, 204; 5 Statutes at Large, 395; Circular, June 16, 1849; Circular, November 28, 1851; General Instructions, chapter IV, article 32.

Section 16.—General Instructions, chapter IV, article 34, and Circular, November 28, 1851.

Sections 17 and 18.—Substantially the same as provisions of existing law, 5 Statutes at Large, 395, 396, 397.

Section 21.—1 Statutes at Large, 255, 256; General Instructions, chapter IV, section 2, section 23; General Instructions, chapter III; Circular, June 1, 1853.

Section 23.—General Instructions, chapter II.

The changes under the bill may be briefly stated:

1. It abolishes the title of chargé d'affaires, raising all our diplomatic agents to the rank of ministers plenipotentiary, and simplifying our grades to correspond with the nature of our institutions and the systems of international intercourse adopted by the Governments of Europe in 1815, at the treaty of Vienna.

2. It abolishes the outfit, equal to one year's salary, and a return allowance of three months' salary to every minister on his going to and returning from his mission, and provides salaries proportioned to the expense and dignity of the different positions.

3. It provides a secretary of legation for each mission.

4. The salaries of none of our diplomatic or consular agents are to begin until after entering upon the discharge of their official duties, and to cease as soon as relieved of them by a successor.

5. It prohibits the absence of any minister from the country to which he is accredited, or any consular or commercial agent from his district, for a longer period than ten days, without leave from the President, and stops their salary for any absence over *ten days*, with or without leave of absence.

6. None but citizens of the United States are to be appointed to diplomatic or consular positions, or employed as clerks, or have access to the archives of our foreign offices.

7. Consuls at all the principal ports are prohibited from transacting any business, either in their own name or through the agency of other persons.

8. It substitutes fixed salaries for fees to consular and commercial agents; abolishes fees for passports, and all commissions upon money advanced as wages, or for the relief of seamen in distress; changes, in many particulars, and reduces, the tariff of fees and commissions for other consular acts; defines, with more precision, the duties of consuls in the settlement of the estates of persons dying abroad; abolishes all sub-agents and vice consuls, and provides for the accounting for all fees and commissions to the Government to be used as a general fund to assist in paying consular salaries.

1. *The bill abolishes the title of chargé d'affaires, and raises all our diplomatic agents to the rank of ministers plenipotentiary.*

The congress of European Powers that met at Vienna on the settlement of peace in Europe, agreed upon a grade of diplomatic rank which, when generally adopted, should prevent all embarrassments of etiquette in the conduct of future negotiations. We were not a party to that congress, and have never modified our system to correspond to the grades of diplomacy then established. The consequence has been, that at many of the European Courts our ministers have never been admitted to the presence of the sovereign except as a favor; and on public and State occasions, and in the transaction of business, and in the paying and receiving of visits, the representatives of the smaller Courts of Europe have had precedence over them.

The grades, as established by the Congress of Vienna, and amended by that of Aix-la-Chapelle, and at present recognized by European nations, are—

1. Embassador.
2. Envoys, ministers, or others accredited to sovereigns.
3. Minister resident.
4. Chargés d'affaires, accredited to the minister of foreign affairs, and secretaries of legation.

Embassador, in diplomatic language, is the representative of the *person* of a sovereign, and in this differs from a mere minister, who represents the nation. The bill raises all our missions to the grade of envoys extraordinary and ministers plenipotentiary. This change involves no sacrifice of principles, nor additional expenditure. Representatives, with but one exception, below this grade are considered as accredited to the minister of the foreign department, and not to the sovereign of the State. It is a distinction that, in point of fact, is recognized in the reception of ministers from foreign States by our own Government, and there is no reason why the embarrassment under which the present system places our own ministers abroad should not be removed.

Foreign ministers exist, and their rights, duties, and powers are determined by general assent and the laws of nations. They are the necessary agents of communication between Governments. They represent the disposition and interest of one Government to the ruling power of another Government. Under instructions, they negotiate treaties of commerce, give information about our laws, and in every way are expected, by the cultivation of friendly relations and good understanding, to exert themselves to preserve peace. Under such circumstances, they should be free from all unnecessary embarrassment. If engaged in important negotiations, the good will of the ruler will greatly facilitate them, and this is best secured by personal intercourse. Under the bill, if adopted, this advantage will be secured, and our diplomatic grades at the same time simplified to the nature of our institutions. A law passed last year enabled all our representatives of the grade of chargé to be accredited as ministers resident. This bill, by establishing but one rank for all, that of ministers plenipotentiary, will cause that, wherever we send a representative, he shall be recognized as the equal of the representative of any other country, and that under no possible circumstance can his rank be made an obstacle to his influence.

2. *Secretaries of legation are provided for each mission.*

The business transacted at some of our legations makes absolutely necessary an assistant of the minister. The increased travel of Americans abroad has made the giving and receiving of passports alone almost occupation for one man. The inquiry into the right to issue, in particular instances, these badges of citizenship; the examination of cases of wrong to American citizens, and the obtaining of redress; the preparation of information as to our local law and the customs of our ports, &c., &c., in reply to inquiries from the foreign Government, and various calls upon his attention; besides the preparation of weekly dispatches, require more time and labor than are always at the disposal of the minister—called to act in a private matter, frequently, at the very moment when engaged in perfecting some important treaty or negotiation under the law of nations.

Through the want of secretaries of legations in 1830, there was scarcely an American legation abroad with a complete record of its negotiations, and our representatives were obliged to send home to the State Department for information as to what their predecessors had done in particular matters, or rely upon information from the Governments with which they were in communication.

Nearly all the great Powers of Europe own hotels or residences for their representatives in the capitals of the countries to which they are accredited, and have attached to each legation one or more secretaries, whose especial business is to guard its archives. England and France have several of these attachés to nearly all their missions.

It is not proposed that the United States purchase residences for their ministers abroad, nor is it deemed advisable by the committee, but it is deemed highly important that there be a secretary to each legation. From the want of such heretofore it has happened, in some instances, that papers belonging to the United States Government have fallen into the hands of foreigners, and thus passed into the possession of the Government with which we were negotiating, causing serious embarrassment. We have already secretaries of legation to several of our missions. The bill proposes one, with a small salary, at each.

3. *The bill abolishes all outfits and infits, and provides, instead, salaries proportioned to the expense and dignity of the several missions.* A provision for outfit and infit was originally made in imitation of the display that characterized the diplomacy of Europe. Court etiquette and State ceremony formerly occupied a great portion of the diplomatist's time. Cabinet secrets were confined to the few, and the giving of presents, and costly display in dress and living, were recognized as legitimate and practical modes of influence. At the foundation of our Government, therefore, these appendages may have been wisely provided for as adding to the dignity and influence of our foreign ministers. The means of travel were then more tedious and expensive. From Washington to London, by the best and most expeditious means of conveyance, costs now not more than $170; to Paris, $200; to Berlin, $250; to Vienna, $300; and less than this to most of the other European capitals. There did not then exist, at the different courts of Europe, the same facilities for elegance and comfort in a temporary residence, and embassadors from one country to another were obliged either to carry these with them or to incur great expense in their purchase. Outfits and infits for foreign ministers were, for these reasons, furnished by all the Governments of Europe. Within the last sixty-five years, however, great changes have taken place in these respects in all the European States.

In illustration of the feeling of the day I would recall to the recollection of the House the great embarrassment experienced by Congress in 1778, on the reception of M. Gerard, the first French minister. The subject was referred to a committee, composed of Richard Henry Lee, Samuel Adams, and Gouverneur Morris, whose report on the subject, turning on mere points of etiquette, was discussed for five days. In the end he was received with a degree of formality that cannot be read without a smile. After providing that he should be called on by two members of Congress, the programme of his reception continues:

"At the time he is to receive his audience, the two members shall again wait upon him in a coach belonging to the States, and the person first named of the two shall return with the minister plenipotentiary, or envoy, in the coach, giving the minister the right hand, and placing himself on the left, with the other member on the first seat. When the minister plenipotentiary or envoy is arrived at the door of the Congress Hall, he shall be introduced to his chair by the two members, who shall stand at his left hand. When the minister is introduced to his chair by the two members, he shall sit down. His secretary shall then deliver to the President the letter of his sovereign, which shall be read and translated by the secretary of Congress. Then the minister shall be announced, at which time the President, the House, and the minister shall rise together. The minister shall then bow to the President and the House, and they to him. The minister and the President shall then bow to each other and be seated, after which the House shall sit down. The minister shall deliver his speech standing. The President and House shall sit while the minister is delivering his speech. The House shall rise, and the President shall deliver the answer standing. The minister shall stand while the President delivers his answer. Having spoken and being answered, the minister and President shall bow to each other, at which time the House shall bow, and then the minister shall be conducted home in the manner in which he was brought to the House."

But a short time before this, Silas Dean, our minister at Paris, wrote home from France to Congress for some of the natural products of the country, to be given, by way of influence, as presents to the Queen. He said in his letter, speaking of Marie Antoinette:

"*December* 3, 1776.—The Queen is fond of parade, and, I believe, wishes for war, and is our friend. She loves riding on horseback. Could you send me a fine Narragansett horse or two? The money would be well laid out. Rittenhouse's aviary, or Arnold's collection of insects, a phaeton of American make, and a pair of bay horses, a few barrels of apples, walnuts, cranberries, butternuts, &c., would be great curiosities."

During General Washington's administration, presents of form were given to foreign ministers—generally a chain and medal of gold; and there yet exists a letter of Jefferson's, dated New York, April 30, 1790, written to Paris, directing the manner in which the medal was to be cast. He desired it inscribed with "peace and commerce," and "the date of the republic." We are accustomed to speak of the simplicity of these early days without very exact ideas of what this simplicity consisted in; but, long after Mr. Jefferson's time, the circular from the State Department to our foreign ministers informed them that, with certain "papers, books and documents," necessary or useful in the discharge of their mission, they would receive "an engraved design of the uniform worn by the ministers of the United States at foreign courts on occasions when full dress is required," and that the expense of "presents to the menial attendants at court, and of the public functionaries," at their presentation, and on other established occasions, "usually Christmas and New Year's day," would be allowed as contingencies by the Department.

There exist to this time, in the State Department, plates showing the pattern of dress, and amount of gold embroidery and lace, to be worn by our ministers abroad, and its various modifications under different Administrations. (See note 1.)

Diplomacy and the spirit of the age have, in a

great degree, outgrown all this, and a foreign minister is not now so much the *Court congratulator* as the *business* agent of his Government; and it is more his exact knowledge of the progress and development of the trade and material interest of his country, and the history of its law and legislation, as affecting other countries, and indicating the spirit and tendency of public opinion at home, that gives him influence, than the costliness of his living, or the degree of luster he can contribute to the brilliancy of Court displays.

The provision, therefore, for outfits and infits, does not now accord either with the changed spirit of diplomacy or the principles upon which our other public servants are compensated; it pays for services before they are performed. No longer necessary for its original purpose, it is often expended in the payment of debts contracted before going abroad, and thus serves only to make unequal the salaries of ministers, and, in a degree, to demoralize the whole diplomatic system. A minister plenipotentiary, under our present system, appointed to represent us abroad, if he remains at his post but a single day, is still entitled to his outfit of $9,000; if he remains but one year, he receives $20,250. In practice, it has been that a person who is thus appointed remains two years, draws an outfit of $9,000, a salary for two years of $18,000, and an infit of $2,250, making, in all, near $30,000 for two years—equal to a salary of about $15,000 a year—and then returns home to be succeeded by another, who pursues the same course. Where there is an exception to this, and one is suffered to remain abroad, irrespective of party changes, from his superior fitness to represent the country, deprived of the advantage of this outfit—recurring every few years—he struggles on with an inadequate salary, and in the end returns in embarrassed circumstances.

A MEMBER. Will you point to that portion of the bill which abolishes outfits?

Mr. PERKINS. I thank the gentleman for putting the inquiry. In the opinion of the committee, the establishment of the regular salaries in the bill abolished outfits. They now exist at the discretion of the President. It is a singular circumstance that the first appropriation for foreign services ($40,000) was placed at the disposal of General Washington without any limitation, except that outfits and salaries were not to exceed $9,000. It was at his discretion whether they should or should not exist. The committee, however, anticipating the objection now made, has introduced a section in these words:

And be it further enacted, That the acts, or parts of acts, authorizing the payment to ministers, consuls of the United States, of salaries, outfits and infits, clerk hire, and office rent, be, and the same are hereby, repealed.

A MEMBER. That is not in the printed bill.

Mr. PERKINS. It is in the copy which is in the Clerk's possession. The effect of the allowance of outfit, when no longer required, has been to prejudice the popular mind against our ministers abroad, in the idea that they are favored pensioners of a party Executive; and, in point of fact, we may admit on both sides of the House that these appointments have been too often conferred simply as the reward of partisan service; and that this circumstance, and the defects in the existing system which I have pointed out, have contributed to make what, in our foreign service, should be the distinct expression of national interest the mere expression of Executive favor.

From 1800 to 1822 one third of the entire expense of the foreign service of the United States was for outfits, infits, and contingencies.

From 1840 to 1852 (twelve years) the diplomatic expenses of the Government were $3,656,202. Of this amount one sixth was expended alone in outfits. In one Administration, a single individual drew—and he drew it rightfully, under existing rules—$22,000 in outfits. The committee have thought that this was an evil which should be remedied, and it is accordingly abolished by the bill. Salaries liberal, but not extravagant, are provided for all our ministers. The amount for each has been made to correspond, as nearly as possible, to the importance and amount of duties to be performed, and the necessary expense of getting to, and residing at, the mission. Our diplomatic establishment, if remodeled as proposed, will cost about $50,000 less than has been its average cost for the last ten years. It will place our foreign ministers on a more respectable footing abroad. It will make their salaries definite, and save greatly to the Treasury by preventing their outlay reaching anything like the amount possible in extra charges, and in the frequent resignation and recall of ministers under our present system. (See note 2.)

4. *The bill further provides that the salary of representatives abroad shall not begin until after their arrival and actual entry upon the duties of their post, and that they shall cease so soon as they are relieved from those duties by a successor.* It has been the custom heretofore for salaries to begin the day the commission has been received. By this means, a minister appointed abroad and not starting immediately on the receipt of his commission, or, if starting, who has delayed on his way, has been in the habit of drawing salary up to the time of his relieving his successor. Thus, in addition to the evil of outfits, has been added that of the overlapping of salaries, by which two persons have received pay at the same time for the same service; for the actual minister abroad, who has been recalled or has resigned, continues of right to discharge the duties of the office, and although the Government may decline to enter upon negotiations with him, as his successor has been appointed, still he draws salary, and is really minister until the arrival of his successor. It has been computed that, on an average, the ministers appointed from this country abroad do not reach their post until near four months after the date of their commission. (See note 3.) If he is at Washington, he visits his home, makes his preparation, and then returns to Washington for instructions before starting on his mission. By the bill this double payment of services not rendered is prevented. The salary of the new minister is to begin only when he enters upon the duties of his office, and the salary of his predecessor ceases.

5. *It is further provided that no minister shall be absent from the country to which he is accredited for more than ten days at a time without the permission of the President, and that, if absent longer than that period, even by permission, his salary shall cease during such absence.* The importance of this provision will impress itself upon every one familiar with the past or recent history of our missions abroad. By making their salary dependent upon their actual residence in the country to which they are sent, the bill puts it out of the power of the President to confer what is sometimes called a roving commission, with nominal appointment to a particular point, but with the general privilege of traveling over Europe at the expense of the Government. Under it, it is to be hoped, we will hear no more of United States ministers to Russia spending their winter in Italy, nor will there be distrust abroad and disquiet at home, occasioned by our ministers collecting at Paris from all the European capitals. The presence of the minister is insured at the point where he has duties to discharge. It is considered that these duties require his presence in the country to which he is accredited, and that he may only legitimately extend his travels to the entire extent of that country. When he goes beyond its limits for more than ten days, it is presumed that he is without the line of official duty, and his salary ceases until his return.

The bill further provides for the location of the office of legation at a central and convenient place in the capital of the country, and that it shall be kept open daily during business hours, except on Sundays and holidays. It guards against abuse by denying to consuls and commercial agents in capitals where the legation of the United States exists the right to grant or verify passports, except in the absence of our diplomatic representatives, and takes from either the right to exact a fee for this service.

It further provides that no one who is not a citizen of the United States and resident therein, or who shall be employed abroad in the service of the Government at the time of his appointment, shall be eligible as representative abroad. By this means it seeks to make our representative national both in character and sentiment.

It is unnecessary to enlarge upon any of these features of the bill. They commend themselves to adoption on statement, and correct defects in our present diplomatic system universally acknowledged. I doubt if there is any one present who does not acquiesce in their importance. I now come, Mr. Speaker, to the consular part of the bill.

Mr. ORR, (interrupting.) Before the gentleman leaves the point he is now on, I desire to ask him what will be the comparative expense of the new system with that of the old or existing system?

Mr. PERKINS. I intended, before concluding my remarks, to give the financial aspect of the bill; but as the gentleman has called my attention to it, I will give it now.

Mr. ORR. I do not wish to interfere with the gentleman's course of remark.

Mr. PERKINS. In the year 1850 the entire expenditure of the country for its foreign diplomatic service, was about $397,314. The salaries proposed to be given by this bill will amount to about $322,000, making a saving on that year of about $75,000. The bill will accomplish this by a curtailment of the abuses of which I have spoken. I have here an estimate, with calculations attached, which I could read to the House, but I doubt whether it would at all simplify my explanation; I announce only the result. (See note 4.)

Mr. SKELTON. I rise to ask a question of the honorable gentleman from Louisiana. This expenditure which he has stated to the House includes, I presume, other expenditures besides the regular salaries and outfits. Does it not?

Mr. PERKINS. I am thankful to the gentleman from New Jersey for bringing to my mind a single estimate in this expense, which will illustrate to the House the necessity of the reform. I have said that, at the foundation of the Government, the only appropriation for foreign service was $40,000. Yet, for the want of the definite rules provided by this bill, everything being left to the discretion of the Executive, whatever the emergency of one moment has called for or justified under one Administration has been a sufficient justification for the same outlay under the next; and thus, from time to time, from the first simple expenditure, everything is now indefinite, and the Secretary of State may justify almost any expenditure. Thus we have a $40,000 contingent fund for foreign missions, $40,000 contingent fund for foreign intercourse, and I do not know how many other estimates that I might enumerate in the same way. Mr. Speaker, I am opposed to this system of discretion and secret service money. It is contrary to the genius of our institutions. It defies all responsibility, and leads to certain abuse. This bill excludes, and makes unnecessary, the estimate for foreign missions; thus cutting off, in one item, $40,000. In this way is made the saving to which I have called the attention of the House.

In the allotment of salaries under the bill, it cannot be expected, Mr. Speaker, that all will agree exactly on the propriety of any fixed sum for a particular post.

The committee have desired to act in this matter in the nature of a jury. The testimony of those who have been abroad, in private and public position, has been taken, and tested by the personal experience of those members of the committee who have themselves been abroad. Reference has been had to the graduated expense of different posts under the English and French Governments, and to the voluminous testimony of those in the foreign service of the English Government, taken before a committee of retrenchment of the House of Parliament, in 1850, of which Cobden and Bright were members. Numerous letters have also been received from those in the service. It was desired that the salaries should be liberal, but not extravagant, and correspond to the responsibilities incurred, the amount of labor to be performed, and the necessary expense of getting to, and residing at, any post.

It is impossible to take up each item and discuss it before the House; but I will state generally, that the actual salaries of the bill are nearly one fourth less than those paid by the English Government, and one third less than those paid by the French Government, to the same positions, without calculating the expense for house-rent, &c., furnished their ministers by those Governments. (See note 5.)

There was, in the early history of the country, no fixed compensation for foreign ministers. In 1779 (£2,500) $12,500 was established as the salary for the minister to Paris, and (£1,000) $5,000 for the secretaries of legation.

This continued until 1784, when Congress declared that salaries should not exceed $9,000; and this rule was followed, adding an outfit, after the adoption of the Constitution.

The Confederation paid its ministers better than we have done since, although the expense of living, with the depreciation of the value of the precious metals, has greatly increased.

From a report of the Secretary (Mr. Morris) of Foreign Affairs, and Du Ponceau, assistant secretary, made to Congress in 1782, it appears that Mr. Franklin, Mr. Jay, and Mr. Adams, each received in that year $11,111 and a fraction salary as ministers abroad.

The salaries under the bill, although an increase upon existing salaries, secure a saving of actual expenditure to the Treasury each year of about $50,000, by cutting off extra charges, overlapping of salaries, outfits, infits, contingencies, &c.

I now proceed with the consular portion of the bill. It has been asked, why attach to a diplomatic bill a consular reform? The reasons, sir, were obvious to the Committee on Foreign Affairs. The evils of both systems are alike. At present there is no law regulating the charges of either consular or diplomatic agents, nor has it been possible for the committee to say when those charges are within rules and precedents. One Secretary of State justifies one and another another.

The consular system is a portion of the foreign service, and, therefore, properly attached to a bill to regulate the foreign service. Consuls are appointed in the same way as the foreign ministers, by the Executive, and confirmed by the Senate. They report alike to the State Department. The reforms that affect the diplomatic service, affect, to a certain degree, the consular service. The evils of each have the same origin. We copied from England their consular system, as we copied from England their diplomatic system. We have retained it without modification.

One reform of this bill, which operates equally upon diplomatists and consuls, to which I especially invite the attention of the House, is, that heretofore there has been nothing to prevent the Executive from commissioning to act as a foreign agent of this Government the citizen of another Government. A person, for instance, in the employ of Austria—an Austrian subject—may not only hold the commission of this Government in Vienna, and discharge the duties of American consul, but, in the absence of our minister there, actually represent us at that Court. In point of fact, this happened in 1849, at the very time we were sending a special and confidential minister to recognize the independence of Hungary. The majority of those in our consular service were at one time foreigners, and armed with power to tax, to almost an indefinite extent, American commerce and American citizens, in a manner most injurious to our interests, and of which I will speak when I come to the question of fees under this bill.

This bill proposes that no one but an American citizen shall be entitled to hold office under the Government in the foreign service. The provision retaining our ministers at their posts is made to apply also to consuls. Heretofore it has sometimes happened that an individual wishing to travel abroad, and with influence, has secured a foreign consulate. It gave him immunities and privileges. He met with a reception more honorable than he would have met as a citizen. There was no obligation upon him to remain at his commercial post. He might leave a foreign agent to discharge his duties; and, in point of fact, this has been frequently done; so that we might have a consul, for instance, at Liverpool, or Rio, or Havre, realizing $20,000 a year from the commerce of the country, in the way of fees, enjoying himself in foreign travel, while the duties were discharged by a foreigner. This bill provides that any consul who leaves his post for more than ten days at a time shall lose his salary during his absence. We thus require in the consular, as in the diplomatic service, that our officers shall remain at their posts.

At this point I should prefer, if it is agreeable to members, that the House should go into committee, and I will finish what I have to say on the consular part of the system to-morrow.

Mr. CLINGMAN. I hope the proposition of my friend will be acceded to. It is desirable that the bill should be printed with the additional sections which have not been printed. It can go into the Globe, and we can all see it to-morrow.

By general consent the bill was ordered to be printed.

Mr. CLINGMAN. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

NOTE 1.

From a French writer of the day, quoted by Lyman, we have the following description of Dr. Franklin's appearance at the French court:

"Franklin appeared at court in the dress of an American cultivator. His straight unpowdered hair, his round hat, his brown cloth coat, formed a contrast with the laced and embroidered coats and the powdered and perfumed heads of the courtiers of Versailles."

The costume worn by American representatives abroad, and the modifications to which it has been subjected at different periods of our history, will appear from the following extracts:

Mr. Gallatin, soon after his appointment as one of the commissioners to Ghent, wrote (April 22, 1813) to the State Department, inquiring if the President had intended to prescribe any uniform to be worn by our representatives abroad. If any was to be prescribed, he recommended that it should be as simple as possible, with very little lace, which was common in liveries, and without epaulets, which he thought should be exclusively for the Army and Navy. That, for his own part, he preferred a black coat to any uniform.

A uniform was determined upon, but seems never to have been *prescribed*. The State Department, after this date, usually sent, with his commission, to each newly appointed minister abroad, an engraved pattern of the dress he was *recommended* to wear on state occasions.

The following circular was issued under Mr. Monroe's administration:

Memorandum of the dress of an American Minister, as fixed by the mission to Ghent.

"A blue coat, lined with white silk, straight standing cape, embroidered with gold, single-breasted, or round button-holes, slightly embroidered; buttons plain, or, if they can be had, with the artillerist's eagle stamped upon them, (*i. e.* an eagle flying with a wreath in his mouth, and grasping lightning with one of its talons;) cuffs embroidered in the manner of the cape; white cassimere breeches, gold knee-buckles; white silk stockings, and gold or gilt shoe-buckles; a three-cornered *chapeau de bras*, not so large as those used by the French, nor so small as those of the English; a black cockade, to which lately an eagle has been attached; sword, &c., corresponding.

"On occasions of unusual ceremony the minister was to wear a coat similar to that above described, but embroidered round the skirts and down the breasts, as well as at the cuffs and cape, all the other parts of the dress remaining the same. The coats to be distinguished as the *great* and the small uniform. There should be a white ostrich feather or plumet in the minister's hat—not standing erect, but sewed round the brim."

DEPARTMENT OF STATE, *November* 6, 1817.

A Circular under Mr. Adams's administration.

"This uniform was adopted for the convenience of visiting in the same dress upon all necessary occasions and at every Court. The use of it is in no case prescribed by this Government, and every minister of the United States abroad may wear, at his discretion, any dress conformably with the customs of the place where he may reside. The engraved design furnished is, however, specially recommended, on account of the uniformity which it produces in the dress of our ministers abroad."

A circular under General Jackson's administration.

"WASHINGTON, *November* 2, 1829.

"The President has thought proper to adopt the following as the dress to be used by our ministers and other diplomatic agents upon all such occasions, which is *recommended* as well by its comparative cheapness as its adaptation to the simplicity of our institutions: A black coat with a gold star on each side of the collar, near its termination; the under-clothes to be black, blue, or white, at the option of the wearer; a three cornered *chapeau de bras*, a black cockade and eagle, and a steel mounted sword, with a white scabbard. It is to be understood, however, that the use of this particular dress is *not prescribed* by the President. It is suggested by his direction as an appropriate and convenient uniform dress for the use of ministers and other diplomatic agents of the United States."

From this date down to the issue of Mr. Marcy's circular on the subject, there was no further modification.

NOTE 2.

Appropriations made for extra services to individuals acting as ministers, chargés, commissioners, and secretaries of legation, in the following years:

In 1848	$17,344
In 1849	4,999
In 1850	7,675
In 1851	1,747
In 1852	15,825
In 1853	7,315
In 1854	22,000
Total for seven years	$77,105

Or about an average of $11,000 a year.

NOTE 4.

Expenses of the foreign service of the United States in 1850 were		$412,789 00
From this deduct $16,475 as consular expenses.		16,475 00
		396,314 00
Under the present bill, the expenses will be, for salaries to ministers and secretaries of legation	$311,500 00	
Commissioner to Sandwich Islands, interpreter to China, and dragoman to Constantinople	11,000 00	
		322,500 00
		$73,814 00

But as this estimate is based upon the year 1850, the beginning of a new administration, I verify it by another calculation.

Six missions in Europe.

Ministers plenipotentiary, expense of one for one year—	
Outfit	$9,000 00
Salary	9,000 00
Infit	2,250 00
Four months, or one third of a year, overlapping salary	3,000 00
	$22,250 00
If minister stays two years at his post, to	23,250 00
Add salary second year	9,000 00
	$32,250 00
Divide this by 2, and it leaves the salary for ministers under the present system, where two are appointed within fours years to any legation	$16,125 00
Where one remains four years, his salary for four years will be	$22,250 00
And $9,000 multiplied by three years	27,000 00
	$50,250 00
Divide this by 4, will be expense for a year	$12,562 50
Possible expense under present system, 4 times $23,250 make	$93,000 00
Where ministers appointed twice in four years, 4 times $16,125 makes	64,500 00
Where minister stays four years, 4 times $12,562 50 make	50,250 00
Multiply these sums each by 6, and we have the expense of the system as it is, at six missions.	
The possible expense under present system	558,000 00
The ordinary and probable expense	387,000 00
The smallest possible expense	301,500 00

Expenses of Chargés in Europe under present system.

Chargé's expenses for one year—	
Outfit	$4,500 00
Salary	4,500 00
Infit	1,125 00
Four months, or one third salary, overlapping	1,500 00
	$11,625 00
If chargé stays two years, add salary for one year	4,500 00
	$16,125 00
Divide this by 2, and it leaves the salary for chargé under the present system, where two are appointed in four years	8,062 50
Where one remains four years, salary for one year	$11,625 00
For four years (4,500 multiplied by 3) will be	13,500 00
	$25,125 00
Divided by 4, will be for one year under present system	$6,281 25
Possible expense under present system, 4 times $11,625 will be	$46,500 00
Where twice appointed in four years, 4 times $8,062 50 will be	32,250 00
Where stays four years, 4 times $6,281 25 will be	25,125 00
Multiply each of these sums by 10, and you will have the expense of the present chargéships in Europe.	
Utmost possible expense under *present system* is	$465,000 00
The ordinary and probable expense is	322,500 00
The smallest possible expense is	251,250 00

Present System—Europe.

Under present system, *least possible expense* for four years of six missions in Europe	$301,500 00
Expense of ten chargéships, *least possible*	251,250 00
Five secretaries of legation, at $2,000 a year each, for four years	40,000 00
	$592,750 00
This sum divided by four, makes expense in Europe	$148,187 50

South America.

Least possible expense of five ministers (China and Mexico included) is	$251,250 00
And for seven chargés	175,875 00
	$427,125 00
Which sum divided by four gives	$106,781 25
To this add four secretaries of legation, at $2,000 each	8,000 00
Least possible expense of foreign service in South America under present system	$114,781 25

Present System.

Expense in Europe, (least possible)	$148,187 00
Expense in South America, (least possible)	114,781 00
	$262,968 00
To this add contingent of foreign missions	40,000 00
Average annual appropriation for extra services as charges, &c.	11,000 00
	$313,968 00

This calculation is based on the *lowest* possible expenditure under the present system, and in the idea of only one member being appointed to any Government within four years.

It is a small estimate to say there are, under each Administration of four years, two appointments at seven out of the twenty-eight missions—say two of these are full missions, and five are chargés, and we will have, in addition $52,000 00

Total annual expense $365,968 00

Expense under the bill for ministers will be $267,500 00

Secretary of legation ..... 44,000 00 — $311,500 00

Commissioner to Sandwich Islands $6,000 00

Interpreter to China 2,500 00

Dragoman to Turkey ..... 2,500 00 — 11,000 00

$322 500 00

An annual saving each year (under the bill) of $33,468 00

NOTE 3.

Statement exhibiting the names of Ministers, Chargés d'Affaires, and Secretaries of the Legations of the United States, appointed since March 4, 1849, with the dates of their commissions, the time of the commencement of their compensation, of their departure for their posts, and of their entering upon their official duties thereat, so far as the same can be ascertained from the records and files of the Department of State.—(Senate Ex. Doc. 21, 33d Cong., 2d sess.)

Name.	Rank.	Country.	Date of commission.	Commencement of compensation.	Departure for post.	Entered upon official duties.	No. of months between the commencement of compensation and departure for post.	No. of months from departure until entering upon duties.
As it is of the system, and not of individuals, that I speak, I omit names.	Envoy ex. and min. plenip'y	England,	Aug. 20, 1849	Aug. 20, 1849	Sept'ber —, 1849	Oct. 11, 1849	1 month,	21 days.
	do. do.	do.	Aug. 21, 1852	Aug. 21, 1852	Sept'ber 18, 1852	Oct. 16, 1852	1 month and 3 days,	1 month and 2 days.
	do. do.	do.	April 11, 1853	April 11, 1853	August 6, 1853	Aug. 23, 1853	4 months and 5 days,	17 days.
	Secretary of legation,	do.	June 7, 1849	July 18, 1849	July 18, 1849	Aug. 1, 1849	-	13 days.
	do. do.	do.	Dec. 30, 1852	Dec. 30, 1852	January —, 1853	Jan. 28, 1853	15 days,	13 days.
	do. do.	do.	May 20, 1853	Declined the appointment.				
	do. do.	do.	July 30, 1853	July 30, 1853	August 6, 1853	Aug. 23, 1853	7 days,	17 days.
	Envoy ex. and min. plenip'y	France,	July 20, 1849	July 20, 1849	August 22, 1849	Sept. 8, 1849	1 month and 2 days,	17 days.
	do. do.	do.	Oct. 10, 1853	Oct. 10, 1853	Dec'ber 24, 1853	Jan. 22, 1854	2 months and 14 days,	28 days.
	Secretary of legation,	do.	Aug. 20, 1849	Aug. 20, 1849	Supposed to have been in Europe at the time of his appointment.	Sept. 22, 1849	Supposed to be in Europe at the time of appointment.	1 month 2 days.
	do. do.	do.	April 12, 1854	April 12, 1854	At his post at the time of his appointment.	April 12, 1854		
	Envoy ex. and min. plenip'y	Russia,	May 2, 1850	May 2, 1850	June 15, 1850	Aug. 13, 1850	1 month and 13 days,	2 months and 2 days.
	do. do.	do.	May 24, 1853	Oct. 20, 1853	Dec'ber 24, 1853	April 2, 1854	2 months and 4 days,	3 months and 8 days.
	Secretary of legation,	do.	May 2, 1850	May 2, 1850	June 15, 1850	Aug. 13, 1850	1 month and 13 days,	2 months and 2 days.
	do. do.	do.	June 22, 1853	June 22, 1853	Dec'ber 24, 1853	April 2, 1854	6 months and 2 days,	3 months and 8 days.
	Chargé d'affaires,	Netherlands,	May 4, 1850	May 14, 1850	July 6, 1850	Sept. 16, 1850	2 months and 8 days,	2 months and 10 days.
	do. do.	do.	May 24, 1853	Aug. 6, 1853	Aug. or Sep. 1853	Oct. 11, 1853	1 month,	1 month.
	Commissioner,	China,	March 6, 1851	Declined the appointment.				
	do.	do.	Oct. 15, 1851	do. do.				
	do.	do.	Aug. 4, 1852	Aug. 4, 1852	October 2, 1852	Jan. 31, 1853	2 months and 2 days,	3 months and 29 days.
	do.	do.	June 21, 1853	Declined the appointment.				
	do.	do.	Oct. 18, 1853	Oct. 18, 1853	Nov. or Dec. 1853	April 15, 1854	1 month,	5 months.
	Envoy ex. and min. plenip'y	Spain,	June 18, 1849	June 18, 1849	Sept'ber —, 1849	Oct. 22, 1849	3 months,	1 month and 4 days.
	do. do.	do.	April 7, 1853	May 26, 1853	-	Oct. 25, 1853	-	5 months.
	Secretary of legation,	do.	July 5, 1849	July 5, 1849	Sept'ber —, 1849	Oct. —, 1849	2 months,	1 month.
	Envoy ex. and min. plenip'y	Prussia,	March 22, 1849	March 22, 1849	May 6, 1849	June 30, 1849	1 month and 15 days,	1 month and 24 days.
	do. do.	do.	Sept. 3, 1850	Sept. 3, 1850	-	Dec. 10, 1850	-	3 months and 7 days.
	do. do.	do.	May 24, 1853	Aug. 9, 1853	Sept'ber —, 1853	Nov. 4, 1853	1 month,	2 months and 5 days.
	Secretary of legation,	do.	May 19, 1853	May 19, 1853	-	Aug. 2, 1853	-	2 months and 13 days.
	Minister resident,	Turkey,	May 29, 1849	May 29, 1849	Sept'ber 21, 1849	March 11, 1850	4 months and 7 days,	5 months and 20 days.
	do. do.	do.	Aug. 23, 1853	Aug. 23, 1853	October 10, 1853	Feb. —, 1854	1 month and 18 days,	4 months.
	do. do.	Switzerland,	March 16, 1853	July 1, 1853	June 4, 1853	June 29, 1853	-	Begins duties 4 days before pay.
	Chargé d'affaires,	Portugal,	Aug. 1, 1849	Aug. 1, 1849	Sept'ber —, 1849	Oct. 18, 1849	1 month,	1 month.
	do. do.	do.	Dec. 10, 1850	Dec. 10, 1850	April —, 1851	June —, 1851	4 months,	2 months.
	do. do.	do.	Feb. 16, 1854	Feb. 16, 1854	April 1, 1854	June 16, 1854	1 month and 16 days,	1 month and 15 days.
	do. do.	Belgium,	Dec. 10, 1850	Dec. 10, 1850	January 1, 1851	March 1, 1851	29 days,	2 months.
	do. do.	do.	May 24, 1853	July 18, 1853	July 18, 1853	Sept. 12, 1853	-	2 months and 6 days.
	do. do.	Denmark,	Nov. 8, 1849	Jan. 1, 1850	-	June 19, 1850	-	5 months and 18 days.
	do. do.	do.	Jan. 22, 1852	July 1, 1852	Recalled before leaving.			
	do. do.	do.	Aug. 30, 1852	Aug. 30, 1853	October —, 1852	Dec. 15, 1852	2 months,	1 month and 15 days.
	do. do.	do.	May 24, 1853	July 1, 1853	July 13, 1853	Oct. 13, 1853	12 days,	3 months.
	do. do.	Sweden,	Nov. 7, 1849	Nov. 1, 1849	about Dec. 1, 1849	April 22, 1850	1 month,	4 months and 21 days.
	do. do.	Austria,	Nov. 1, 1849	Nov. 1, 1849	Dec., 1849, or Jan., 1850.	Feb. 6, 1850	1 month,	2 months.
	do. do.	do.	Sept. 27, 1850	Sept. 27, 1850	January —, 1851	March 14, 1851	4 months,	2 months and 10 days.
	do. do.	do.	Sept. 16, 1852	Sept. 16, 1852	October 30, 1852	Dec. 14, 1852	1 month and 14 days,	1½ months.
	do. do.	do.	May 24, 1853	July 25, 1853	August —, 1853	Sept. 16, 1853	1 month,	25 days.
	do. do.	Sardinia,	April 22, 1850	April 22, 1850	-	Aug. 21, 1850	-	4 months.
	do. do.	do.	May 24, 1853	-	Declined.			
	do. do.	do.	July 23, 1853	Aug. 14, 1853	Sept'ber —, 1853	Oct. 8, 1853	1 month,	1 month and 7 days.
	do. do.	Two Sicilies,	June 5, 1849	June 5, 1849	-	Returned before reaching post.		
	do. do.	do.	Nov. 1, 1849	-	Did not set out.			
	do. do.	do.	Jan. 10, 1850	Jan. 10, 1850	February 23, 1850	April 4, 1850	1 month and 13 days,	2 months and 11 days.
	do. do.	do.	May 24, 1853	June 30, 1853	August 4, 1853	Oct. 22, 1853	1 month and 4 days,	2 months and 18 days.
	Secretary of legation,	Federal Gov. of Germany,	March 19, 1849	March 19, 1849	June —, 1849	June 20, 1849	2 months,	1 month.
	Envoy ex. and min. plenip'y	Mexico,	Aug. 9, 1849	Aug. 23, 1849	January 14, 1850	Feb. 7, 1850	4 months and 23 days,	24 days.
	do. do.	do.	Aug. 6, 1852	Aug. 6, 1852	October 15, 1852	Nov. 30, 1852	2 months and 9 days,	1 month and 15 days.
	do. do.	do.	May 24, 1853	May 24, 1853	August 1, 1853	Aug. 17, 1853	2 months and 8 days,	17 days.
	do. do.	Cen. America,	March 29, 1853	Declined.				
	do. do.	do.	April 18, 1853	July 1, 1853	July 30, 1853	Sept. 14, 1853	1 month,	2 months and 15 days.
	do. do.	Brazil,	March 18, 1851	March 18, 1851	July 8, 1851	Aug. 2, 1851	3 months and 27 days,	1 month.
	do. do.	do.	May 24, 1853	July 18, 1853	August 11, 1853	Oct. 6, 1853	1 month,	1 month and 24 days.
	do. do.	Chili,	Aug. 9, 1849	July 6, 1849	Nov'ber 14, 1849	Feb. 16, 1850	4 months and 8 days,	3 months.
	do. do.	do.	May 24, 1853	Resigned.				
	do. do.	do.	June 29, 1854	June 29, 1854	Sept'ber 5, 1854	At Valparaiso, *en route* for the capital, Oct. 11 1854.	2 months and 7 days,	1 month and 7 days.
	do. do.	Peru,	March 16, 1853	March 16, 1853	At his post when appointed.	Aug. 22, 1853	At his post when appointed,	5 months and 4 days.
	Chargé d'affaires,	Guatemala,	April 2, 1849	April 2, 1849	May 9, 1849	July 9, 1849	1 month and 7 days,	2 months.
	do. do.	Nicaragua,	March 12, 1851	March 12, 1851	-	Aug. 1, 1851	-	4 months.
	do. do.	Guatemala,	Aug. 30, 1852	Aug. 30, 1852	Com'n revoked before leav'g U.S.			
	Minister resident,	do.	Aug. 2, 1854	Aug. 2, 1854	October 28, 1854	Not yet reported	2 months and 26 days,	Not yet reported.
	do. do.	Nicaragua,	Aug. 2, 1854	Aug. 2, 1854	October 28, 1854	-	2 months and 26 days,	

NOTE 3—CONTINUED.

Name.	Rank.	Country.	Date of commission.	Commencement of compensation.	Departure for post.	Entered upon official duties.	No. of months between the commencement of compensation and departure for post.	No. of months from departure until entering upon duties.
As it is of the system, and not of individuals, that I speak, I omit names.	Chargé d'affaires,	Venezuela,	Nov. —, 1849	Dec. 5, 1849	Dec'ber 5, 1849	Jan. 7, 1850	-	1 month.
	do. do.	do.	Feb. 9, 1854	Feb. 9, 1854	April 15, 1854	May 23, 1854	2 months and 6 days,	1 month and 8 days.
	do. do.	Argentine Rep	Feb. 27, 1851	Feb. 27, 1851	June 9, 1851	Sept. 12, 1851	3 months and 13 days,	3 months and 3 days.
	do. do.	Buenos Ayres	May 24, 1853	Declined.				
	Minister resident,	do.	June 29, 1854	June 29, 1854	August 5, 1854	At Rio de Janeiro, *en route* Oct. 20, 1854.	1 month and 7 days,	2 months and 15 days.
	Chargé d'affaires,	Bolivia,	May 29, 1849	May 29, 1849	-	July 4, 1850	-	13 months and 5 days.
	do. do.	do.	Feb. 10, 1852	Feb. 10, 1852	August 1, 1852	Dec. 18, 1852	5 months and 20 days,	4 months and 17 days.
	do. do.	do.	May 24, 1853	Declined.				
	do. do.	do.	Aug. 26, 1853	Aug. 26, 1853	Nov'ber 21, 1853	Feb. 23, 1854	3 months,	3 months.
	do. do.	Ecuador,	June 5, 1849	June 5, 1849	August 27, 1849	Nov. 19, 1849	2 months and 22 days,	2 months and 22 days.
	do. do.	do.	Sept. 28, 1850	Sept. 28, 1850	January 11, 1851	June 3, 1851	3 months and 14 days,	4 months and 22 days.
	do. do.	do.	July 18, 1853	Sept. 8, 1853	October 20, 1853	Dec. 27, 1853	1 month and 12 days,	2 months and 7 days.
	do. do.	New Granada,	May 29, 1849	June 4, 1849	October 12, 1849	Jan. 5, 1850	4 months and 8 days,	2 months and 17 days.
	do. do.	do.	March 12, 1851	March 12, 1851	June 9, 1851	Aug. 25, 1851	2 months and 27 days,	2 months and 16 days.
	do. do.	do.	May 24, 1853	June 28, 1853	Nov'ber 5, 1853	Dec. 19, 1853	4 months and 8 days,	1 month and 13 days.
	Minister resident,	do.	Dec. 13, 1854	Dec. 13, 1854	Not yet left,	-	Not yet left.	
	Commissioner,	Hawaii,	June 7, 1850	June 7, 1850	August —, 1850	Jan. 14, 1851	2 months,	5 months.
	do.	do.	May 24, 1853	Declined.				
	do.	do.	July 6, 1853	Aug. 29, 1853	-	Dec. 22, 1853	-	4 months.
	Secretary of legation,	Mexico,	Sept. 9, 1850	Sept. 9, 1850	Nov'ber 1, 1850	Dec. —, 1851	1 month and 22 days,	13 months.
	do. do.	do.	Jan. 22, 1852	Jan. 22, 1852	February 2, 1852	March 17, 1852	12 days,	1 month and 15 days.
	do. do.	do.	May 13, 1853	May 13, 1853	-	Aug. 2, 1853	-	2 months and 17 days.
	do. do.	Cen. America,	April 6, 1853	Declined,	-	-	Declined.	
	do. do.	do.	April 28, 1853	April 28, 1853	July 30, 1853	July 30, 1853	3 months.	
	do. do.	Brazil,	March 12, 1851	June 12, 1851		July —, 1851	-	1 month.
	do. do.	do.	Oct. 24, 1851	Oct. 24, 1851	At his post when appointed.	-	At his post when appointed.	
	do. do.	do.	Aug. 2, 1854	Aug. 4, 1854	August 5, 1854	Nov. 9, 1854	1 day,	3 months.
	do. do.	Chili,	Nov. 27, 1849	Aug. 9, 1849	Never ent'rd upon his duties,	-	Never entered upon his duties.	
	do. do.	do.	June 24, 1850	June 24, 1850	Sept'ber 10, 1850	Jan. 5, 1851	2 months and 15 days,	3 months and 25 days.
	do. do.	do.	July 28, 1853	Resigned without service,	-	-	Resigned.	
	do. do.	do.	April 18, 1854	Aug. 2, 1854	Sept'ber 5, 1854	-	1 month.	
	do. do.	Peru,	March 28, 1853	Declined,	-	-	Declined.	
	do. do.	do.	Sept. 12, 1853	Sept. 12, 1853	March —, 1854	April 18, 1854	6 months,	1 month.

NOTE 5.

Salaries of English Ministers, in pounds.

France—Embassador extraordinary and plenipotentiary, £10,000. Secretary and two attachés.

Austria—Embassador extraordinary and plenipotentiary, £9,000. Secretary and two attachés.

Turkey—Embassador extraordinary and plenipotentiary, £7,000. Secretary and six attachés.

Russia—Envoy extraordinary and minister plenipotentiary, £6,000. Secretary and two attachés.

Spain—Envoy extraordinary and minister plenipotentiary, £6,000. Secretary and attaché.

Prussia—Envoy extraordinary and minister plenipotentiary, £5,000. Secretary and attaché.

United States—Envoy extraordinary and minister plenipotentiary, £4,000. Secretary and attaché.

Two Sicilies—Envoy extraordinary and minister plenipotentiary, £4,000. Secretary and attaché.

Portugal—Envoy extraordinary and minister plenipotentiary, £4,000. Secretary and attaché.

Brazil—Envoy extraordinary and minister plenipotentiary, £4,000. Secretary and attaché.

Netherlands—Envoy extraordinary and minister plenipotentiary, £3,600. Secretary and attaché.

Belgium—Envoy extraordinary and minister plenipotentiary, £3,600. Secretary and attaché.

Sardinia—Envoy extraordinary and minister plenipotentiary, £3,600. Secretary and attaché.

Denmark—Envoy extraordinary and minister plenipotentiary, £3,600. Secretary and attaché.

Sweden—Envoy extraordinary and minister plenipotentiary, £3,000. Secretary and attaché.

Switzerland—Minister plenipotentiary, £2,000. Secretary.

Mexico—Minister plenipotentiary, £3,600. Secretary and attaché.

Buenos Ayres—Minister plenipotentiary, £3,000. Secretary.

Diplomatic expense—France.

	1844. *Francs.*	1848. *Francs.*	1852. *Francs.*
London	284,375 00	150,000 00	250,000 00
St. Petersburgh	145,000 00	120,000 00	200,000 00
Madrid	150,000 00	80,000 00	120,000 00
Vienna	200,000 00	90,000 00	110,000 00
Rome	120,000 00	90,000 00	110,000 00
Constantinople	93,222 20	80,000 00	100,000 00
Berlin	91,666 65	70,000 00	100,000 00
Naples	90,000 00	60,000 00	80,000 00
Washington	65,545 00	60,000 00	80,000 00
Mexico	80,000 00	60,000 00	70,000 00
Rio de Janeiro	37,916 66	60,000 00	70,000 00
Turin	56,875 00	50,000 00	60,000 00
The Hague	70,000 00	50,000 00	60,000 00
Berne	45,833 31	50,000 00	55,000 00
Brussels	60,000 00	40,000 00	55,000 00
Lisbon	52,500 00	40,000 00	50,000 00
Copenhagen	38,333 32	40,000 00	45,000 00
Stockholm	50,000 00	40,000 00	45,000 00

CONSULAR SYSTEM OF THE UNITED STATES.

SPEECH OF HON. JOHN PERKINS,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 6, 1855.

The question being upon the bill to remodel the Diplomatic and Consular systems of the United States, reported from the Committee on Foreign Affairs by the gentleman from Louisiana, [Mr. PERKINS,] and upon which he was entitled to the floor—

Mr. PERKINS, of Louisiana, said:

Mr. SPEAKER: What I have now to say of our consular system is in continuation of my remarks on the bill reported from the Committee on Foreign Affairs for the reform of our consular and diplomatic systems.

The abuses under our consular system are even greater than those under our diplomatic system; and are of a character that demand immediate correction. They affect, injuriously, the honor of the country as well as its commercial interests, and bear with peculiar severity upon the American sailor.

I know the difficulty of interesting the House in a subject necessarily of so much detail as this reform. It is time, however, that it should be effected, and I earnestly ask the attention of members to a brief statement of the provisions of the bill before the House.

The diplomatic and consular reforms have been united in one bill, because they are both parts of our foreign service, both chiefly under the control of the State Department, and the defects in each chiefly result from the same causes—an originally imperfect organization, and the too close imitation of the English systems, retained for sixty-five years without important modification.

The powers of a consul, and the laws regulating his duty, can be considered, as they affect: First, *his own country;* second, *the country to which he is sent;* third, *our foreign commerce;* fourth, *the rights of seamen; and,* fifth, *the revenue of the country as collected by imposts upon foreign importation.* I will speak of each of these points; and, without attempting to discuss any one of them fully, I will indicate six or seven of the greatest of existing abuses, and state how far, and in what manner, it is proposed to correct them.

The diplomatic representative abroad is under the protection of the law of nations. If without any local law or positive instructions from his own Government, he has still certain great general principles common to all nations for his guidance.

The consul, on the other hand, does not exist by, nor derive his powers from, the law of nations. He is not, properly speaking, the representative of his country, but only of certain interests of his country. He is governed and protected by treaty stipulations, or special enactments. Any uncertainty, therefore, in the law regulating either his powers or his duties, leaves in great embarrassment all the interests under his control, and makes it of the utmost importance, not only that his duties be properly defined by the law of his own country, but that proper guards be placed upon their discharge. Under our present system, a United States consul presents an anomaly painful, and, at the same time, shameful to contemplate. Not necessarily a citizen of the United States, it often happens that he has never even visited this country, knows but little of our institutions, and speaks, if at all, but imperfectly our language. With no law regulating definitely his duties, and such statutes as exist, imperfect and difficult of access, scattered all through the numerous volumes of the acts of Congress, it is not surprising that the greatest abuses exist.

Mr. Speaker, I do not now refer to some mere abstract abuse. The nature and character of the duties of consuls, the extent and variety of subjects which command their attention, and generally the remoteness of their locality, and the utter helplessness of citizens abroad suffering, in person or property, to obtain protection, except through their agency, give to the provisions of our law regulating their conduct the highest degree of practical importance.

The consul, I have said, has duties to perform, both towards the country of which he is a resident and towards his own country. More than this, he is not only often the sole agent of communication between these Governments, but, from circumstances, he is frequently, at the same time, both the protector of his countrymen and a judge between them. It is his duty to guard the commercial interests of his country; to give notice of the infringement of treaties; to advise with and see that citizens of his Government are not imposed upon, or subjected to unnecessary demands in their business, and to be the organ through which their grievances are made known. Appointed to localities too remote to command the attention of

the embassador, he is at once the peaceful sentinel of trade, and the legal advocate of the rights of his countrymen.

*The present bill embodies the provisions of existing law respecting consuls, and the instructions of the Government, which have the force of law, but which now vary, more or less, with every new Secretary of State.** The changes proposed by it in our existing system are such as have been suggested by the experience of those connected with our foreign service. Mr. Livingston's report, in 1833, Mr. Buchanan's, in 1846, and numerous other reports from committees of this House, and from persons in the foreign service, and on file in the State Department, have all been consulted. The minor provisions of the bill have been subjected to the severest scrutiny, by those in positions making them most competent to decide upon them. The committee, in determining its details, have sought to be governed by principle and although there may be objection in the minds of some members of the House to this or that feature in the bill, or to the amount of salary for this or that consulate, I do not think, taken as a whole, that any bill could have been elaborated with more care. It will be impossible to discuss before the House all these items, and I have only said so much in order that members may see that the committee, in presenting for their adoption the present bill have not done so without giving to even its minutest details that reflection and study which the importance of the subject demands.

The most important reforms under the bill can be briefly stated.

First. None but citizens of the United States will, under its provisions, be enabled to hold consular positions abroad.

Second. The consul will be obliged to remain personally within his commercial district and discharge the duties of his office. His salary will not begin until his actual entry upon the discharge of these duties; and if absent longer than ten days at any one time from his commercial district, with or without the consent of the President, he will forfeit, during such absence, his salary.

Third. It simplifies the grades of consular rank, and curtails some abuses resulting from the number and mode of appointment of vice consuls, who have heretofore enjoyed the privileges of regular consuls, without furnishing any of the guarantees either of a pecuniary kind or of character exacted of those appointed by the President and confirmed by the Senate.

Fourth. It denies to consuls at important points abroad, where there is much American trade, and their consular duties properly discharged should occupy their whole time, the right to engage in trade.

Fifth. It provides a salary for each consul, and defines precisely the fees to be collected, specifies their character and amount, and creates guards against extortion in their collection, or failure to account for them to the Government.

First. *None but American citizens of the United States will, under the bill, be enabled to hold consular positions abroad.*

I have already discussed this point, and will only confirm what I have said by the opinion of Mr. Jefferson, given in a letter to John Jay, dated Paris, November 14, 1788:

"With respect to consular appointments, it is a duty on me to add some observations, which my situation here has enabled me to make. I think it was in the spring of 1784, that Congress (harassed by multiplied applications from foreigners, of whom nothing was known but on their own information, or on that of others as unknown as themselves) came to a resolution that the interest of America would not permit the naming any person not a citizen to the office of consul, vice consul, agent, or commissary.

"This was intended as a general answer to that swarm of foreign pretenders. It appears to me that it will be best still to preserve a part of this regulation."

These views are confirmed by the experience of all who have since been connected with the service. By the bill they are made the law.

Second. *The consul will be obliged, under the bill, to remain at his post and discharge the duties of his office. If absent longer than ten days at any one time from his commercial district, he will forfeit, during that absence, his salary.* Persons will then no longer seek the position as enabling them to make the tour of Europe, or enjoy themselves abroad while their office is prostituted for gain, and its duties half-way discharged by hired substitutes. Consulships will be held for the interest of the country, and not for that of individuals. The importunity and influences now brought to bear upon the President, in granting leave of absence, will be checked. These are frequently of a character difficult to resist, and yet it is plainly the interest of the country, when an office is accepted in the foreign service, that its duties be personally discharged.

Third. *We have now consul generals, consuls, vice consuls, and commercial agents.*

The bill gets rid of many embarrassments, and simplifies this classification by establishing only consuls and *commercial agents.* In reality, the only difference between a consul general and a consul, is one of rank. A *consul general* ranks as a major in the Army, and a post captain in the Navy, and is received on an English vessel of war with the firing of nine guns. A *consul* ranks with a captain in the Army, and a commander in the Navy, and is received with the firing of seven guns. Their powers and their duties, except by special enactment, are the same.

Among semi-civilized people, as in Asia and Africa where the title is employed by other Governments as a means of influence, and really ministers to the interest of the nation, and not merely to the vanity of the individual, the President is authorized by the bill to confer the title of consul general. The designation, however, carries with it no additional power or salary.

Commercial agents are now appointed by the Government to certain countries, as to the colonies of Holland, where consuls will not be received, but where our commercial interests require protection. Their powers are less than those of consuls, and they do not possess the same immunities.

Vice consulates, as they now exist, are, by the bill, abolished. These positions have generally been filled by persons appointed by consuls to localities within their consular district, who, through it, have enjoyed the immunities of consuls, without any of the guarantees of character or capacity exacted of those appointed by the President and confirmed by the Senate.

It has been charged that these appointments have been sold by some of our consuls, and it is not surprising that a foreigner, the subject of another Government, holding office as consul under our Government, with power to delegate his authority, should do so for a consideration. Offices in many of the countries of Europe are disposed of in this way.

In 1852 there were in Europe one hundred and twenty-five subjects of other Governments acting as American vice consuls, and in European colonies two hundred and twenty-five, making three hundred and fifty, exclusive of those in South America and the Pacific. These men exercised all the power of regular consuls. They granted American passports to almost whom they pleased, and taxed Americans and American commerce for their support in almost every imaginable form. Should I state the extent to which frauds upon the Treasury have been practiced under the consular office, as they have been described to me by those in positions making them cognizant of the facts, it would seem almost incredible.

A letter addressed to me on this subject, by one many years consul abroad—still acting as such—and noted for his intelligence and honesty, says:

"Within the last few years, innumerable passports have been granted, by these vice consuls, to persons not pretending to be Americans One United States vice consul told me he had himself signed three thousand, and that all in one year from his consulate was four thousand two hundred."

In the same connection he says:

"So many vile frauds have been practiced in granting passports, that, in some parts of Europe, the term is, you can be manufactured an American as low as fifty cents, or if of a higher fabric, for fifteen dollars to thirty dollars."

Mr. Speaker, of course I do not read this as true always, or everywhere in Europe; but that it may be, and has been, practiced under our present consular system, makes its reform a duty. As I am reading, I will give an extract which will apply to another branch of the subject. Of consuls leaving their posts he says:

"Seventeen ministers, consuls, attachés, and others, all passed through this city within the last quarter, not one on Government business, or with the permission of the Department."

This reminds me, Mr. Speaker, to read the instructions about dress to our consuls, in force up to the last few years. The permission to be decked as it describes, may explain, in part, the great demand that has existed for the position of a vice consul:

STATE DEPARTMENT, *July* 1, 1838.

ART. 47. *The consular uniform* (as prescribed by the circular from this Deparment, dated August 8, 1815, hereto annexed) must be worn on all visits of ceremony to the authorities of the place, and on all other proper occasions.

Circular.

DEPARTMENT OF STATE, *August* 8, 1815.

The consular uniform, prescribed in the standing consular instructions, is abolished, and the following substituted, viz:

Single-breasted coat of blue cloth, with standing cape or collar, and ten navy buttons in front, one button on each side of the cape, four on each cuff, four under each pocket, and one on each hip and in the folds, two on each side, in the center, and one on each side of the same, at the lower extremities of the skirts.

The front, (from the cape down to the lower extremity of the skirts,) cuffs, cape, and pocket flaps, to be embroidered in gold, representing a vine composed of olive-leaves, and the button-holes to be worked with gold thread; the button-holes corresponding with the width of the embroidery, which is not to exceed two inches in any part.

Vest and small clothes of white, and navy buttons; the former to have ten in front, and four under each pocket flap. With this dress, a cocked hat, small sword, and shoes and buckles, are to be worn. The hat to be furnished with gold loop, gold tassels, and black cockade, with gold eagle in the center; added to which, it is to be understood that the mountings of the sword and shoe and knee buckles are to be gold; otherwise, gilt.

In such attire in this country one would only be laughed at; but at localities where rank is indicated by dress, and constitutes the ambition of life, you can imagine the satisfaction enjoyed by foreign vice consuls to the United States, in its parade on public occasions. It is worthy of note, that up to 1815, when Mr. Monroe was Secretary of State, consuls wore the United States naval uniform.* It would seem as if this circular about dress was prepared to prevent any subsequent confounding of a consul with a naval officer. Since the circular of Mr. Marcy consuls dress very much as they please.

Consuls may, under the bill, have assistants in their offices, but they must be American citizens; and for their conduct the consuls themselves are responsible. The Government will only correspond with and recognize the consul.

Fourth. *The bill before the House prohibits consuls at all the principal ports from engaging in trade, either in their own names or the names of other persons.*

There is nothing more opposed to the genius of our institutions than the custom, common under European Governments, of jobbing in the duties of office; and yet, in adopting the consular system of Great Britain, we fastened upon our Government many positive evils of this character.

Great Britain originally allowed all her consuls to engage in trade, and it was only on the protest of her commercial interest, that she finally took from them in part the right. Her rule now is, that consuls at important commercial points shall not engage in trade.

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*The sections of this now substantially in force, either by law or the instructions of the State or Treasury Department, are:

Sections 9 and 10.—See circular instructions to diplomatic agents, secretaries of legation, and consuls, June 1, 1853.

Section 11 to line 6, 1 Statutes at Large, 256, to line 9; Instructions in Supplement to General Instructions to Consuls, (note,) page 36, to line 14; Law or Instructions, 1 Statutes at Large, 256; General Instructions, chapter I, article 1. The remainder of this section, General Instructions, chapter II, article 2.

Section 12.—In respect to making returns of fees at stated times, General Instructions, chapter III, article 12, and Circular Instructions, June 1, 1853.

Section 13.—Circular Instructions, June 1, 1853.

Section 15.—Law or Instructions, 2 Statutes at Large, 204; 5 Statutes at Large, 395; Circular, June 16, 1849; Circular, November 28, 1851; General Instructions, chapter IV, article 32.

Section 16.—General Instructions, chapter IV, article 34, and Circular, November 28, 1851.

Sections 17 and 18.—Substantially the same as provisions of existing law, 5 Statutes at Large, 395, 396, 397.

Section 21.—1 Statutes at Large, 255, 256; General Instructions, chapter IV, section 2; section 22; General Instructions, chapter 3; Circular, June 1, 1853.

Section 23.—General Instructions, chapter 2.

* CONSULAR UNIFORM WHEN MR. JEFFERSON WAS SECRETARY OF STATE.—The consuls and vice consuls of the United States are free to wear the uniform of their Navy, if they choose to do so. This is a deep blue coat, with red facings, lining, and cuffs; the cuffs slashed, and a standing collar; red waistcoat, (laced or not, at the election of the wearer,) and blue breeches; yellow buttons, with a foul anchor, and black cockades and small swords.—3 *Jefferson's Works*, 187, 188.

A general system of merchant consuls has been found not to answer, in the experience of other Governments, and has caused frequent and just complaint under our own Government, as giving undue advantages of trade to the consul over all other merchants at the same port. This advantage is so generally recognized that our consulships, except at certain points, where the *consular duties* give constant occupation, are mainly sought for on this account.

Before American consuls abroad the invoices of all shipments to this country on foreign account are, by law, required to be sworn. By this means the consul in trade obtains a knowledge, possessed by no one else, of the business of every merchant at his port who is engaged in American trade. By giving information in advance, if inclined, he can lessen greatly the profits of the commercial adventure of another, and, at the same time, regulate his own shipments from a knowledge of those of all the other merchants, so as to insure profitable returns. At some ports this has had such an effect in destroying trade, by creating its monopoly in the hands of the consul, that foreign Governments have refused to receive as consul any one engaged in trade. France and Prussia have both protested against receiving at certain ports an American consul engaged in trade. The experience of the English and other Governments has been, that the consul, occupied solely in the discharge of the duties of his office, exerts greater influence, and secures more respect, from the authorities, because more independent in his action, and free from the suspicion of private interests. His protests in behalf of the commercial rights of his countrymen are considered the result of a sense of official duty, and are not weakened in energy by the desire of personal favor or facilities in trade. His actions, too, give more satisfaction to his countrymen, because free from the suspicion of having rivals in business by whose losses he is to profit. In fact a consul's individual interest can only be thus truly identified with the commerce and just rights of his countrymen, the enforcement of law, and the honor of his nation.

The duties of a consul, however, are not only affected indirectly by his interest in trade, but often they are *in such direct conflict as to make it almost impossible for the most conscientious of men to escape an insensible bias in their discharge.* If, as a merchant, he expects consignments, it is his interest to conciliate the masters of vessels, and to do so he will look with a lenient eye upon their conduct towards seamen, whom it is his especial duty to protect. For example, if a master of a vessel at sea is guilty of inhuman conduct towards his men, or has with them a difficulty of any kind, it is his interest, of course, to conciliate the consul before whom, on his arrival at port, the matter is to be examined. If the consul is engaged in trade, he can do this by either consigning to him his vessel and cargo, or by giving to him the furnishing of supplies for vessel and men on his return voyage.

If the consul is a merchant, and engaged in exporting, he cannot himself swear to the truth of his own invoices.

It is his interest that invoices should be low, while it is that of the United States revenue that they be high.

His rivals in trade, too, are naturally desirous of concealing from him a knowledge of their business, and to avoid swearing their invoices before him, often interest with them in trade some one at the home port, to just sufficient amount to admit of their swearing on the representations of letters. By this means extensive frauds are committed upon the revenue, which it is almost impossible to detect. To prevent this, as, in addition to the commercial advantage, he gets two dollars for every invoice sworn before him, the consul is tempted to countenance invoices below their real value. By this means the honest importer at the home port finds it impossible to compete with the dishonest foreigner, and our trade is thrown into the hands of citizens of other Governments. Thus it is that, at this time, more than sixty per centum of our importations from Europe are on foreign account. But the instances of conflict of duty and interest in the case of a merchant consul are too numerous to be mentioned.

I must hasten on. There is constant temptation to fraud. If the consul is dishonest he is beyond the reach of public opinion, and the delay and difficulty of supplying testimony from a distant point, almost frees him from legal responsibility. If he is honest, he is constantly subjected to suspicion from the very parties over whom he is expected to exercise a moral influence. If he is unfortunate in trade, and bankruptcy ensue, it involves a loss of official influence, and, at many points, even a national degradation in exposure, under the local law, to imprisonment.

Great, however, as are the evils resulting from merchant consuls in time of peace, they are greatly aggravated in time of war.

The facility with which a merchant consul can cover up the property of belligerents by ostensibly owning American vessels, which, in fact, belong to foreigners, and the various ways by which, in the exercise even of the just right of his office, he excites the suspicion of foreign Powers, tends greatly to disturb the good understanding especially necessary at such a time.

It has been said by one of much experience, that "many of the difficulties and unpleasant occurrences which happened to our citizens abroad, and so much embarrassed our relations with foreign nations during the last continental war, might have been avoided, if, instead of consuls allowed to engage in trade, and rendering their official character subservient to its interests, we had followed the example of other nations, and by strictly forbidding them commercial pursuits, and confining them to the transaction of public duties, had secured for them the amount of consideration and influence which is never extended to the merchant consul."

Fifth. *The bill further creates salaries for all consuls and commercial agents, and provides for the accounting for the payment of all fees and commissions into the public Treasury.*

This provision is required by economy and the interest of trade. It is the policy of our Government that its offices be adequately salaried, without being made sinecures. With the English consular system we adopted the rule of fees and commissions. Great Britain now salaries the greater number of her consuls, while we retain her old system.

The effect has been only evil. Consulates are designed to be so many places of refuge scattered over the world for the protection of the persons and property of our citizens, but the present system makes them offices for individual gain, which, when no longer profitable, are thrown back vacant upon the country. The protection given by a consul to his countrymen, is an emanation of power from the Government at home, and is something due the citizen without price. In theory it cannot be bought or sold. The attaching of a fee to every consular act is inconsistent with this idea, and although originally designed for the support of the consul, has become an enormous tax upon commerce, securing great incomes to certain consulates, making sinecures for the reward of partisans, and leaving commerce and the revenue to suffer for the want of proper support for consuls at other points.

Whatever, however, might have been the justice originally of making the support of each consul to depend upon the fees of his office, the system now operates most unjustly both upon the consul and the commercial interest. When we had little or no commerce at any foreign port, there was no great inequality in making consuls depend upon their fees. But within the last sixty years, Liverpool has grown to be the great commercial city of the world—the whole of South America has risen up into independent States, and now, while the consulates, for example, at Liverpool and Rio, and at other points, yield from $10,000 to $20,000 a year, and are sought, and often bestowed, as rewards for partisan service, others, at very highly important points, are miserably paid. While these immense collections are made at some consulates, and go into the pockets of Executive favorites, the Government is actually paying out annually between $25,000 and $30,000 in salaries to consuls at points where there is but little commerce, but where they are positively required for the protection of the lives and property of American citizens, as in China, and the Asiatic and African shores of the Mediterranean; and to these places will now be added Japan and some of the islands in the Indian ocean.

The present bill is designed to remedy this; and if, instead of saying that all consuls are salaried under it, I should say that *it simply provides that a consul shall hold only such an amount of what he collects as is proper for his support, and that all above this shall go to pay those consuls whose receipts are less than a support, I would more clearly describe its provisions.*

One year the fees of a consulate may be highly remunerative, and another year scarcely sufficient for the rent of an office. As the consul's fees are contingent upon commerce, in a season of political disturbance, or financial distress, or of war, his support ceases, just when his presence becomes most necessary for the protection of the persons and property of his countrymen. Should the English channel, for example—as was the case, to a certain extent, lately, in the Baltic—become impassable for American commerce, every consul on its borders would be left without support. Thus, under the present system, there can be no regularity in consular returns. It is a lottery, in which some prove prizes, others blanks. While all the consulates, if taken together, would yield sufficient support for all, under actual circumstances, the surplus, at any one port, goes into the pocket of the consul, and the deficiency at another falls upon the Treasury.

The commerce of the country is thus unnecessarily taxed at one point, and fraud upon the revenue perpetrated at another, from the want of adequate support for a consul.

The consul dependent upon the fees of his office for support, is often compelled to stand in the light of a harsh exactor to those whose distress it is his duty to relieve. The knowledge that what is paid for any consular act goes into his pocket, throws a suspicion over all his offers of service. It is made his interest to retain all embarrassments in trade and port regulations that require appeals to him; and as his fees are in proportion to the formalities required in the writing and signing of papers, even those of strict necessity are attributed to this influence.

More than half the expense and annoyance of Americans abroad, in the obtaining and viseing of passports, is considered to result from the required formalities, yielding a fee to American consuls. By a combination between the consuls and the police, vises are often exacted when not required by law; and at other points where their requirement would be dispensed with on the consul's remonstrance, such remonstrance has been withheld because its exaction yields a fee of two dollars for each passport signed. Sometimes, too, the protection this gives has been extended, for a consideration, to those not entitled to it, and, in some instances, American citizens have been manufactured at so much a head.

The bill before the House is framed to remedy these and similar evils. While it is founded upon a conviction of the evils of merchant consuls and a system of fees, it does not, however, entirely abolish either. It goes only to the extent that the English system has gone. Consuls appointed where there is comparatively little trade, and where consular duties occupy but a portion of their time, and where there is no complaint against it, either from the foreign Government or our own citizens, are allowed to trade; and fees, though equalized and reduced in amount, are to be collected for the Government.

This is necessary, because it would be impossible to pass any bill imposing the entire support of our consular system upon the Treasury.

The present bill contains the germs of a system that can be perfected in the future.

Whenever all fees under Government offices of every kind shall be abolished, as I think they should be, they can be easily abolished under this bill, and without affecting in any way the value of its other provisions.

Until that time arrives, however, *there are guards under this bill which will effectually prevent the present diversion from the Treasury into private hands of the immense sums now levied in the way of fees upon the commerce of the country.*

Where Government offices are remunerated by fees there is a constant disposition to convert them

into the means of private profit, rather than of the public good. There are generally three guards upon the abuse.

First. Precision in the amount of the fee, and definiteness in the subject and the service for which it is to be exacted.

Second. The intelligence of the party paying as to what is really due, and his capacity to resist imposition when attempted

Third. The absence of a personal interest in the amount paid by the one who collects it, restraint of public opinion upon his conduct, and liability to punishment for extortion.

The present system of levying fees by American consuls abroad is without any one of these guards. The fees are indefinite in character and amount; they are generally proportioned to the formalities required by the consul himself, and to the charges established in the port where he is located.

He is made a judge of the occasion, when his services are required, and then directly interested in increasing the formalities of trade, and the port regulations of his locality, and in having the authorities levy as many and as high fees upon the commerce of his country as possible.

The persons upon whom he now levies his fees are, from character and pursuit, the most helpless class of American citizens. The sailor, proverbially thoughtless and ignorant, now pays the most numerous and heaviest fees of the consul.

Some of these fees are in the nature of commissions upon the sailor's wages, involving calculations impossible for him to make, and others of them, both in subject and amount, purely at the discretion of the consul.

The consul at a remote locality is placed almost beyond the reach of public opinion, and if disposed to be corrupt, finds almost any abuse justified by the practice of the foreign Government.

The difficulty of bringing home to him the evidence of his extortion in any particular case—the impossibility of perpetuating testimony without his aid, and the time that must necessarily elapse before his conduct can be inquired into, through the State Department, places him almost beyond the fear of punishment.

And, as if to insure extortion, the law provides that all he collects shall go into his own pocket, thus creating a direct positive interest in making his office an agency purely of private gain. The position has been generally sought, and not unfrequently conferred, expressly for this object, and as, in proportion to its yield is the danger of removal, the consul's desire to accumulate is stimulated by the uncertainty of his tenure of office.

I could enumerate instances of the manner in which the interest of commerce, the rights of seamen, and the honor of the country, have suffered under the outrageous abuses of our existing consular service, which, if not certified to beyond question, would seem almost incredible.

The subject, however, is exhaustless, and my time limited. *I will, therefore, only mention, briefly, one or two of these evils, as they affect commerce, seamen, and the Government.*

At present every vessel touching at a foreign port where there is an American consul, pays to him at least four dollars. The vessel of one hundred tons pays as much as one of three thousand. This operates as a discriminating tax against commerce with countries contiguous, and in favor of wealthy capitalists engaged in distant trade. For example: a vessel of two hundred tons, making twenty voyages in the year, between Boston, or any of the New England ports, and the British Provinces; or between New York, or any of our southern ports, and Cuba and Mexico, would pay eighty dollars—while a vessel with a valuable cargo, and of two thousand tons, sailing to some distant port in China, or the East Indies, would pay only four dollars. Under the bill this charge is proportioned to the tonnage.

For notarial service consuls are now allowed to charge the rates of the country in which they reside, and are, consequently, interested in keeping these rates as high as possible. At some points, where facilities for business are great, the tax for extension of protest, for example, is slight; at others, measured by the rates of a semi-civilized country, where writing is a science, and materials for it scarce, it is enormous. As the actual labor is not dependent upon locality, nor necessarily discharged by the consul, there is no good reason for this difference in the charge.

For example, for extension of protest at Liverpool, the charge has been about nine dollars; at Glasgow, eleven dollars; at Calcutta, thirty-two dollars; at Melbourne, thirty-five dollars; at Gibraltar, sixteen dollars; and at Halifax, Nova Scotia, twenty dollars; at St. Helena and Bermuda, eight dollars.

In Spain, at Cadiz and Malaga, eight dollars; and at Havana, seventeen dollars; and at Matanzas, in the same island, twenty-five dollars.

So in France, at Bordeaux, twelve dollars; and at Havre and Marseilles, eight dollars.

So at Panama, twenty to thirty dollars; and at Carthagena, in the same country, eight dollars.

Under the bill, the amount paid will not go to the consul, and he will have no interest in charging more than a reasonable sum.

Administration upon the estate of citizens of our country dying abroad is a duty often imposed upon consuls. As his employment in this way is not, however, strictly required by law, but generally at the option of the parties interested in the estate of the deceased, the bill imposes a charge equal to that paid at home for similar service, in order to prevent his being burdened unnecessarily with business of this character.

The provisions of the bill regulating the rights of masters of vessels and seamen are such as have been found valuable in experience, and are intended to protect the sailor from many impositions of which he is now the subject.

The fees levied by consuls upon the shipment or discharge of seamen in a foreign port is, under the bill, to be paid by the captain of the vessel. Whenever the captain of an American vessel discharges an American seaman at a foreign port, he is now obliged to pay three months' extra wages. Two months of this goes to the sailor, to aid him in getting home, and one month is paid over to the consul, to serve as a Government fund for destitute seamen. Upon the wages thus paid to seamen, consuls have been in the habit of charging from two and a half to five per cent. As sailors are generally bad calculators, great imposition has been practiced upon them in overcharging this percentage. By the bill this commission, and numerous other fees paid by the sailors, are abolished.

Under the bill, consuls at important points are not permitted to be interested with those who board or furnish supplies for destitute seamen. This guard is required from the fact of many United States consuls in the Pacific keeping hospitals for, and lodging, seamen, and, under our present system, paying themselves for their support, as if sick or destitute, out of the fund made up from the two months' wages paid for discharge of seamen, and, where that is not sufficient, drawing upon the United States Treasury, and receiving a commission of five per cent. upon their bills, as if for moneys advanced.

The operation has been this: The consul is required by law to take care of destitute American seamen thrown upon his hands. He pays their physician and board bills, and provides them passage home. On all moneys thus expended he is allowed five per cent. If he advanced the amount from his private means the percentage would be just. In point of fact, however, he does not advance a dollar; but simply draws a draft upon the Government, which he may sell at a premium. The percentage thus serves only as an inducement to excessive drafts upon the Treasury, the effect of which is seen in the annual appropriation for the relief of seamen, mounting up from originally $10,000, to $125,000 the past year.

Lieutenant Lee, of the brig Dolphin, in a recent report to the Secretary of the Navy, speaking of the system of the relief to sailors, and the abuses practised under it by American consuls, says:

"There is probably no branch of our expenditures which is more impolitic and unnecessary. It is an encouragement to that class of consular agents who are actively engaged, or individually interested in commercial houses, to wink at the oppression practised by some merchant captains upon their crews, and the abuse of bringing out sick relations or friends for the benefit of a sea voyage, to be cared for and returned at the expense of the Government, *and is an inducement to that other and numerous host of foreigners acting as agents to consuls to construct cases and expenses which never occurred.*"

By the bill these abuses are guarded against in the denial to consuls of an interest in the furnishing of supplies to sailors; in abolishing the percentage upon the sums advanced by Government for their relief, and in allowing the office of consul to be filled only by American citizens.

The three principal sources of fees, under the present system, will continue under the bill, changed merely in the mode of collection; and will be—

1. A tax of one half per cent. on tonnage of vessels;

2. The fee paid by captains for shipment and discharge of seamen abroad; and

3. The fee for swearing of invoices before the consul.

Under the bill, what will be the guards upon the just collection and return of these fees?

First. The four dollars fee for receipt and delivery of ship's papers, is changed to one half per cent. on the tonnage of the vessel. The Secretary of the Treasury's report of the commerce and navigation of the country, at different foreign ports, will afford a complete verification of the amount collected in this way. In five minutes at his desk, the Secretary of the Treasury can calculate the fees collected from this source by any consul abroad.

Second. Every captain of a vessel about to sail on a foreign voyage now gives bond to bring back his seamen to their own country. On his return to a home port he places on record the consul's certificate of every seaman shipped or discharged abroad. This makes easy the verification of the fees collected from this source.

Third. All invoices sworn to abroad are now examined and entered of record by the collector at the home port. He has only to multiply the number entered from any foreign port by two dollars, the fee for swearing to them, and he has the amount collected at any consulate abroad.

Will the returns under the bill be sufficient to meet the expense of the consular system?

Under our existing system there are immense corruptions and frauds upon the revenue, and an actual outlay from the Treasury of about $30,000 for consuls at ports where the fees from commerce furnish no support.

Under the present bill the consular system will support itself, save this outlay of $30,000, and, in addition, $40,000, at least, of the fund now wasted under pretense of protection to destitute seamen.

This calculation is based upon the following elements:

First. The amount to be collected from the tax on tonnage of vessels under the bill will be, on calculation, in the aggregate a little less than that now realized from the tax of four dollars for receipt and delivery of ship's papers.

Second. That on shipment and discharge of seamen abroad will be paid by the captains of vessels, and will nearly double what is now received from the same source.

Third. The number of invoices sworn abroad, and the fees arising from them, will be greatly increased, for there will be no reason why the foreign merchant should desire to avoid showing the consul his business, and he will swear his invoices before him.

Take, however, the returns under the present system, as the same in amount as those likely to be collected under the bill, and upon this base a calculation.

There were in 1853, two hundred and ten consulates and commercial agencies under the Government.* Of these only one hundred and thirty-one returned any account of fees. These returns amounted, in that year, to $153,196 19. As the fees collected are now the property of the consul, and there is no law, but only instructions from the State Department, requiring a statement of their amount, but little reliance can be placed on the correctness of the returns. I have not met any one in the service who considered them correct. At some consulates I have evidence that the actual yield has been three, and, in some cases, five times that returned. A fair estimate would probably

*Number of consulates March 3, 1853	193
Commercial agencies March 3, 1853	16
Consul general March 3, 1853	1
Total	210
Whole number by the proposed bill	171
Reduction	39

be to double the aggregate amounts. But, to be entirely safe, I increase them only three fourths, making the yield from fees under the bill $268,085 83¼.

The expense under the bill will be $271,450.

From this take fees collected, and it leaves the cost to the Treasury, $3,364 16.

Under the present system there is paid out of the Treasury annually, for salary to consuls, $27,800.

Showing a saving to the Treasury, in this particular, under the proposed bill, of at least $24,435 84.

If to this be added—one-half would be right, but say one fourth—$40,000 of the $160,000 expended for destitute seamen, and we have by the bill an annual saving of $64,435 84.

Mr. Speaker, I have now gone through the explanation of this bill. I have desired to be brief, and with this view have confined myself to a mere statement of its provisions.

In submitting this diplomatic and consular reform to the action of the House, the committee have discharged a laborious duty. They entered upon it with reluctance, for they knew it to be of a character members would have little leisure to examine, and that the provisions of any bill they proposed could be easily misrepresented.

In behalf of the Committee on Foreign Affairs I now earnestly ask the House to adopt it.

It is utterly useless, under our existing system, to request of that committee an opinion upon the legality of any claim that is preferred against the Government by one in the foreign service. There is no law to guide its decisions, and almost every claim depends upon precedent or the discretion of the Secretary of State. These claims are multiplying with each year, and they will continue to multiply to a fearful extent unless there is some positive law defining the duties to be discharged, and fixing their proper remuneration. Last session about thirty thousand dollars were expended in meeting these demands. They come into the House without explanation, get attached to our general appropriation bills, no one knows how, and pass, no one knows why, running up our aggregate expenditures, each one becoming a precedent, prolific of similar demands in the future. This should not be. It is a great abuse. It reflects discredit upon those in the foreign service, subjects themr to pesonal humiliation, and is entirely opposed to the genius of our institutions.

Mr. Speaker, in all that I have said I have avoided reference either to party or to individuals.

This is a national reform, equally affecting every portion of the country, and, until it is accomplished, good men of all parties, engaged in the foreign service, will participate alike in the popular prejudice that now exists, created by the abuses of a defective system.

I have also avoided any reference to the foreign policy of our Government, either in the past or present. Its discussion has nothing to do with the reforms of this bill.

Although embarrassed by jealousies in our early relations with foreign Powers, we have found, in our remoteness from the conflicts of Europe, and our geographical position at the head of a great continent, advantages which, with the cautious maxims of Washington, are destined, beyond doubt, to make us the commercial and political center of the world.

In sixty-five years we have grown from a few comparatively feeble settlements into a great empire. Civilization has, within this period, poured its light into our great central valley, and forests have disappeared, cities sprung up, and a magnificent landscape everywhere spread itself out, beautiful in the results of religion, and law:

	1800.	1850.
Population	5,305,925	23,191,876
Area of territory	820,680	2,936,166
Exports	$70,971,780	$151,898,720
Imports	$91,252,768	$178,138,318
Tonnage	972,492	3,535,454
Seamen	60,000	140,000
Commercial treaties with	5 nations.	19 nations.
Revenues of Government	$10,694,997	$43,375,898
Expenses of Government	$7,411,370	$43,002,168
Expenses of foreign service	$153,000	$412,7c9

In this it may be questioned whether the internal or foreign policy of the Government has had the most influence.

The extension of our territory; the rapid development of our wealth; the opening of new, and the increase of old, sources of foreign trade; and the participation in it of the capital and products of all sections of the Union, have caused to sympathize nearly every domestic interest with foreign affairs. It is no exaggeration to say that there is not an acre of corn or cotton grown in the West or South, not an American vessel in any port in the world insured, not a loan made, nor a note discounted at any of our banks, which is not affected in its value, or in some way acted upon, and made a vibration of the great political and financial movements of the rest of the world. The fact that these domestic interests which thus, like nerves, spread all over the globe, connect remote localities with interior points of our own country, cannot be protected by our own legislation, but depend upon treaties and the regard of the other Powers of the earth for certain great principles of international law, makes the perfecting of the agency through which we communicate with the rest of the world a matter of great practical importance.

A distinguished statesman of England, speaking on this subject, has called ministers and consuls "the ears, eyes, and mouths of a Government, by which it hears, sees, and communicates with the rest of the world." The object of this bill is to make these organs of communication respond more distinctly to the purpose of their creation.

It is time that something was done to reform existing abuses. Our interests at home and abroad demand it. The honor of the country requires it. The occasion is a fit one.

The bill introduced by the committee has been framed from a careful examination of the bills and reports of the committees of this House, aided by the personal and official experience of many who have been connected with our foreign service. It does not profess to be perfect. It is difficult to frame such a bill.

It embraces, however, features which have been unanimously recommended by previous reports, and it has sought to embody them in such a shape as to correct abuses, facilitate the public business, and serve as the basis of any further reform that may be found necessary.

THE COLT PATENT.

SPEECH OF HON. C. T. JAMES,

OF RHODE ISLAND,

IN THE SENATE, *March* 3, 1855.

On the bill to authorize the Commissioner of Patents to extend the Patent heretofore granted to Samuel Colt for an improvement in Fire-Arms:

Mr. JAMES said:

Mr. PRESIDENT: Before this bill is finally disposed of, I hope the Senate will indulge me with the opportunity to make some remarks, which justice to Colonel Colt, to the law of patents, and to the public, would seem equally to demand, as well as to the committee who reported the bill. In doing this, I shall find it necessary to say something of the mutual or relative rights of the patentee and the public, the benefits derived to the public from inventions, and the particular merits of Colonel Colt's claims, as set forth in the bill and in the report of your Committee on Patents and the Patent Office. In the first place, permit me to allude to the value and importance of practical inventive genius to the public, as well as to individual interests and welfare.

I am fully aware, sir, that the mechanic arts are considered, and justly, too, as being secondary to agriculture. Yet, sir, what would be the state of agriculture in our country at this moment, but for the aid of that secondary science, mechanics, aided, fostered, and brought into practical use by the application of inventive genius? Why is not the American farmer, in the middle of this nineteenth century, preparing his fields to receive the seed—the germ of his future harvest—with an apology for a plow in the form of a painted stick of wood—the primitive implement of the untaught barbarian, and still in use, with very trifling improvement, among many tribes and nations of the earth? Because, sir, the eye of skill and science long since discovered that, with such rude implements, requiring a vast amount of labor, the tiller of the ground was able to realize but a tithe of the fruits the earth was capable of yielding. Mechanical genius stepped in to obviate the evil. And what has been the result? Let the numerous improvements and inventions relating not only to the plow, but to every other agricultural implement, be brought into the account. Take note of the saving of two thirds of the labor, with the increase of two hundred per cent. in the amount of product, and we may form some idea of what inventive genius has done for agriculture.

Why is not the cotton planter of the South at this moment employing twenty hands to pick the seeds from cotton for two weeks, which two hands, with a horse or mule, can do in as many hours? Because there arose a Whitney, whose practical eye saw the waste of labor, and whose ready and practical inventive genius soon discovered the means to counteract the evil.

Little more than a quarter of a century has elapsed since our farmers used the sickle as a harvester, and trod out the grain with horses, or beat it out with flails. These means have been set aside and superseded by the reaper, the threshing machine, &c.; and the amount of labor and expense thus saved on the immense quantities of the cereals produced in our country exceed all attempts at calculation. And to whom and what is agriculture indebted for these very numerous and important benefits? Not to itself, surely; for she is simply practical in her own field of labor. No. She is indebted for them entirely to inventive genius and the mechanic arts.

Mr. President, even the learned sciences are under obligations, great and unmistakable, to inventive genius and mechanical skill. In thousands of instances, though men well versed in the speculative sciences may fully understand the results they wish to produce, and the laws that must govern the process, are yet dependent on the inventor and the mechanic for the means. Scientific men had long pondered on the power of steam, and had even made some impotent attempts to press it into the service of man; but they all failed. It required men with the mechanical and inventive genius of Bolton, Watt, Evans, and Sickels to carry out the sublime project, and to accomplish wonders of which the scientific world had never dreamed. The result to the civilized world has been far more wonderful than the invention itself. It has multiplied almost to infinity the luxuries, the elegances, and the comforts of life. By almost annihilating time and space, it has facilitated a hundred-fold, intercourse between towns, cities, States, and nations; thus diffusing knowledge, strengthening the bands of amity and friendship, and greatly multiplying the products of human skill. In short, the benefits of this noble invention, and which are daily on the increase, are beyond the utmost stretch of human calculation.

As respects manufactured articles of every description, invention and improvement are in continued progress, and scarce an article can be named that has not within half a century been improved from fifty to a hundred per cent. in quality and form, and mostly by machinery invented for the purpose, while they have all been reduced in cost in about the same ratio. Look, sir, at the Hindoo, as he sits under the thick foliage of some spreading tree top, and witness the slow and tedious process by which he draws out and twists the thread of cotton with his fingers. Look at another, who, with his web of yarn suspended from another tree, slowly, with his hands, inserts the woof, and converts the whole into cloth. Sir, scarce a century has passed away, since this, still practiced in Hindostan, was the only mode known in the world of the manufacture of cotton. Look now into the manufactory of modern days, as improved by mechanical skill and invention; and there you see manufactured, by means of the spindle and the loom, and their accompanying auxiliary machinery, apparently almost without the aid of human labor, a greater quantity of the fabric manufactured for each person employed in a given time, than could probably be made by five hundred Hindoo spinners and weavers with their primitive implements.

Once more on this subject. Turn back in our recollections, those who can, to the period some

forty-five years since. Cotton goods then selling at thirty cents per yard can now be purchased at seven and a half cents; and yet the prices of labor, and the cost of living, have much increased since that period. And what causes have produced this reduction? Improvements in the cultivation of cotton, the introduction of the cotton gin, and the almost innumerable inventions and improvements made in the manufacturing machinery. Is it not wonderful? And shall we not highly appreciate the genius, the energies, the intellect, and the labors, by the combination and exercise of which such great results have been achieved? It need not be shown that all the causes named go to increase the means to subserve human wants, while they multiply, improve, and cheapen products. At the same time, it is equally plain that, by reducing the quantity of labor necessary to any given result, they leave a surplus to be applied to other objects which could not be attained without it, and thus facilitate and enhance the general wealth.

The second point is, to inquire whether men who spend time, money, labor, and energy, as well as intellectual power, in bringing about these improvements which so much benefit mankind, have or have not the exclusive right to their inventions, and should or should not be protected in the enjoyment of that right?

It would seem to be supposed by many, I apprehend by most people, that a patent *creates* a right, which is *conferred as a special favor* on the inventor. From this view of the subject I must take the liberty to differ *in toto*. It is as plain as the light of the sun at noonday that the product, be it what it may, of a man's own industry, ingenuity, capital, and intellect, and by honest means, is as truly his own property, by virtue of *natural* right, as the same can be made so by legal enactment. The crop raised by the agriculturist on his own field even the savage recognizes as his own property. But the owner of this crop, dwelling in the midst of people without laws, may have it wrested from him by the hand of violence before he has had an opportunity to deposit it in a place of safety. What does man require? The strong arm of law to protect him in the possession and enjoyment of property already his own—not to *give* him the *right of property*, for that he already has. Thus with regard to all property, the laws create no right of possession; they only define the right, and sustain and protect it.

The original work of an author and the invention and discovery of a man of mechanical or scientific genius are just as truly and exclusively their property, on every principle of right and justice, as would be the products of their own fields, by the labor of their own hands, and should be just as thoroughly secured to them by the laws of the land. The laws fully recognize this principle, and are designed, as far as relates to this subject, to carry that principle out for a time, and for specific purposes.

Patent laws are a species of compromise between the public and the inventor. The invention belongs to him, his heirs, executors, and assigns, forever. He has the unquestionable right, as with any other species of his own property, either to dispose of it to the public or to individuals, or to suppress it, destroy it, or operate with it in secret, as he may deem proper; and no one can interfere with him as to the manner in which he may determine to dispose of it. It is deemed, however, that the invention would be valuable to the public; but it is also deemed unjust that its owner should be required to give it to the public, for their benefit, without securing to him the opportunity to realize from it a sum equivalent to the time and money expended in making his invention and bringing it into use, and a reward, by way of remunerating him as a public benefactor, in some degree proportionate to the benefits conferred. Such is the mutual contract, by law, between the public and the inventor.

Because the right of property in the invention would at once be invaded when introduced to the public unless invasions were prevented by means of legal restraint, the law volunteers to secure to the inventor and owner his right of property for a certain period, and holding out in prospective, also, on the principle of equity, that, if the period specified be not adequate to produce the remuneration and reward anticipated in the law, the period may be extended till the object shall have been secured.

These remarks are founded on the eternal principles of right and justice. The public has no stronger or more rightful claim to an invention, other than by gift or purchase, than to the lands, goods, and chattels of the inventor; and he who would force it from him, or willfully invade his rights as an inventor, would perform acts morally no better than it would be to rob or swindle him of any other property. On these grounds it is that the inventor agrees to relinquish his invention to the public at a future day; and the consideration is the promise of legal protection in the enjoyment of his rights till that day shall have passed.

If my suggestions thus far be correct, and it appears to me they are, the only benefit derived by the inventor by legislation, is protection of the original right of property, his entirely, independent of legal enactments, for a limited period, while all other property is secured to its owners by unlimited protection, and forever. And, sir, I repeat the declaration: He who knowingly and willfully invades the rights of a patentee, thus legally recognized and admitted, performs an act in no manner more honorable than it would be to take, clandestinely, the money from his purse at midnight, and no less legally wrong.

There exists, with many persons, a feeling of hostility against all patents, and more especially against all extensions of them, on the assumed ground that they are monopolies, and conflicting with the rights of the public. It is difficult to account for the existence of such a feeling, unless we look for its origin either to ignorance, selfishness, or both. A monopoly, in the popular and odious sense of the term, is a right or privilege common to the whole community, wrested from them, and bestowed exclusively on one person, or association of persons. Thus, were a patent to be issued to one man, conferring on him the sole and exclusive privilege to cultivate wheat, and, by means of a stringent law, with heavy penalties, should all others be prevented from cultivating the same, this would be an odious monopoly in the true sense of the term; because it would deprive the public of the enjoyment of a right common to all, and concentrate that right, by an arbitrary decree, in the person of one individual.

On the other hand, should that person have discovered a new and useful method, unknown to every one else, by means of which he could increase the crop a hundred per centum to the acre, and improve its quality, that method would be his own; no other person could urge even the slightest possible claim to it. And no law founded on right and justice, or in accordance with our republican institutions, could or would compel him to impart a knowledge of that method to others. That invention is the inventor's own property, as truly so as the ground he has purchased with his own money. Should the individual farmer wish to obtain a knowledge of the invention, he must pay for it; and, if a liberal, enlightened, and honest man, he will willingly pay for the invention, and the right to use it, in proportion to what it has cost the inventor, and to the benefits he (the farmer) may derive from it. As property, the law cannot compel the invention to be given up without payment, even for public use, because the Constitution provides that private property shall not be taken for public uses without just compensation.

The security of the right of this inventor by patent is evidently no more truly a monopoly, for the time being, than the possession and control of the fields on which he employs his new method of cultivation. Both are his, unquestionably so. But there is this difference in the result: For the consideraton of a trifling annual tax the law warrants and secures to him the quiet and peaceable possession of his fields, and to his heirs, and assigns forever. But the right in his patent invention is secured to him only for a limited period; and then, unlike his lands, although equally and solely his own property, the right and possession are relinquished for the use and benefit of the public.

Blanchard, and those to whom he may dispose of it, and they only, have the right to use his patent inventions for turning gun-stocks, shoe lasts, and other irregular forms. Yet every one has the right to manufacture such articles by all other means. His patent, therefore, is no monopoly, because it deprives the public of no rights the public ever possessed, and secures to Blanchard only those originally his own. How the public is wronged, then, it is difficult to learn. By means of the patent machine, as the case is with all useful inventions, a better and cheaper article is obtained than could otherwise be had. There is no prohibition of the manufacture of the article by any other means. The public certainly should be willing, then, that the patentee* should share, in some small degree, in the benefits they receive to compensate and reward him; and others who realize the advantages of the patented machinery over all other modes of operation should, as matter of justice as well as law, be willing to pay a reasonable sum for the right to use it. On such conditions any one and all may have it. And what becomes of the odious monopoly? It results in a creature of the imagination. Patent laws only secure to patentees the right common to all men: to do as they will with their own.

Mr. President, in what I have said, I do not flatter myself with having exhibited much of the lawyer. But, sir, it appears to me to be fully in fellowship with the dictates of reason, justice, equity, human right, and common sense; and the true intent and meaning of the patent laws, as far as I am qualified or able to understand them. From these premises it is my wish now to examine, briefly, the claims of Colonel Colt for an extension of his patent, which has, without any sound reason, in my apprehension, been rejected in the other House. This it is my wish to do, in justice to your committee which reported in favor of the claim, and, incidentally, in justice to Colonel Colt.

The first inquiry which presents itself is, is Samuel Colt, the petitioner, the true inventor of the arm that bears his name? In other words, is the invention of Colt's revolving arms rightfully the property of Samuel Colt, the petitioner? For it has been shown, in my apprehension, beyond all doubt or cavil, that the invention of him who makes it and brings it into use, is his property by right, independent of legal sanction; and as such, should, in justice and equity, be secured to him by legal, and, if necessary, judicial action.

In answer to these queries, it will be necessary only to say the question has passed the ordeals of two of the severest judicial tests ever applied to any patent in the United States. The first trial was had in Boston, Massachusetts, in June, 1851, before his honor, the late and lamented Levi Woodbury, one of the Associate Justices of the Supreme Court of the United States. The defendants in the case were the "*Massachusetts Arms Company*," who were prosecuted by Samuel Colt, plaintiff, for invasions of his patent rights. This trial occupied the court for a long period, and the investigation was thorough and complete. Able counsel was employed on both sides. More than twenty witnesses were examined and cross-examined, at great length; many of them experts. The details of the trial cover more than three hundred closely printed octavo pages, including the charge of the court. The jury, with that charge, and the testimony that had been given *pro* and *con.*, required but a brief space for deliberation, and soon returned into court with this verdict:

"The jury, in the case of Colt *vs.* the Massachusetts Arms Company, find in the plaintiff's gun, a new and novel combination to produce the effect described in his patent, not *found* in any other fire-arm prior to his invention; and the jury further find the defendants have infringed the first three claims of the plaintiff's patent, and assess damages in the sum of one dollar, according to the agreement."*

The second and last trial took place in the southern district of New York, before his Honor Judge Nelson, one of the Associate Justices of the Supreme Court of the United States, on application of Samuel Colt for an injunction against Hiram Young and Francis Leavitt, as invaders of Colt's patent rights. And in this case, too, after a hard-fought struggle, Colt's priority of invention was firmly established, and the court issued the injunction asked for.

Sir, after these trials, attended with such searching investigations, with the aid of able counsel, and under the direction of such courts, and the decisive results arrived at, it would be but a waste

* It was agreed between the parties before going to trial, that the amount of damages should be nominal. The question of damages being reserved.

of time to offer any further proofs that Samuel Colt is the original inventor of the arm that bears his name, and that, consequently, the invention is his own property. Such being the facts, the next question that arises, is, has he the equitable right to claim, and is he entitled to a reasonable compensation for that right, or that property, as the consideration for its abandonment to the public? Having the provisions of law applicable to the case, common sense and common justice both reply in the affirmative, provided the invention be useful. That it is useful and valuable is abundantly evident, as well from the numerous testimonials of those qualified to judge as from the numerous infringements that have occurred, and the determined and persevering hostility of interested parties to the extension of the patent. It will be remembered that, while the patent was considered to be without value, no such hostility was manifested, and no infringements attempted.

The invention of Samuel Colt, then, is his property, and has value. No man has the just right to demand the surrender of this property at his hands without a consideration equivalent to its value; nor has the law the constitutional authority to wrest it from him without awarding to him a just compensation. The patent laws of this country, though they limit the period through which a patent shall extend, recognize the same general principle, by intimating, in one of its provisions, that the patentee is entitled, before the surrender of his invention to the public, to receive a full compensation for his labors and expenditures in making and perfecting his invention, and a reward besides in proportion to the benefits conferred on the public. Should he fail to realize such an amount during the period that the patent laws, or the commissioner under them, assign him, he has an appeal to Congress, who, in my estimation, are bound to aid him, by the extension of his patent, till the object contemplated in the law shall have been accomplished. To refuse, is to do an act of injustice; because the refusal is the indirect means of depriving the patentee of what is actually his due, and of that which the law virtually awards him. And to grant protection for the accomplishment of that object is not a special favor, but the fulfillment of an implied compromise—a virtual contract between the Government, on behalf of the public, and the patentee for the relinquishment of his right.

The next point to which I would call attention is, as to the reward and compensation received by Colonel Colt, and the inquiry, have they been such as to compensate him for his expenses of time and money, and in proportion to the value of his invention to the public?

It may be questioned if improvements in fire-arms are as generally useful to the public, and equally valuable as improvements in implements of agriculture, mechanics, manufactures, &c. Certainly, as relates to the general purposes of life, they are not. But to those to whom such weapons become necessary they certainly are. To the traveler, and to others, placed in situations and under circumstances warranting the probability, and perhaps certainty, of attacks from marauders, freebooters, or deadly assassins, arms for defense become absolutely necessary to the preservation of life. Until the arrival of a millennium, should such a happy period ever arrive, the Government, notwithstanding all the well-meant efforts of peace congresses and peace societies, will find it necessary to keep up an organized military force; even now, to prevent our frontiers from being ravaged and our citizens from being butchered by savage hordes. And, in the future, no one may presume to say how soon or how late our country may find the necessity forced upon her to defend herself against a foreign foe. To individuals, then, and especially to our Government, improvements in fire-arms, to make them more useful and effective, must certainly be of great value and importance. An arm capable of making six discharges in twice that number of seconds, with greater precision, and greater safety than any other weapon, cannot be otherwise than invaluable to him who is placed under the necessity of defending himself against the attack of the highwaymen, or protecting himself, his wife and children, and his home and property from the inroads of the midnight burglar and assassin.

The superiority, the utility, and the consequent value of such an arm to military men against the savages on our frontier, and also on the field of battle with a disciplined foe, cannot be too highly estimated. The superiority which such an arm imparts to a given force over an equal force in point of numbers armed with the common weapon, is too obvious to demand proof; and yet I shall give it. I would first remark, however, that the benefits resulting from the use of the improved arm, are both to the Government and the soldier. To the latter it gives an unmistakable advantage over his opponent, both in attack and defense. To the Government it becomes the means of power, and the saving of life and money, because, one hundred men, furnished with the improved arm, are equal to three hundred, at least, furnished with that in ordinary use. Of course there must be a great saving of life and money. To show that I am well sustained in my views, I may be permitted to quote from the testimony of gentlemen whose qualifications to enable them to judge correctly no one will call in question, and all will readily admit.

In the first place, permit me to quote the opinion, and give the names of a long array of our gallant military officers, and among them many of high standing. They say:

"We, the undersigned, have examined Colt's repeating fire-arms, and some of us have witnessed sundry experiments which have been made to prove their safety, simplicity, durability, accuracy, and celerity of fire, force of penetration, and security against moisture; and we are convinced that they possess many important advantages, both for public and private service. As an act of justice to the ingenious inventor, we most cordially recommend them to the patronage of the Government and the public.

ALEXANDER MACOMB, *Major General Commanding, United States Army.*
HENRY STANTON, *Colonel and Assistant Quartermaster General, United States Army.*
J. J. ABERT, *Colonel Topographical Engineers, United States Army.*
JAMES KEARNEY, *Lieutenant Colonel Topographical Engineers, United States Army.*
R. B. MASON, *Lieutenant Colonel First Dragoons, United States Army.*
J. H. HOOK, *Major and Assistant Commissary General Subsistence, United States Army.*
HENRY WILSON, *Major Third Infantry, United States Army.*
JOHN GARLAND, *Major Third Infantry, United States Army.*
WILLIAM TURNBULL, *Major Topographical Engineers, United States Army.*
WILLIAM GIBBS McNEILL, *Major Topographical Engineers, United States Army.*
L. WHITING, *Brevet Major Artillery, United States Army.*
J. P. SIMONTON, *Captain First Dragoons, United States Army.*
W. W. TOMPKINS, *Captain Second Dragoons, United States Army.*
R. B. SCREVEN, *Captain Eighth Infantry, United States Army.*
JOHN PAGE, *Captain Fourth Infantry, United States Army.*
A. R. HETZEL, *Captain Quartermaster's Department, United States Army.*
J. McCLELLAN, *Captain Topographical Engineers, United States Army.*
A. CANFIELD, *Captain Topographical Engineers, United States Army.*
J. N. MACOMB, *Captain Topographical Engineers, United States Army.*
THOMAS J. LEE, *Lieutenant Topographical Engineers, United States Army.*
W. H. EMORY, *Lieutenant Fourth Artillery, United States Army.*
J. T. SPRAGUE, *Lieutenant Eighth Infantry, United States Army.*
M. KNOWLTON, *Lieutenant First Artillery, and Instructor of Artillery United States Military Academy.*
LAWRENCE KEARNEY, *Captain United States Navy.*
THOMAS N. GROVERS, *Lieutenant United States Navy.*
JOHN BARNEY, *Lieutenant United States Navy.*
M. C. BUCK, *Military Storekeeper, and Paymaster Ordnance Department, United States Army.*"

One would be led to suppose, if unacquainted with depraved human nature, that this array of testimony itself, aided by the legal decisions already quoted, would have settled the question of merit forever, and insured to Colonel Colt the reward due him for his invention. But other elements than those that should actuate the human mind have been busily at work for years to ruin his fortunes and trample on his rights.

There is a large number of certificates, all of which have on a former occasion been before the Senate, all from competent and honorable witnesses, and all certifying the superiority of Colt's repeating arms over every other pistol for army service, and for guerrilla and Indian warfare. Of these I shall quote but a few, and those mostly from officers who have made up their judgment from their personal experience. I give the opinion of the Board of Ordnance Practice. The members of that board say:

"From the examination and trials which they have made of these arms, the board are of opinion that Colt's revolving pistol is better adapted to the services of mounted troops than any other pistol offered to their notice, and may be advantageously substituted for the present cavalry pistol.

Signed—Brevet Col. R. L. BAKER,
" Maj. A. MORDECAI,
" Col. BENJ. HUGER,
" Maj. W. A. THORNTON,
" Lieut. COL. TALCOTT.
} *Ordnance Board of Practice.*"

The certificate I now give is particularly valuable from the experience of the signers in the use of Colt's pistol, and their opinion of its durability, &c.

Communication from the Texan Senators and Representatives in Congress, to the President of the United States.

WASHINGTON CITY, *March* 3, 1848.

DEAR SIR: Possessing a thorough knowledge of Colt's patent repeating fire-arms, we feel it to be our duty to recommend them in the strongest terms to your favorable consideration.

The advantages that Texas has experienced from their use, in her struggle for independence, and against Indian aggression, has been incalculable.

The difficulties presented by some men without experience in the use of those arms, such as that they are too liable to get out of order, has been proved by ten years' constant use in Texas, to be without foundation. Some of these arms, purchased of Mr. Colt more than ten years ago, have been safely and successfully used in every engagement we have had with the Mexicans and Indians since that time, and are now in good serviceable condition, and are esteemed beyond price by their possessors.

Believing that the power rests with you to order a full supply of these valuable arms for the defense of our extended frontier, without further legislation, we most respectfully ask that you will at once order them to be made.

We do not doubt but that five thousand mounted men, armed with two of these pistols and a rifle, would do more service than twenty thousand armed in the ordinary way, thereby saving to the Government hundreds of thousands of dollars annually, and affording protection as well to the frontiers against Indians as to all parties passing through the Indian country.

With great respect, your obedient servants,
THOMAS J. RUSK, *U. S. Senate.*
DAVID S. KAUFMAN, *House of Reps.*
SAM HOUSTON, *U. S. Senate.*
T. PILSBURY, *House of Reps.*

To the PRESIDENT *of the United States.*

Colonel Jack Hayes, commanding the Texas rangers in Mexico, writes:

"I have had a good opportunity of testing the utility of Colt's pistols during the late Mexican war, and I feel no hesitation in saying they are superior (in my opinion) to any other now known for cavalry. The danger of accidental explosion has been obviated by the late improvement. They go off clear. The cylinders revolve with great rapidity; and the distance they carry a ball, (I mean the conical ball,) is, indeed, surprising. Soldiers should be practiced in the use of them. They soon become easy to the hand; the aim which you wish to draw can be easily caught; and when placed in the hands of those who understand the proper use of them, they are unquestionably the most formidable weapon ever used in battle. I therefore concur fully in the opinion that they can be used with the same advantage by the regular as volunteer forces."

No one, it is believed, will doubt the competency of this hero of the West to pronounce a correct judgment on this subject, and Brigadier General Shields, commanding first brigade volunteers in Mexico, reports that:

"Colt's last improved revolving pistol, in my opinion, is a most excellent and effective weapon in the present cavalry service in Mexico. It possesses an advantage of at least three to one over the common pistol. I find it, also, free from that complexity which it was feared would render it less serviceable in actual service and in a campaign. I do not hesitate to give it a decided preference in cavalry service in Mexico, over all other species of fire-arms, and recommend its general use in that service."

Brigadier General F. Pierce, now President of the United States, commanding volunteers in Mexico, reports that he had a pretty thorough knowledge of the weapon, and cheerfully concurs in the opinion of General Shields. And Major J. L. Freaner, General Scott's staff in Mexico, considers them the best arms in use; says that he was informed by Colonel Hays, if his men had not been armed with them, when Padre Jarauta attacked him at Teotolecan, that he would have lost his command of seventy men; and that it was by the aid of this weapon that he was enabled to repulse the guerrilla chief without the loss of a man.

In addition to these testimonials, Brigadier General Joseph Lane, commanding volunteers in Mexico, writes:

"I think I can say as much for and about this formidable weapon as any one now living, except Colonel Jack Hays, of Texas, (poor Walker is no more.) I have seen them tested in several severe and bloody conflicts, when a few men, armed with Colt's revolver, were equal to five, and in several instances to ten times their numbers. No weapon is equal to it. In close quarters, one man is always equal to three or more. I know the use of it well, and would recommend that all mounted forces be armed with them."

Brevet Brigadier General W. S. Harney, Colonel Second Dragoons, United States Army, reports that—

"He has had more than ten years' experience in the use of Colt's repeating fire-arms, and no arm, in his judgment, ever yet constructed, can equal them; they are, with fair usage, as little liable to get out of order as any other arm, and they are, *at least*, three times as effective. It is my intention to apply to the honorable Secretary of War, to have all the cavalry armed with them."

To these I will add only the testimony of the lamented Brigadier General Worth, who, in a letter to Mr. Colt, writes:

"The recent Mexican war has fully demonstrated the formidable character of this weapon in all mounted corps or partisan service. You can have no better or higher testimony than that of General Lane and Colonel Jack Hays, both gallant officers and of large experience. In a higher degree will its value be shown in our Indian contests, where the onset is sudden, and fierce, and momentary; where it is of first importance to deliver the largest amount of fire in the briefest time."

It would seem that, even were there no law to secure to the inventor the right to enjoy the sole and exclusive use and control of his invention till he shall have been amply compensated and rewarded, a generous, liberal, and honest community, for an invention so valuable to the public as that of Colonel Colt, would voluntarily and gladly confer that privilege on him, and aid him in the accomplishment of his object. But such does not, at least in his case, appear to be true. While contending with what would have been to most men insurmountable obstacles, and struggling with poverty, to complete his invention, others looked on with indifference, perhaps sneered at him as a visionary, and left him to work out, single handed, what they considered his absurd and worthless problem. But the moment they found his long protracted efforts had been crowned with success, and that his invention was a reality, a set of men, with little mechanical genius of their own, and moved by the spirit of avarice, endeavored to rob him of the triumph of his genius, so hardly earned, and to deprive him of the enjoyment of its fruits. Foiled in these nefarious attempts, by the decisions of courts of law, they have followed him, as a pack of hounds fellow at the heels of a wounded deer, from the courts to the Patent Office, and from the Patent Office to Congress, to work his ruin.

Who are the parties that are most loud in their demands that Colonel Colt's patent shall expire with the expiration of its present term, and who make their demand on the pretended ground of public justice? Is it not a well known fact that these cries for justice come from those who have heir individual private interests to gratify, and whose sole object is to speculate on the misfortunes of another? And what arguments do they advance to justify their hostility, and to defeat Colonel Colt in his application to Congress to protect his right? It is that the patentee has realized all, and more than all, that the law contemplates, or justice awards, as a compensation and reward for his invention. And this statement has been sounded and reiterated by the press, in public, on one floor of Congress, and throughout the Union, with the untruth that Colonel Colt has amassed a fortune of $1,000,000, till most people believe it true. And yet, sir, it is destitute of any foundation in truth. But suppose it were true that the property in Colonel Colt's possession, and that his own, were to him, under the circumstances, for the time being, actually worth $1,000,000, his compensation and reward would still fall short of what they should be.

By the way, before proceeding further to examine this point, I will introduce an interesting item of foreign testimony to the merits of Colonel Colt's invention. The British Army Register says:

"As Englishmen, we frankly and fairly admit it: Colonel Colt has the claim of precedence, and the patent of superiority; and we scorn to deny either one or the other."

In addition to this, Colonel Colt received the large medal at the World's Fair in London, as a testimonial of the superiority of his revolving arm over every other; and to crown all, Colonel Colt was chosen a member of the society of civil engineers in England. Such were the convictions of the British Government as to its merits, that they removed all restrictions (*as respected this*) on the importation of fire-arms, and conferred on Colonel Colt the distinguished privilege of importing his into that country, to an unlimited extent, *duty free*. Colonel Colt has received testimonials from almost every civilized nation in the world in return for the high appreciation of his inventive genius, as illustrated in his revolver. Yet, by the envious, jealous, and selfish spirit of a class of American citizens, no pains are spared to deprive him of the honor of his invention, to trample on his rights, and to ruin his prospects, after he has conferred such advantages on his country, and so highly honored her abroad. But his opponents say, and many people besides believe it, that he has accumulated a fortune of more than a million of dollars. Suppose we admit this statement to be correct—though, I regret to say, it is far, very far, from the truth—what then?

From the period at which a man commences to make a useful and important invention till the period of its completion and perfection, is a period of experiment and expense. And if, during that time, he finds it necessary to resort to new and expensive means to perfect his invention and to increase its value and utility to the public, even the cost of these means becomes a legitimate and proper item in the list of expenses, which should be repaid to him, especially if the means adopted are useful only for the production of the result in view.

Let us suppose a case. Suppose, then, a person now sets himself at work to make an important invention. In the course of a year, he so far succeeds as to satisfy himself and others of the correctness of the principle and the feasibility of his plan, and produces an implement that effects the result intended. To secure his interest for the time, he applies for and obtains a patent. The machine produced is imperfect and costly, as well as dangerous. After a course of experiments for near twenty years to come, and the loss of $300,000, the machine has been brought so near perfection as to become highly useful. But here other difficulties occur, and a set of harpies who have been watching for their prey, step in, and by base imitations and infringements on the inventor's patent rights, come in competition with him, to ruin him and swindle the public. There is one only way in which he can prevent this, and that is, by the use of machinery for the manufactured article, which would be nearly useless and worthless for any other purpose. This machinery he procures. By means of it he makes his patented article perfect and complete, enhances its value to the public, and, at the same time, reduces its cost by more than sixty per cent. But, on the other hand, by the time he has effected this great object his patent has expired. It cannot be renewed. His funds are all expended. The market is taken possession of by those who will impose a base article on the public. They will not purchase his machinery, because they can bring out the counterfeit without it cheaper than the genuine with it. The inventor loses his all, and is left in poverty. Is this right? Is it just?

I have here stated a case very similar to that of Colonel Colt, merely taking the prospective instead of retrospective view. That gentleman commenced on his invention nearly twenty-five years ago. Though fully satisfied of the correctness of the principle, and of final success, his first essay was imperfect, and the arm produced, when compared with present specimens, imperfect, clumsy in appearance, and sometimes dangerous in use. Nineteen years were years of experiment, to bring the arm to a state of comparative perfection; and during that time, he and his friends sunk, in the manufacture, more than $300,000. All this time and money, as any reasonable man will see, should be put down in the list of expenditures of time and money made in bringing out the invention and perfecting it. These, reckoning his time at a reasonable rate, together with the interest on the money actually expended, would now amount to more than $750 000. Suppose, then, his property worth $1,000,000, subtract this outlay from it, and you would leave him only $250,000. And surely it would not be pretended by any liberal-minded man that that sum would be anything like a reward proportionate to the benefits conferred on the public by this great invention. But, sir, there is yet more to be taken into the account.

Up to a late period, but a few years since, Colonel Colt found that his pistols, in their improved form and condition, could not be manufactured at a cost less than forty-five dollars each. This fact gave rise to two very serious evils. In the first place, the high price put them out of the reach of many to whom they were necessary; and, in the second place, it encouraged unscrupulous men to manufacture and palm upon the public a worthless and dangerous arm, composed of cast iron, at less than one fourth the cost of the cast steel arm manufactured by Colonel Colt. By this means he saw both the public and himself must suffer; and relying on the justice of his cause for protection, either from the Patent Office or from Congress, he followed the suggestions of his fertile genius and enterprising spirit to remedy or counteract these evils. The result has been the invention of very ingenious tools and machinery adapted to the manufacture of his arms, and to nothing else, by which the price has already been reduced from forty-five to fifteen dollars, and which, with improvements now in progress, and those which will hereafter be adopted, would, doubtless, under the operation of Colonel Colt's patent for a proper time, bring the cost down quite as low as that of the miserable cast iron imitation. During all this time, the quality of this arm has been in a state of progressive improvement; and, at this moment, it is the most beautiful, and the most perfect and efficient pistol the world has ever known. But, sir, all this has not been done without the expenditure of much time and money. A full remuneration for all the time and money thus expended in bringing out all these important improvements, Colonel Colt should, according to my notions of simple justice, be furnished with the opportunity to realize, under the operation of an extended patent, for which he has applied. And now how stands the case?

Suppose, as Colonel Colt's opponents aver, his property actually amounts to $1,000,000; we have seen that, after having deducted the actual losses and expenditures, there is left but $250,000. Even his opponents reckon the cost of his tools and machinery at no less than some $300,000, or more; and these, as before noticed, have been made with the view to perfect the arm, and to cheapen it to the public. They are, therefore, as much to the public benefit, as the original invention itself; and for them the public should pay in proportion to the benefits received. Deduct from their cost the amount left to Colonel Colt from the imaginary $1,000,000, namely, $250,000, and you leave his invention still indebted to him in the amount of some hundreds of thousands.

But Colonel Colt has no such amount of property as $1,000,000. That amount is utterly fabulous, and the means by which that amount was made out, was one of that *hocus pocus* sort of operations, by which a mole hill is magnified into a mountain. If a matter so serious as a statement made under oath were fit subject for merriment, surely that by which this amount was made out, and the evidence by which the statement was attempted to be sustained, might stand in the front rank of laughable subjects. But as it can hardly be supposed that sensible men could believe such a statement, founded on such evidence, the actors in the affair are rather subjects of pity than of ridicule. And how was the statement made? It was made in its broad and naked form; that Colonel Colt was actually worth more than $1.000,000, the profits of his business, the manufacture of his repeating arm. And how was this statement sustained? Let me explain. Thus the case stands: A cast iron pistol is brought forward, made in imitation of Colt's cast steel revolver, and taken as the standard of cost for each. Then, the number of revolvers manufactured by Colonel Colt is calculated. The excess of the market price of the latter over the cost of the other is determined, and the aggregate of that excess in the number of Colt's revolvers that had been made, was set down as the amount of his profits. Thus, if the cost of the cast iron counterfeit was five dollars, and the price of the genuine article fifteen dollars, then

suppose one hundred thousand of the latter to have been made and sold, the profit on one would be ten dollars, and on the whole, in the aggregate, $1,000,000. And this was the actual process by which the clear profits of the patentee were made to amount to that sum. This was a wonderful piece of *legerdemain*.

To a person at all acquainted with working the two metals it is hardly necessary to say a word to point out the fallacy of such a mode of calculation. In one case, the barrel, cylinder, &c., are wrought out of solid bars of cast steel; in the other case, the parts are of cast iron. Between casting these in moulds, and giving them a polish in a lathe, and boring, planing, turning, and polishing the solid cast steel, it need not be said, there is a very great difference, to say nothing of the immense difference in the cost of materials. But, to come directly to the point, when the cast iron arm was sold at some six or seven dollars each, in 1846, Colt's cast steel revolvers could not be afforded even at twenty-eight dollars, by the aid of all the improvements in the tools and machinery for their manufacture up to that time. To this fact we have the statement of Colonel Colt, under oath, made in May, 1854, to the Senate Committee on Patents and the Patent Office. Colonel Colt, the deponent, says:

"That he entered into a contract with the Government of the United States, in the latter part of the year 1846, for the manufacture and delivery to the Government of one thousand repeating dragoon pistols, for which the Government paid the sum of $28,150, as it appears by the accounts of this deponent; that the contract was closed in the fall of 1847 by the payment of the money and the delivery of the arms; that the arms were constructed with as much economy as this deponent was able to exercise in their manufacture, and that he attended personally to their construction; that he now has the accounts before him of the disbursements made for materials, work, and incidental expenses in their construction, and that this deponent paid $27,063 81, as the accounts show, leaving a balance of $786 19, after these payments were made, with which to pay traveling expenses and the personal expenses of this deponent, and his attention to the manufacture for nine months. And this deponent saith that the whole profit which he received out of the contract was not sufficient to pay his board bills at his boarding-house, and that he was compelled to postpone their payment till he could get the money from another source. And this deponent further saith, that since the year 1847 he has supplied the Government with four thousand pistols, and that the accounts show that the Government was supplied with the three thousand, before the last thousand, at an actual loss of profit to this deponent of more than $2,000; but that he continued to supply the arms under this constant loss for the purpose of submitting them to the test of actual service, and benefiting by the experience which could thus be gained. And this deponent further saith, that the profit on the last thousand arms sold to the Government is not equal to the loss of profit resulting from the contract with the Government to supply the three thousand arms which were sold to the Government next before this last contract was executed, as it appears by a comparison of the cost with the prices at the times of the respective contracts."

How does this statement make the case appear, when compared with that of his opponents who made it out, by their calculations, that Colonel Colt had been reaping large profits when he had actually been losing money? The false statement of his great profits and his vast accumulation of property would never have been suffered to go uncontradicted, or without refutation, on to the records of the Patent Office, had Colonel Colt, or his counsel, been present at the time. They were not there, either of them. His opponents, of course, had it all their own way. The examination was *ex parte*, and they swore to what they pleased; and his application for the renewal of his patent was rejected. There is one point here which, it is believed, has not been generally understood.

The patent I have referred to, an application for the extension of which was under consideration by the Commissioner when the above examination was had, was not the same as that for the extension of which an application is now before the Senate. This is the patent for the pistol itself. The other was for the rammer with the compound lever. Therefore, the assertion sometimes made, that Colonel Colt came to Congress to ask for an extension which had been refused to be granted by the Commissioner of Patents, is not true. I will now show, in brief, and by unimpeachable testimony, that the declaration made before the Commissioner, that Colonel Colt had accumulated $1,000,000 by means of his patent, is equally void of truth.

When we reflect that the statement of Colonel Colt's alleged wealth was *ex parte*, founded on vague, and at best assumed, grounds, without being questioned, and made, too, by interested opponents determined to use all means to divest him of his patent, no doubt can rest in the mind of a candid and intelligent man, that the statement was a sheer fallacy.

To what has already been said permit me to add facts stated by Messrs. Luther P. Sargeant and William Fuller, sworn to before the district court of the United States for the southern district of New York, in January, 1854. Mr. Sargeant has been the managing agent of Colonel Colt since the year 1847, and is intimately acquainted with all the details of his business. With this gentleman there could be scarcely a possibility of mistake, and his character for uprightness and integrity places his testimony beyond the reach of suspicion. He states that the value of Colonel Colt's property, as near as he could estimate it, was $335,000, including that, of every description, connected with his manufacture, besides which he had about $20,000, and that his contracts and engagements, on account of his armory, would require to meet them a much larger sum. Here, sir, is a reliable account made up from books and figures, and not from estimates and vague conjecture. And there is some difference between the two sums—the one an *imaginary* $1,000,000, and the other only a *real* substantial $335,000, a rather heavy discount of about sixty-five per cent. This amount would just about cover the actual loss sustained some fifteen or sixteen years since, minus the interest for that period, and the time and money expended by the patentee on his invention from its incipient state twenty-four years since. The other witness, whose veracity will not be called in question by any one who knows him, has been employed as chief inspector of arms in Colonel Colt's armory since 1847. He testifies that all the outlays of Colonel Colt have been necessary to enable him to perfect his arms and to reduce their cost. "The whole of this work," he says, "has been done by Colonel Colt in pursuance of a plan laid out by him at an early day in the manufacture, which, when carried out, will subdivide the processes of manufacture, and the machinery by which the result is produced, so that no machine will be required to perform more than one operation, and consequently the highest degree of perfection will be reached. To accomplish this result will require many times more machinery than is now employed, and at least three times the capital now invested; but, when it is accomplished, the most perfect arms can be made at so low a price as to compete successfully with spurious imitations made by a cheap process as this deponent believes." He further states that the tools and machinery being of novel character, their cost has been very great, and that they would not be worth more than one fifth of that cost to be applied to any other business.

But we hear it declared and reiterated along the ranks of the opponents of this bill, that Colonel Colt owns a tremendous armory in England, of great value, and by means of which he is literally coining money. In short, sir, there are certain lovers and retailers of the marvelous, who seem to attribute to his patent invention all the wonderful properties of Alladin's lamp. But, sir, what have we to do with that? Suppose he had, by his enterprise, built up in London, under British patronage, a large manufactory of his arms, and by it accumulated a princely fortune—what have we to do with that? What business is that of ours?

Sir, the British Government will regulate its affairs under its own patent laws. That Government does not require of us an account of what a patentee may make out of his patent invention here, in order to determine how much he may be entitled to realize there. For an invention, in this country, the patentee is, under the law, and in justice, entitled to the opportunity to realize from his invention *here* an amount equivalent to full compensation, and a reward in proportion to the benefits that invention may have conferred on the public—on *this* public. Whatever privileges or immunities any other Government may have conferred on the same patentee for the same invention is no question and no concern of ours. But, sir, this statement of Colonel Colt's wealth and his great armory in London is, like the other, the mere baseless fabric of a vision. Sir, he owns no armory there. He has not there the ownership of a solitary square foot of land, nor of a stone, or a brick, or an inch of any other material, in a building on any foreign soil. In London, sir, where this much talked of armory is located, he occupies, on sufferance, an old Government building. In that building he has placed some tools and machinery, with a limited number of workmen, as the commencement of an armory. This stock of tools and machinery—the value of them—go to swell the amount of his whole property to $335,000, already stated. Thus stands the business, as proved beyond dispute.

Mr. President, as fast as profits have accrued, they have been applied to improvements in the patented arm, and in tools and machinery to carry out those improvements and to reduce the cost for the benefit of the public. These are his stock in trade, valuable only in his hands, for the manufacture of the genuine cast steel repeating arms. Independent of these, Colonel Colt has little or nothing in the form of property. Deprive him of his patent and you destroy the value of these in a great measure, and leave him to commence life anew in a state of comparative poverty, after having spent more than twenty of the best years of his existence on improvements highly honorable to himself and his country, and of incalculable benefit to the public. And this, by some people, is miscalled justice. I consider it wrong, arbitrary, and oppressive.

Sir, attempts have been made, in a very strenuous manner, to cast contumely and reproach on the conduct of Colonel Colt, mainly through attacks on his friends. It would not become me in this place to point out the source of these attacks, nor the actors in the drama. The ultimate object, I may be permitted to say, was to wrest from him what I consider to be his natural and legal right. I regret that the attempt has been successful, while I rejoice that the result leaves no stain on the character or conduct of him and his friends; that not a shadow of proof has been elicited to tarnish their fame or their honor.

Mr. President, the declaration may be boldly made here and elsewhere, and that without hazard, and with the strictest regard for truth, that no more honest, honorable, and high-minded man breathes the breath of life than Colonel Samuel Colt. From his youth up, his life has been almost one continued series of vicissitude and change. Sometimes in prosperity, but more frequently in adversity; he has enjoyed the one with the zest of a man who knows how to appreciate the blessings and pleasures of life, and in the other, when the dark clouds of adversity rested on him, and seemed to shut out all hope for the future, he has manfully struggled with apparent destiny, conquered all obstacles, and emerged again triumphantly to the light of day. Sir, had not Colonel Colt been a man of the most fertile genius, of indomitable energy, and perseverance, with a mind well endowed with some of nature's best and noblest gifts, and conscious uprightness and rectitude, he would long since have been borne down by the hostile forces arrayed against him, and crushed into the earth beneath the heels of his mercenary foes. But, sir, he is indomitable—destroy him, and he rises, like the Phenix from his ashes, with renewed life and vigor. Like the geometrical arch—with the increase of the burden you enhance his power of resistance.

Mr. President, it is not my intention to eulogize Colonel Colt. His standing, as a man of honor and a gentleman, is too well known to require it. His reputation, also, as the inventor of the arm which bears his name, is world-wide, and his genius, his talents, and his valuable services to the public are well and truly appreciated, except by the harpies who, to increase their wealth, would prey on his vitals, and by the ignorant and prejudiced, who either know not how to appreciate merit, cast it aside as a thing of naught, or knowing it, sully their own consciences, by regarding it with envy and hatred, and refusing for it its just reward. Through an array of hosts of the latter description of men has he been compelled to make his way. Against them his probity and honor have enabled him to stand firm, and justice for him has usually triumphed, as it will in the future. But, sir, let the final results, as to his pecuniary

interests, be what they may, one thing is certain, he will have the proud consciousness of having made valuable gifts to his country and the world, and with having acquired an enviable fame, which will very long survive when the names of his opponents and persecutors shall have perished. While living, he will be honored by all true-hearted men.

THE TARIFF.

SPEECH OF HON. HENRY WILSON,

OF MASSACHUSETTS,

IN THE SENATE, *March* 1, 1855,

On the motion of Hon. JOHN M. CLAYTON to strike out of the Civil and Diplomatic bill the sections relating to the Tariff.

Mr. WILSON said:

Mr. PRESIDENT: I shall vote against the motion submitted by the honorable Senator from Delaware, [Mr. CLAYTON,] to strike out so much of the bill as relates to the modification of the tariff of 1846, and I shall vote for this portion of the bill as it came from the House of Representatives and from the Committee on Finance. This proposed modification of the tariff comes to us supported by a decisive vote of the Representatives of the people, by men of all parties, and from all sections of the country. It comes to us at a time when political considerations and political combinations can have little influence upon the action of Congress. I know this measure is not a perfect one, but the proposed changes are in the right direction, and I shall support them because, in my judgment, they will be beneficial not only to my own State, but to the whole country.

But, sir, I do not expect, I cannot expect, after the manifestations I have witnessed here to-day that this tariff provision will be retained by the Senate. Honorable Senators, who are hostile to this proposed modification of the act of 1846, seem determined to defeat it or to defeat altogether the civil and diplomatic appropriation bill. I may be mistaken, sir, but I think I see influences at work in this Chamber from the other end of Pennsylvania avenue to defeat this measure, a measure which comes to us sanctioned by the voice of the House of Representatives. Power, sir, does not like to relax its hold upon the hoarded millions now locked up in the national Treasury. Men, who have looked with hungry eye upon a Treasury overflowing with surplus millions, do not wish to see the sources from which those coveted millions are derived dried up. Then, sir, I fear that now, as in times past, political ambition is not unwilling to sacrifice the business interests of the country in the hope to win political power. The measure is doomed—the hopes of the people are destined to be disappointed.

Sir, the honorable Senator from Ohio, [Mr. WADE,] who has just taken his seat, declares that this tariff measure has been sprung upon the country. He is not prepared to vote upon the proposition. Upon this question he assures us he is, indeed, a "Know-Nothing." I am sorry, sir, although I have a great deal of regard for gentlemen who bear that charmed name, that we have so many "Know-Nothings" here upon this question. My friend from Ohio, who has indulged in some fine declamation about protecting the labor of the country, is not ready to vote for this proposition because it has been sprung upon the country. Does not the Senator know that the business interests of the country imperiously demand an essential modification of the act of 1846? Does he not know that the President called the attention of Congress to the subject in his first annual message, in December, 1853, and that the Secretary of the Treasury made a report in favor of a modification of the tariff? Does he not know that the President again called the attention of Congress to the subject at the beginning of the present session, and that the Secretary of the Treasury again made a report in favor of an essential change? Does he not know that the Committee of Ways and Means in the House have had the whole question under consideration for weeks, and that the measure, as it now stands, received the sanction of gentlemen versed in the financial and business interests of the country? Sir, the attention of the country has been called during the last eighteen months to the revision of the tariff, yet the Senator from Ohio, and other honorable Senators, are now taken by surprise at the action of the House of Representatives.

The honorable Senator from New York [Mr. SEWARD] undertakes to read a lecture to the House of Representatives for their action in placing this tariff proposition upon the civil and diplomatic bill. Sir, the Senator should be a little more charitable towards this action of the House of Representatives. It so happens, sir, that the Senator from New York, in 1851, voted to put upon the civil and diplomatic appropriation bill of that year the river and harbor bill. Yes, sir, the Senator from New York, who now rebukes the members of the House of Representatives for putting upon the civil and diplomatic bill the proposed tariff amendments, voted, with two other Senators, in 1851, to incorporate into the civil and diplomatic bill of that year a river and harbor appropriation bill, which was quite as inconsistent with the bill of that year as this action of the House can be this year. The Senator from New York goes quite as far as any other Senator in the extreme latitude with which he construes the rules of the Senate or the powers of the Constitution. I do not, I confess, like this mode of legislation, but it has been so often resorted to for the purpose of carrying measures through Congress that no one should be at all surprised at the action of the House in this case. The people desire an essential modification of the revenue laws, and I think their Representatives have acted in obedience to their will in incorporating into the bill this modification of the act of 1846.

The Senator from Maryland [Mr. PEARCE] and the Senator from Pennsylvania [Mr. BRODHEAD] have made estimates in regard to the operations of this proposed measure upon the revenue of the country. The honorable Senators see in this measure a plan for the depletion of the Treasury. Pass this measure, and the vaults of your Treasury, now running over with gold, will be speedily empty. Well, sir, if these predictions should be verified, I shall not complain, and I am quite sure the business men of the country, who have felt the pressure which has borne so heavily upon them, while your sub-treasury has hoarded up twenty-five millions of gold, will not complain. I wish to see your coffers of hoarded gold emptied—not by squandering the money already there, but by diminishing the sources which supply those surplus millions. I wish to see the revenue reduced to less than $50,000,000 annually from all sources, and the expenditures greatly reduced, and I shall vote for this measure in the hope that the anticipated reduction will be realized. But I would suggest to the honorable Senators from Maryland and Pennsylvania, that they should be a little cautious in regard to these predictions and estimated deficiences. In 1846, when the tariff of 1842 was superseded by the act of that year, the chairman of the Committee on Finance, and other distinguished Senators, predicted, with the utmost confidence, that the Treasury would be beggared by the change proposed. The predictions so confidently made by the Senators of that day have been proved entirely incorrect by subsequent events. If the Senators from Maryland and Pennsylvania will glance over the congressional debates during the past twenty-five or thirty years, they will find that ninety-nine of every one hundred of the predictions which have been made in regard to the operations of the tariff upon the revenues of the country, have been falsified by the facts which time has disclosed. The Senate and the country should receive with caution these estimates which honorable Senators have chosen to indulge in.

But the Senator from Delaware [Mr. CLAYTON] tells us that we should not act upon this tariff at this session—that we should leave the subject to the next Congress. There has been, he tells us, a revolution in the composition of the House of Representatives, greater than has ever been known before in the history of the country. It is true, as the Senator from Delaware suggests, the next House will have a decided majority opposed to the majority here in the Senate. This very difference may make it more difficult to make any changes in the tariff. There may be a contest between the two Houses, into which political considerations may enter, and this question of the tariff, in the right adjustment of which the business of the country is so intimately concerned, may be sacrificed by political interests and combinations connected with the elections of 1856.

I think the time has come, sir, to take this question out of the political contests of party warfare. The business interests of the country have too often been sacrificed to the supposed interests of party. I know that, in 1846, the best interests of the manufacturers of my section of the country were trifled with, sacrificed for political considerations. Men connected with the leading manufacturing interests assembled at the capital to watch over those interests, and the tariff of 1846 would have been so framed as to more effectually protect them had not the politicians, who wished to carry the question into the election of 1848, refused to coöperate with them. And I fear now, sir, that this measure is to be sacrificed, and thrown over to the next Congress, to be involved in the next presidential election.

In Massachusetts, and I think I may say in New England, we desire a change in the tariff laws. We of Massachusetts are in favor of making the raw materials that enter into the manufactures free of duty, or placing upon them a mere nominal duty. We want free wool and free dye-stuffs. We want those articles out of which we make cotton and woolen goods duty free. We want raw silk and hides duty free. Last year we imported into the country more than two million four hundred and twenty-one thousand hides, valued at $11,942,000. Out of these hides are manufactured millions of pairs of shoes and boots in Massachusetts and New England. There is no reason why these foreign hides should not come in free of duty. All restrictions which weigh heavily upon the manufacturing interests should be speedily removed, and all raw materials used for manufacturing purposes should be placed on the free list. Then, sir, we want the duties reduced upon those articles of prime necessity which enter into the general consumption of the masses. Coal should be placed on the free list. The duty on sugar, now thirty per cent., should be reduced. The people of the United States pay annually, it is estimated, not less than $10,000,000 in the enhanced value of sugars alone. This enormous burden is imposed upon the people for the direct benefit of some thirteen hundred sugar growers. By this bill sugar will be taxed twenty-four per cent., yet the Senator from Louisiana, [Mr. BENJAMIN] denounces it as a bill which confers great benefits upon the manufacturers of textile fabrics.

The Senator from Delaware [Mr. CLAYTON] thinks the passage of this measure will put the knife to the throats of millions of sheep. The Senator from New York [Mr. SEWARD] is also very anxious to protect the wool-growing interests of the country. These distinguished Senators seem filled with the most gloomy apprehensions about the fate of the seventy millions of sheep that range over the country. These millions of sheep will not be sent to the shambles, even should this bill become a law. It seems to me very strange that we cannot raise wool just as cheaply upon our cheap lands in America as it can be raised on the costly lands of the Old World. I believe that the interests of the wool-grower would be promoted by the repeal or material reduction of the duty on wool.

At this time the woolen interests of New England are sadly depressed. Of sixteen hundred looms in New England, which manufacture broad cloth, nearly fifteen hundred, I am told, are not now in use for that purpose.

The Senator from Ohio [Mr. WADE] has repeated again the old story of protection to American labor. He thinks American labor will suffer if this measure passes, if the act of 1846 shall be essentially modified. I think American labor will be best protected by taxing all the necessaries of life lightly, placing the raw materials which enter into our manufactures on the free list, raising revenue to support the Government upon articles that come in competition with our manufactures, and upon the luxuries of life which are consumed by the more wealthy classes of society; by improving our harbors and rivers, and extending and completing our lines of internal communication, so that the commercial, manufacturing, and agricultural sections of the country may be brought into close

and cheap connection with each other. By this policy will American labor be protected and American interests permanently promoted.

Mr. BRODHEAD replied.

Mr. WILSON. Mr. President, the Senator from Pennsylvania [Mr. BRODHEAD] misunderstood me altogether, if he understood me to allude to any anticipated conflict between the Senate and the House of Representatives upon any question concerning slavery, whether it be the repeal of the fugitive slave law or the restoration of the Missouri compromise. When those questions come up here, I shall be as ready to meet them as any other Senator. Sir, I made no allusion whatever, direct or indirect, to the subject of slavery. I did not wish to thrust that question into this debate. Whenever it is introduced here I shall meet it, and freely express my opinions, and freely give my votes. Everybody will know just where to find me whenever any question comes up concerning slavery.

The Senator from Pennsylvania congratulates Senators from the South on the union of Massachusetts with the South in support of this measure. Massachusetts will not shrink from the support of wise and patriotic measures through fear of any rebukes the Senator from Pennsylvania may assume to administer. Massachusetts is here to maintain her interests and her rights. She has no favors to ask of the South or of Pennsylvania. She will never, in the persons of those who represent her here this day, follow the example now set her by Pennsylvania, and bow her head low in the dust and beg for a little protection on her interests, pleading her servility to southern demands as a reason why southern Senators should now stand by her.

The Senator from Pennsylvania alluded to a remark made by me concerning the doctrine of protection. Sir, I have no apprehensions whatever that we shall come to a system of direct taxation. Whatever professions men may have made in the past, whatever professions they may make now, either North or South, we shall not come to direct taxation in your day or mine. I take it that we must have from forty to sixty millions of dollars annually, to be raised mostly by duties assessed upon the imports of the country. What I contend for, is, that upon all the articles that enter into the general consumption of the country, there should be a light tax, or that they should come entirely free of duty. What I wish to see is, that the raw material which enters into the manufactures of the country shall come in free of duty. We want free wool and free dye-stuffs. The manufacturing interests of the country demand it. The commercial interests of the country demand it, and, in my humble judgment, the agricultural interests of the country would be promoted by it. Yes, sir, we want all those articles, that enter as raw materials into the manufactures of the country, free of duty; so that the country can stand on an equality in the markets of the world with the other nations of the world. The Senator from Pennsylvania defends, as he should defend, the interests of his State; but Pennsylvania has had more protection than any other section of the country, and she has more to-day. There is a duty of thirty per cent. on iron, and at least fifteen per cent. more protection by the cost of importation. The interests of Pennsylvania will be cared for under this bill. She will have for her iron not less than thirty-five per cent. protection in reality. The Senator desires that the seventeen thousand miles of railway——

Mr. COOPER. Will the Senator allow me to ask him a question?

Mr. WILSON. Certainly.

Mr. COOPER. How does he show that Pennsylvania will receive a protection of thirty-five per cent. on her iron? It is a matter of some interest to me, and I should like to know how it is.

Mr. WILSON. I will answer the Senator. She will receive, under this bill, twenty-four per cent. of protection. The cost of importation is not less than fifteen per cent. That gives a protection to Pennsylvania in the article of iron of nearly forty per cent. Now, sir, we have seventeen thousand miles of railway under process of construction. Those railways are mainly in the new States of the West and Southwest. The interests of the country, the commercial, manufacturing, and agricultural interests of the country, require that these railways should be speedily completed; and the idea that the railroad interest is to be checked, is to be repressed for the purpose of developing the railroad iron resources of Pennsylvania, a State that does not make railroad iron enough to keep in repairs twenty-one thousand miles of the railways now in existence, it seems to me is a singular doctrine to advance here or elsewhere. Depend upon it, sir, the country will not stand still or consent to keep pace with the growth of the Pennsylvania railroad iron establishments.

But the Senator thinks that it is a strange doctrine to come from Massachusetts, that we care little for protection. I do not mean to say, sir, that Massachusetts does not care for protection; I admit that she desires it upon some articles which she manufactures, but your tariff of 1846 is a real discrimination against her on some of those articles, and she wishes that corrected.

But, sir, this talk about protection, the history of the past twenty-five years shows, has been mainly for political effect. Every public man knows that it has been so. I think the interests of the labor of this country will be best promoted by living as near as we can practically to the doctrines of sound political economy.

The Senator from Pennsylvania is in great trouble about an arrangement between Massachusetts and the representatives from the South. Sir, I do not know that any arrangement has been made, but I am free to say that, upon this question of the tariff, I am just as ready to make an arrangement with the South as I should be with the State of Pennsylvania, or any other State. I do not know that any arrangements are made, but I am not to be frightened from voting according to my convictions by any allusions of that kind, by my friend from Pennsylvania, or any other Senator upon this floor.

I support this measure because, in my judgment, any legislation of Congress which tends towards freedom of trade, towards liberalizing the revenue laws of the country, is an advantage to its capital and labor. I believe it sincerely, and the experience of the past proves it to be true. I believe this tariff provision is doomed to defeat. My apprehensions are that it is to be thrown over into the next Congress. There will, unquestionably, be a large majority, an overwhelming majority, of the next House of Representatives opposed to the present Administration.

Mr. SEWARD. Will my honorable friend allow me to ask him a question? Has he less confidence in that House of Representatives than in the present one?

Mr. WILSON. I have as much confidence in the next House of Representatives as I can have in the present one. I certainly have more political sympathy with it. I suppose it will have a decided, an overwhelming, majority against the present Administration; but in the next House of Representatives, and in the Senate, we are to have repeated the lessons of the past. Questions connected with the next presidency will come up, and will have more or less effect upon all subjects which may be brought before the two Houses. I do not want to see this question of the tariff mingled up any longer in political contests. The business interests of the country have been too often sacrificed to advance the political purposes of the public men of the country. I am willing to take the bill as it comes to us from the House of Representatives, and I shall vote for it, although I have apprehensions that the motion made by the honorable Senator from Delaware [Mr. CLAYTON] will succeed.

TEXAS DEBT BILL.

REMARKS OF HON. G. W. JONES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February, 6, 1855,

On the bill to provide for the payment of such Creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850.

Mr. JONES, of Tennessee, said:

Mr. CHAIRMAN: I move to amend the first section by striking out the words "eight millions five hundred," and inserting the words "six millions five hundred and fifty." The amendment which I propose will, if adopted, appropriate the $5,000,000, being the principal of Texan indemnity bonds issued under the boundary act of September, 1850, but retained in the Treasury because the Texan creditors have not complied with the conditions of that act, requiring them to file releases against the United States—$1,250,000 being interest at the rate of *five per cent. per annum*, from the date of the bonds to the 1st of January, 1856, and $300,000, being for premium at the rate of *six per cent.*, that being the rate of premium which is now being paid for the redemption of such portions of Texan *five per cent.* bonds issued and delivered to Texas in 1851 upon presentation at the Treasury of the United States.

The bill provides that $8,500,000 shall be appropriated and distributed among the creditors of Texas, provided that they shall, in consideration of such payment, release the Government of the United States from the entire debt which they now claim the Government is liable for. Now, sir, if I could believe that this Government, by their action with regard to Texas, had assumed these debts, or made themselves liable for the payment, I would vote most cheerfully to pay an amount out of the United States Treasury sufficient to pay the liabilities; for, sir, I wish that the Government shall deal justly, fairly, honorably, and honestly, with all persons, and that they shall discharge, to the last dollar, all the liabilities for which they are legally bound.

The ground upon which this appropriation is based, is the assumption that, by the annexation of Texas, and by her incorporation into the Union, and by the act of 1850, proposing to settle the boundaries between her and the Territories of the United States, by those various acts we have virtually and legally assumed upon ourselves the liabilities of Texas, and particularly, say gentlemen, that portion of it for which the customs revenue of Texas was pledged.

Mr. Chairman, I cannot perceive, I have been unable to see, how the debt of Texas, for which her customs revenue was pledged, is of any higher grade or of any more binding force upon Texas, or upon this Government, than the debt for which she had pledged her faith. When this or any other Government, in my opinion, pledges its faith for the payment of a debt, the amount of money included within that pledge is a lien upon all of its resources, whether derived from customs, direct taxes, or property. Then, sir, if I am right in that, we are no more bound for that portion of the debt for which the custom-house receipts were pledged than for all the balance of it.

But it is argued that Texas, under the annexation resolution, having transferred her custom-houses and custom revenues to this Government, after having previously pledged them to the payment of certain debts and liabilities which she had created, those debts and liabilities follow the transfers into the hands of the Government of the United States. Sir, I understand it to be one of the clearest principles of law, that when an individual being in debt sells his property to a third party, if it is a *bona fide* transaction, in which the purchaser pays a sound price, then there is no liability or responsibility upon the purchaser for the debts of the person from whom he purchased the property, unless—suggests my friend from South Carolina [Mr. BOYCE]—it be mortgaged. Sir, I ask if this Government can mortgage a thing that is not in existence? Could Texas mortgage a thing that was not in existence? Can an individual mortgage a thing which is not in existence? Now, were the custom-house revenues of Texas in existence, could she sell the duties of the next year? Why, sir, she was engaged in a struggle with the country from which she had separated herself for her very existence. Suppose that that Government had made a conquest of Texas, where would have been her sovereignty? Where would have been her faith? Where would have been her custom-houses? Where would have been her power to levy duties? Would not all the resources of that Republic have passed into the hands of Mexico?

Then, sir, again, suppose that Texas had remained independent, and had repealed her custom-house laws, and had resorted to direct taxation, or the disposal and sale of the public lands to support her Government, where would have been

the mortgage? Where would have been the power to have enforced it? But, sir, I hold that this Government, by annexing Texas and incorporating her into this Union, gave to Texas, and gave to the creditors of Texas, a sound and valuable consideration for the transfer of her custom-houses and customs revenue, in the guarantee of her permanent existence and independence. In placing her upon that permanent basis which this Government itself enjoys, we guarantied to her her existence and her independence, and we have maintained it so far. Now, sir, I appeal to you and to this committee, to say whether that was not a fair and *bona fide* equivalent for the custom-house revenues received by this Government? Suppose that, instead of annexation and incorporation into this Government, Texas had transferred to the United States her custom-houses, and her revenues from that source, upon condition that the United States would guaranty her independent and separate existence against Mexico and all the world, would that not have been a fair equivalent for the custom-houses? Would it not have been better for the creditors than to have left them with Texas? Would any person have said that, under such a compact as that, this Government would have been bound for the debt of Texas?

But, Mr. Chairman, admitting, for a moment, that we were bound; and if that be conceded, I think that it must then follow that we took those revenues of Texas derived from her customs, with all the incumbrances and all the liabilities to which they were subject. Now, in the first place, Texas relied mainly upon her customs revenue for means to defray the current expenses of her Government in an independent position. Then, sir, if we took her with these incumbrances on her, by all fair and legitimate rules, we should go into an account and see what it has cost us to defray the expenses incident to Texas since she has been annexed, and then strike the balance. It appears to me, that even upon the assumed ground that these custom-house resources were mortgaged by the State of Texas, that course would be the correct one to pursue. I have not looked into the facts as to the amount received from customs revenue through the custom-houses of Texas since she has been annexed to this Government; but I suppose that it will not be contended that the revenue from that source has been equal to or beyond the proportionate and legitimate expenses which we have incurred in consequence of the annexation of Texas.

Again, sir, by the annexation resolution it was provided that Texas should retain all of her public lands and other property to pay her debts. Now, sir, by the boundary act of 1850 we proposed to Texas that if she would relinquish her claim to certain territory which she claimed, this Government, in consideration of that relinquishment, would pay to her the sum of $10,000,000, in a stock running fourteen years and bearing interest at five per centum per annum. Texas having given her assent, $5,000,000 of these bonds were issued, under the law dated January 1, 1851, and due on 1st January, 1865. This last $5,000,000 is deposited and retained in the Treasury of the United States, because certain stipulations of the act of 1850 have not been complied with by the creditors of Texas.

By the terms of the annexation resolutions of 1845, Texas entered into a solemn compact with this Government, that her invaluable public lands should be retained by her, and appropriated to the payment of her debts. By the boundary act of September, 1850, the United States purchased of Texas her claim—and it was a bare claim, the most worthless of all her public lands—for which the United States agreed to pay Texas $10,000,000. This was for only a part of the pledged public lands of Texas, but for which the United States agreed to pay an amount sufficient to pay the entire debt of Texas, or very nearly so, leaving her all of her most fertile and desirable lands within her present boundaries relieved and unembarrassed. Not only so, but Texas being annexed and made one of the United States, thousands of our people were induced to go there who never would have identified their fortunes with the Republic of Texas. We bought her worthless lands to free her from debt, and furnished her with many of the best of our people as purchasers of her better lands and permanent citizens.

Then, sir, if there were some plausibility in the argument that we incurred these responsibilities, yet, having purchased her property at a price which was, perhaps, beyond its value, in a *bona fide* transaction—at a price which would have liquidated that debt—I think that we are released from all responsibility, and even from all stigma which might attach to their non-payment. And it is upon these grounds, and for these reasons, that I cannot give my support to the bill as it is now before the committee. The amount of $8,500,000 in the bill passed by the Senate, is made up of the $5,000,000 of bonds, and the interest at five per cent. per annum on that $5,000,000 for the fourteen years the bonds have to run, $3,500,000. The amount which I propose to insert in the bill ($6,550,000) is made up of the Texas indemnity bonds issued under the act of September 9, 1850, dated January 1, 1851, and due in fourteen years after date—January 1, 1865—bearing interest at the rate of five per cent. per annum, now deposited in the Treasury of the United States, and worth in the market six per cent. premium. This six per cent. premium on $5,000,000 makes $300,000. The reason why I assume the rate of premium at six per cent. is, because, by an advertisement now in the papers of this city, the Secretary of the Treasury gives notice to all holders of any part of the $5,000,000 of bonds which were delivered to Texas, of the same character and description as these, that he will pay them the face or par value of the bonds which they may present, with all interest accrued at the time of presentation, and six per cent. premium on the face value of these bonds.

This rate of premium on the $5,000,000 is $300,000. This bill proposes that it shall not be executed until Texas, by an act of her Legislature, shall give her assent to its provision; and I assume that it will take the greater part, if not the whole, of the present year before the assent of Texas will be obtained, and that the Treasury will not be able to pay out the money, if appropriated, before the 1st of January next, which will be five years from the date of the bonds. Consequently there will be five years' interest due at that time, at five per cent. per annum, which makes $1,250,000. This, when added to the $5,000,000 of bonds, and the $300,000 of premium, makes the whole amount $6,550,000, which sum I have moved to insert in lieu of the amount now in the bill. This amendment will be, I hope, sustained by the committee and by the House, and will become the law, so as that this Government will have paid over its indebtedness to Texas, and will have got rid of the matter.

I was here, Mr. Chairman, when Texas was annexed. I supported that proposition. I was here when she was admitted into this Confederacy, and voted for that, too. I was here when the war was declared to support her independence, and to give her that protection which we have pledged ourselves she should receive at our hands. I sustained all the propositions which passed the Congress of the United States to prosecute, vigorously and efficiently, that war. I was here, and voted for the boundary bill. And, sir, when I look back I cannot bring my mind to the conclusion that, in any one act I have performed in all these various cases, I assumed the debt of Texas, or pledged these United States to pay that debt. We do, however, owe the $5,000,000, with the accrued interest thereon; and I am willing to pay a fair premium for this stock.

THE COLLINS STEAMERS.

REMARKS OF HON. G. W. JONES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 16, 1855.

The House being in the Committee of the Whole, (under the five-minute rule,) and having under consideration the bill making appropriations for the transportation of the United States mail, by Ocean Steamers and otherwise, during the fiscal year ending June 30, 1856,

Mr. JONES, of Tennessee, said:

Mr. CHAIRMAN: With the cost of the Collins steamers, the expense of running them, with the rates of fare for passengers, and the receipts for freight, we have nothing to do. That, sir, is the private business of E. K. Collins & Co. With them I have no more to do than I have with the amount of goods imported by Stuart, the merchant, of New York, or of any other merchant in that city.

My business upon this subject, as a Representative of a tax-paying constituency, and as a legislator, is to inquire whether the services rendered by E. K. Collins & Co. are worth, in the first place, the money which we pay them; and, in the second place, whether or not we can get clear of any portion of that expense without violating the contract with that company, or giving them cause of complaint. In 1847, Collins & Co. came here and made a proposition, in accordance with which, without altering one word, Congress directed by law that the Secretary of the Navy should close the contract upon their own terms, which were, that they should carry the mails twenty round trips a year, and receive for it $385,000 from the United States—being $19,250 for each round trip. They commenced the services in April, 1850, and in 1852 came back to Congress and represented that they could not carry out the contract and perform the services at the compensation they were receiving. The proposition was successfully advocated in Congress, that if you would increase the number of trips by six, and increase the compensation to $33,000 the round trip, they would carry out the contract and perform the services.

In both cases one of the strongest arguments urged was, that it was the building up of your Navy, and would supersede the necessity of a direct expenditure in increasing the Navy establishment. That argument has now no force, for I believe no one now seriously contends that these vessels will answer for war purposes.

Again, you were told, when this compensation was increased, that the increased mail facilities would so increase the correspondence between the two countries, and, consequently, so increase the amount of postage, as to remunerate the country for the extra expenses paid. Now, sir, after two years' experience under this new arrangement of increased trips and increased compensation, how stands the account? Well, here it is:

Amount paid to E. K. Collins & Co. for mail transportation from New York to Liverpool, for the year ending June 30, 1853	$858,000 00
Amount of postages received from mails carried by Collins line for the same year	192,313 87
Net loss to the United States in 1853	$665,686 13
Amount paid E. K. Collins & Co. for similar service, for the year ending June 30, 1854	$858,000 00
Net receipts of postages from Collins line for the same year	153,377 61
Net loss to the United States for the year 1854,	$704,622 39

And a falling off from the receipts for postages from this ocean mail steam line from the preceding year of the pretty little sum of $38,936 26.

I would thank the advocates of this line to inform me, this House, and the tax-paying people of the country, when the revenues from the line will meet the compensation paid to these especial favorites of Congress.

E. K. Collins & Co. commenced this service on April 27, 1850, and from that date to June 30, 1854, have received from the people's Treasury the sum of	$2,835,406 57
The whole amount of net revenue received for ocean postages on mails carried by Collins line for the same period	734,466 01
Net loss to the United States in four years	$2,100,940 56

Thus we see that, for the first two years under this new arrangement of an increased number of trips and increased compensation, the amount paid out by the Treasury over the amount received from postages on mails carried by this line was only $1,370,308 52; and the total amount paid to E. K. Collins & Co., over and above the amount of postages received by the United States from mails transported across the Atlantic ocean since the commencement of their contract, is only the trifling and insignificant sum, in the estimation of legislators of enlarged and liberal views, but to the honest tax-payers, whose toils and whose labors have to foot all these bills, the enormous sum of $2,100,940 56, more than the Government price

of the public lands sufficient to settle, upon homesteads of their own, of one hundred and sixty acres each, *ten thousand* American citizens with their wives and children, averaging six to the family, making an aggregate of sixty thousand human beings, each one of whom are as much entitled to the favors and bounty of the Government as E. K. Collins and his associates. And estimating the public lands at the actual cost to the Government of fourteen and one half cents an acre would be sufficient to provide homesteads, of one hundred and sixty acres each, to over ninety thousand free American citizens, who pay your taxes and fight your battles, who, with their wives and children, of six members to the family, would constitute a population of about five hundred and forty thousand, sufficient to entitle six of your Territories to admission as sovereign States into the Union. Is this legislating for the rights and benefits of the many, or for the benefit and advantage of a favored few? And yet the same Congress which fails to pass the homestead bill will pass this bill for the benefit of the owners of these mail steamers. Sooner or later the people of the country, of the rural districts, will be aroused against this kind of partial legislation, the tendency of which is to enable the few favored objects to amass princely fortunes and establish castes and classes in this country, against the genius and principles of the Government.

LAWS OF THE UNITED STATES.

PUBLIC ACTS OF THE THIRTY-THIRD CONGRESS

OF THE

UNITED STATES,

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the 4th day of December, 1854, and ended on Sunday, the 4th day of March, 1855.

FRANKLIN PIERCE, President; JESSE D. BRIGHT, President of the Senate *pro tempore*; LINN BOYD, Speaker of the House of Representatives.

PUBLIC, I.—*An Act for the better preservation of Life and Property from Vessels shipwrecked on the coasts of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to establish such additional stations on the coasts of Long Island and New Jersey, for affording aid to shipwrecked vessels thereon, to change the location of the existing stations, and to make such repairs and to furnish such apparatus and supplies as may, in his judgment, be best adapted to give effect to the objects of this act.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to appoint a keeper, at a compensation not exceeding two hundred dollars, at each of the stations to be established under the provisions of the first section of this act, and a superintendent, who shall also have the powers and perform the duty of an inspector of the customs for each of the coasts therein mentioned, and to give said keepers and superintendents proper instructions relative to the duties to be required of them.

SEC. 3. *And be it further enacted*, That no boat shall be purchased and located at any point other than on the coasts of Long Island and New Jersey, unless the same be placed in the immediate care of an officer of the Government, or unless bond shall be given by proper individuals, living in the neighborhood, conditioned for the care and preservation of the same and its application to the uses intended.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to establish stations at such light-houses as, in his judgment, he shall deem best, and the keepers of such lights shall take charge of such boats and apparatus as may be put in their charge respectively as a part of their official duties.

APPROVED, December 14, 1854.

PUBLIC, II.—*An Act to relinquish to the State of Wisconsin the Lands reserved for Salt Springs therein.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the "twelve salt springs with six sections of land adjoining to each," heretofore granted to the State of Wisconsin for its use by the fourth clause of the seventh section of the act entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union," approved the sixth day of August, in the year eighteen hundred and forty-six, there be, and hereby is, granted to the said State of Wisconsin, to be selected by the Legislature of said State out of any public land subject to private entry, and to be sold in such manner as the Legislature may direct for the benefit and in aid of the university of said State, and for no other purpose whatever, seventy-two sections of land: *Provided*, That any selections of land heretofore made under the act entitled "An act to extend the time for selecting land granted to the State of Wisconsin for saline purposes," approved the fourth day of May, eighteen hundred and fifty-two, and which shall not have been sold by the United States, and is not legally claimed by preëmption or otherwise, shall be, and hereby are, granted and confirmed to said State for the use of the university of said State as a part of the seventy-two sections hereby granted.

APPROVED, December 15, 1854.

PUBLIC, III.—*An Act allowing the further Time of two years to those holding Lands by entries in the Virginia Military District in Ohio, which were made prior to the first of January, eighteen hundred and fifty-two, to have the same surveyed and patented.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers and soldiers of the Virginia line or Continental establishment, their heirs or assigns, entitled to bounty lands, which have, prior to the first day of January, anno Domini eighteen hundred and fifty-two, been entered within the tract reserved by Virginia between the Little Miami and Sciota rivers, for satisfying the legal bounties to her officers and soldiers upon Continental establishment, shall be allowed the time of two years from and after the passage of this act, to make and return their surveys and warrants or certified copies of warrants, to the General Land Office.

APPROVED, December 19, 1854.

PUBLIC, IV.—*An Act to provide for the Extinguishment of the Title of the Chippewa Indians to the Lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, and for their domestication and civilization.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to cause negotiations to be entered into with the Chippewa Indians for the extinguishment of their title to all the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, which treaties shall contain the following provisions, and such others as may be requisite and proper to carry the same into effect:

First. Granting to each head of a family, in fee-simple, a reservation of eighty acres of land, to be selected in the territory ceded, so soon as surveys shall be completed, by those entitled; which said reservation shall be patented by the President of the United States, and the patent therefor shall expressly declare that the said lands shall not be alienated or leased by the reservees, or their heirs and legal representatives, until otherwise ordered by Congress, and no change of location shall be made without the assent of the President of the United States.

Second. The annuities to which said Indians are entitled under existing treaties with the consent of said Indians, together with such as may be allowed them for the cession or cessions under the provisions of this act, shall be equally distributed and paid them at their villages, or settlements, within the limits of the ceded territory, but the President shall be invested with power to cause said annuities to be commuted from time to time for such articles of goods, provisions, stock, cattle, implements of agriculture, the clearing and fencing of land, and the erection of buildings and other improvements, as, in his discretion, will conduce most to promote their comfort, civilization, and permanent welfare.

Third. All the benefits and privileges granted to said Indians shall be extended to and enjoyed by the mixed bloods belonging to or connected with the tribe, and who shall permanently reside on the ceded lands.

Fourth. The laws of the United States and the Territory of Minnesota shall be extended over the Chippewa territory in Minnesota whenever the same may be ceded, and the same shall cease to be "Indian country," except that the lands reserved to said Indians, or other property owned by them, shall be exempt from taxation and execution, and that the act passed thirthieth June, eighteen hundred and thirty-four, "to regulate trade and intercourse with the Indian tribes," &c., be inoperative over the said ceded territory, except the twentieth

section, which prohibits the introduction and sale of spirituous liquors to Indians.

Fifth. The President shall have power to prescribe and enforce such rules and regulations, not inconsistent with the foregoing provisions, as he may deem necessary for the effectual execution of the purposes of this act, which said rules and regulations shall be annually reported to Congress.

SEC. 2. *And be it further enacted*, That, for the purpose of defraying the expenses of said negotiations, the sum of $10,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

APPROVED, December 19, 1854.

PUBLIC, V.—*An Act to authorize the issue of Patents to Lands in any State or Territory in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of any claim to land in any State or Territory which has heretofore been confirmed by law, and in which no provision is made by the confirmatory statute for the issue of patents, it shall and may be lawful when surveys for the land have been or may hereafter be made, to issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land Office of plats of survey thereof duly approved by the surveyor general of any State or Territory, if the same be found correct by the said Commissioner: *Provided*, That such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right, if such exist, to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land.

APPROVED, December 22, 1854.

PUBLIC, VI.—*An Act to suppress the Circulation of Small Notes, as a Currency, in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons, body-politic or corporate, within the District of Columbia, shall make, emit, issue, utter, sign, draw, or indorse, any bank note, promissory note, or any instrument of writing, for the payment or delivery of money, or other valuable thing, or of anything purporting to be a valuable thing, of a less amount than five dollars, to be used as a paper currency, or as a circulating medium, either as money, or in lieu of money or of any other currency, every such person, and every member, officer, or agent of such body-politic or corporate, concerned in, or assenting to such making, emitting, issuing, uttering, signing, drawing, or indorsing as aforesaid, for any of the purposes aforesaid, shall forfeit and pay the sum of ten dollars for each and every such bank note, promissory note, or instrument of writing so made, issued, emitted, uttered, signed, drawn, or indorsed, one half to the use of any person who shall sue therefor, and the other half to the county of Washington, District of Columbia. And, on the trial of any such cause, if the promissory note, bank note, or other instrument in question, be in part or in the whole printed or engraven, it shall be deemed sufficient evidence of an intention to put the same in circulation in violation of this act, unless the contrary be shown.

SEC. 2. *And be it further enacted*, That it shall be unlawful for any person or persons, body-politic or corporate, to pass, or offer to pass, within the District of Columbia, any bank note, promissory note, or any instrument in writing of a less denomination or amount than five dollars, either as money, or in lieu of money or of any other currency, and any other person or persons, and every member, officer, or agent of such body-politic or corporate, violating the provisions of this section, shall forfeit and pay a sum of not less than five nor more than ten dollars for every such offense, one half to the use of the person who shall sue therefor, and the other half to the use of the county of Washington, District of Columbia.

SEC. 3. *And be it further enacted*, That any person or persons, body-politic, or corporate, holding any such bank note, promissory note, or instrument in writing, may present the same for payment to the person or persons, body-politic or corporate, that made, emitted, issued, uttered, signed, drew, or indorsed the same, and if, upon such presentment, the person or persons, body-politic or corporate, that made, emitted, issued, uttered, signed, drew, or indorsed the same, neglect or refuse to redeem the same in gold or silver, such party so neglecting or refusing shall forfeit and pay the sum of twenty dollars for each and every such bank note, promissory note, or instrument in writing so presented, and payment thereof neglected or refused as aforesaid to the use of the person or persons, body-politic or corporate holding and presenting the same as aforesaid.

SEC. 4. *And be it further enacted*, That each and every forfeiture under the foregoing provisions of this act shall be recovered in an action of debt before any justice of the peace in the District of Columbia, in the name of any person who shall sue therefor; and jurisdiction is hereby expressly given to each and every justice of the peace in the District of Columbia to try and adjudicate each and every such case.

SEC. 5. *And be it further enacted*, That all contracts, whether written or verbal, hereafter made, to pay or deliver money or any valuable thing, or thing purporting to be a valuable thing, the consideration whereof may be, either wholly or in part, any paper currency or circulating medium under five dollars, or other paper or currency prohibited by this act, shall be deemed and held to be illegal and void; and the person or persons suing on such contract, shall have no remedy in any court of law or equity; and, in any suit brought on such contract, it shall be competent for the defendant, under the general issue, or any appropriate special plea, to offer evidence of the nature or of the consideration of the contract so sued on; and on the defendant's making oath that he or she has not evidence sufficient to prove the nature or consideration of such contract, it shall be the duty of the court before which such suit may be brought to require the plaintiff or plaintiffs, or either or any of them, to be sworn to testify the truth in regard to the transaction; and if the plaintiff or plaintiffs shall not be present at the trial, to compel the attendance of such plaintiff or plaintiffs as a witness or witnesses, and to postpone or continue the cause until such attendance can be procured; and if, after the whole evidence shall have been heard, it shall appear that the consideration, either wholly or in part, of the contract, was such paper currency or circulating medium prohibited by this act, judgment shall be rendered for the defendant or defendants, and for costs against the plaintiff or plaintiffs.

SEC. 6. *And be it further enacted*, That if any merchant, hotel-keeper, shop-keeper, grocer, commission merchant, or insurance agent, any owner or driver of a hackney carriage, omnibus, cart, wagon, or dray, any huckster, butcher, auctioneer, livery-stable keeper, any owner or keeper of a billiard-table or ten-pin alley, any pawnbroker, any manager or agent of theatrical or other amusements, any hawker or pedlar, transacting business under a license granted by the corporation of the city of Washington or of Georgetown, in the District of Columbia, or any other person or persons transacting business under such license, shall either receive or pay out any paper under the denomination of five dollars, or any other paper not payable in specie on demand, so prohibited as aforesaid, it shall be the duty of the attorney of the United States for the District of Columbia to sue out process in the nature of a *scire facias*, or to institute other suitable proceedings, in the circuit court of the District of Columbia, against such offender or offenders, returnable to the said court immediately, if said court be then sitting, or to the next term of said court, if there be then a vacation of the terms of said court, requiring such offenders to show cause why his, her, or their license aforesaid, shall not be forfeited; and on proof exhibited to said court of such receiving or paying out of such prohibited paper as aforesaid, said court shall forfeit, annul, and vacate such license, and no other license for any purpose shall be granted to such offender or offenders until one year thereafter shall have passed and expired.

SEC. 7. *And be it further enacted*, That it shall be the duty of the marshal of the District of Columbia, and of every constable of said District, to give information to some justice of the peace in said District of every violation of this law which may come to his knowledge.

SEC. 8. *And be it further enacted*, That on the trial of any cause other than a criminal prosecution, under the provisions of this act, it shall be lawful for the court before whom such cause is pending to cause to be brought before said court, and examined as a witness, any defendant to any such suit, his agent, or employer, touching the matters and things in controversy, and to employ such process to effect the object aforesaid as is usual in other cases.

SEC. 9. *And be it further enacted*, That this act shall be in force from and after the first day of November next; and that so much and such parts of all former acts as may be repugnant to this act be, and the same are hereby, repealed.

APPROVED, December 27, 1854.

PUBLIC, VII.—*An Act vesting the Title of the United States to certain Land in the city of Cincinnati.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title and interest of the United States to the unsold land (if any there be) in fractional section number eleven, in fractional township number four, in fractional range number one, of John Cleves Symmes's purchase of lands, within the now State of Ohio, be, and the same hereby is, vested in the corporate authorities of the city of Cincinnati, and their successors in office, and in any other occupants of the same, in severalty, upon payment to the Commissioner of the General Land Office of the minimum price of land subject to entry: *Provided*, That nothing in this act shall be so construed as to impair the legal or equitable rights of any other person or persons to the said land, or to any part thereof.

APPROVED, December 29, 1854.

PUBLIC, VIII.—*An Act to provide for the Contingent Expenses of the Territory of Nebraska.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one thousand dollars be appropriated to defray the contingent expenses for the government of the Territory of Nebraska for the remainder of the present fiscal year, the former appropriation of fifteen hundred dollars having been drawn from the Treasury by the late Governor Burt, and by reason of his death unavailable for the present, it being the true intent and meaning of this act that not more than fifteen hundred dollars shall be expended for said contingencies within this fiscal year.

APPROVED, December 30, 1854.

PUBLIC, IX.—*An Act giving the consent of Congress to the cession, by the State of Massachusetts to the State of New York, of the District of Boston Corner.*

Whereas, the Commonwealth of Massachusetts, by an act of its Legislature, approved May fourteenth, A. D. eighteen hundred and fifty-three, ceded the sovereignty and jurisdiction over that portion of its Territory known as the district of Boston Corner, situated in the southwesterly corner of said Commonwealth, and westerly of the southwest line of the town of Mount Washington, in the county of Berkshire and Commonwealth aforesaid, to the State of New York; said act not to take effect, however, until the Congress of the United States shall consent to such cession and annexation.

And whereas, the State of New York, by an act of its Legislature, passed July twenty-first, A. D. eighteen hundred and fifty-three, accepted the sovereignty and jurisdiction over that portion of the Territory of Massachusetts above described, and known as the district of Boston Corner, upon the terms and subject to the provisions expressed in said act of cession, as appears by certified copies of said acts filed in the office of the Clark of the House of Representatives.

And whereas, for the better defining the limits and extent of the Territory above mentioned, commissioners on behalf of said States of Massachusetts and New York, duly authorized for that purpose, have caused an accurate survey and map to be made of said Territory, and sufficient monuments to be erected in and along its eastern bound-

ary line, as required by said acts—a copy of said survey and map, duly authenticated, having also been filed in the office of said Clerk: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States be, and the same is hereby, given to the said cession and annexation.

APPROVED, January 3, 1855.

PUBLIC, X.—*An Act for the Liquidation of the Penitentiary indebtedness.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of seven thousand one hundred and eighty-six dollars and ninety-two cents is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to liquidate the present indebtedness of the penitentiary in the District of Columbia.

APPROVED, January 3, 1855.

PUBLIC, XI.—*An Act authorizing the Washington Gas-Light Company to increase the Capital Stock of said Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington Gas-Light Company be, and the same hereby is, authorized to increase the capital stock thereof one hundred and fifty thousand dollars.

SEC. 2. *And be it further enacted*, That the said stock shall be subscribed on the books of said company, in shares of twenty dollars, and the holders of the said increased certificates of stock shall be held subject to the same liability as is provided in the eleventh section of the original act of incorporation, approved July eight, eighteen hundred and forty-eight.

APPROVED, January 3, 1855.

PUBLIC, XII.—*An Act to amend an act entitled "An act to establish an Auxiliary Watch for the protection of Public and Private Property in the city of Washington," approved August twenty-three, eighteen hundred and forty-two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the said auxiliary watch shall receive an annual compensation of six hundred dollars, commencing with the present fiscal year, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That so much of the above recited act, and of the act approved March three, eighteen hundred and fifty-three, fixing the compensation of the said Auxiliary Watch, be, and the same is hereby, repealed.

APPROVED, January 3, 1855.

PUBLIC, XIII.—*An Act to continue in force for a limited time the provisions of the act of Congress of third March, eighteen hundred and fifty one, and the second section of its supplement of eighteenth January, eighteen hundred and fifty-four, so as to enable the Board of Land Commissioners in California to close their adjudications of Private Land Titles in that State, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of Congress approved third March, eighteen hundred and fifty-one, "to ascertain and settle the private land claims in the State of California," and of the second section of the act of eighteenth January, eighteen hundred and fifty-four, continuing the same in force, be further continued in force for the term of one year, and no longer, from the third of March, eighteen hundred and fifty-five.

SEC. 2. *And be it further enacted*, That the United States district attorney for the northern district of California be, and he is hereby, authorized to employ assistant counsel to aid him in defending the interests of the United States in the land suits for the adjudication of such claims before the district court, at a salary not exceeding three thousand six hundred dollars per annum, and also to employ such clerical force not exceeding two persons, at a compensation of one hundred and fifty dollars per month each, the services of said assistant counsel, and the clerical force aforesaid, not to continue beyond the exigencies of the service, nor longer than the term of one year from the period of their several appointments.

SEC. 3. *And be it further enacted*, That the said commissioners, or either of them, may issue the writ of subpena, requiring the attendance of witnesses before the said board, and that for any contempt in refusing obedience to such writ, the said board shall have the same power to inflict punishment now possessed by the district court of the United States.

APPROVED, January 10, 1855.

PUBLIC, XIV.—*An Act to incorporate the Mutual Fire Insurance Company of the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ulysses Ward, Thomas Blagden, F. Howard, J. C. McKelden, John Van Reswick, P. W. Browning, and Matthew G. Emery, and their present and future associates, are hereby declared to be a body-politic and corporate under the name and style of the Mutual Fire Insurance Company of the District of Columbia; and by the same name shall have perpetual succession; and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity in the District of Columbia and elsewhere; and to make and to have a common seal, and the same to break, alter, and renew at pleasure; to ordain and establish such by-laws, ordinances, and regulations, and generally to do such acts and things as are or may be necessary to carry into effect this act and promote the objects and designs of this corporation.

SEC. 2. *And be it further enacted*, That the purposes and designs of this corporation shall be to insure the respective dwelling houses and other buildings, furniture, and every description of property of the members thereof, against loss or damage by fire.

SEC. 3. *And be it further enacted*, That the capital stock of this company shall consist of the premium notes given by the insured and of the cash paid in as interest on said premium notes, which cash shall never exceed twenty thousand dollars. Said notes shall be payable on demand, and shall constitute and be a lien to the amount thereof, respectively, upon all buildings insured by said company, and the land upon which they stand, and the appurtenances to such land, and upon the estate and interest, legal or equitable, of the assured in such buildings, lands, and appurtenances, and upon the other property insured by said company in consideration thereof: *Provided*, That said company shall file in the office of the clerk of the circuit court of the District of Columbia a memorandum of the name of the individual insured, a description of the property, and the amount of the premium note unpaid; and the said note, upon the filing of said memorandum, shall be deemed and taken to be in all respects as a judgment entered upon confession by virtue of a warrant of attorney, and execution may at any time be had thereon for so much as by virtue of the provisions of this act may be due and demeanable; but the lien thereof shall commence with the filing of the memorandum in the said office: *Provided*, That such lien shall not be construed to take from such person insured as aforesaid the privilege of a freeholder: *Provided further*, That the privileges, immunities, and franchises granted by this act shall be confined to the District of Columbia.

SEC. 4. *And be it further enacted*, That all persons who shall hereafter insure with said corporation, and also their heirs, executors, administrators, and assigns, continuing to be insured by said corporation, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

SEC. 5. *And be it further enacted*, That any member of the said corporation shall have full power to withdraw therefrom at any time by applying to the proper officer thereof, and paying any arrearages of assessments that he may then owe the company, when the said officer shall cancel such insurance or insurances as may be in the name of the person or persons so withdrawing; and also cancel such premium note or notes for which said person is responsible, and return any amount of money which may be due said person on the books of the company; and such person shall be debarred from all claims on this company for any loss or damage by fire subsequent to the time of such withdrawal and the canceling such insurance: *Provided*, That such premium note or notes shall not be canceled, or in any manner discharged or given up, until all such arrearages are paid, and also all assessments thereupon to be thereafter made on account of liabilities of the company incurred before or at the time of such withdrawal.

SEC. 6. *And be it further enacted*, That the affairs of said corporation shall be conducted by a board consisting of seven managers, to be elected at the annual meetings of the members, and to continue in office until successors are chosen; not less than a majority of whom shall be a quorum to do business, but a less number may adjourn from time to time. Vacancies happening in said board may be filled by the remaining managers for the remainder of the year for which they were elected. The board shall choose one of their number as president, and appoint a secretary and treasurer and such other officers as may be necessary for conducting the affairs of said corporation.

SEC. 7. *And be it further enacted*, That the persons named in this act be, and they are hereby, appointed a board of managers of the said Mutual Insurance Company until the first annual meeting, and until their successors are chosen, as herein provided; and such of them as shall be present at their first meeting may proceed to organize, by electing a president and secretary thereof, and as soon thereafter as practicable, adopt by-laws, provide the necessary books, and otherwise prepare the company for the transaction of business, and, when so prepared, to exercise a general superintendence of the affairs of the company: *Provided*, That the said by-laws shall only be made by the concurrent vote of at least two thirds of the whole board of managers, exclusive of the president; and any alteration or amendment shall only be made by a general meeting of the members of the company at any annual meeting, and two thirds of the votes shall decide; and any alteration thus made shall be binding on all the members of the company.

SEC. 8. *And be it further enacted*, That the managers may determine the rates of insurance, the sum to be insured, and the rate of interest to be paid upon the deposit notes, provided it shall not exceed six per centum per annum; but no more than five thousand dollars shall be insured on any one risk, unless the premium notes shall amount to over one hundred thousand dollars, and in that case no risk to exceed five per centum on the whole amount of premium notes.

SEC. 9. *And be it further enacted*, That every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives a policy, deposit his promissory note for such sum and upon such interest, not exceeding six per centum per annum, as may be determined by the managers; and said note, and all interest paid thereon, shall be liable, in part or the whole, at any time, when the managers shall deem the same requisite for the payment of losses and such incidental expenses as may be necessary for transacting the business of said company, in proportion to the amount of said notes.

SEC. 10. *And be it further enacted*, That suits may be commenced by any member against this corporation for damages sustained by fire, if payment is withheld for more than sixty days after the company are duly notified of the same; and no member of this corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in such suit on account of his being a member of said company.

SEC. 11. *And be it further enacted*, That whenever the managers shall deem it necessary, for the purpose of paying losses, or the current expenses of said company, or both, to call for the payment of any portion of the principal of the deposit notes, they shall settle and determine the sum to be paid by the several members of said company, which shall always be in proportion to the original amount of the respective deposit notes, and shall give each of said members notice thereof, in such manner as the by-laws shall have prescribed; and

if any member shall, for the space of thirty days after receiving such notice, refuse or neglect to pay the sum assessed upon him, in such case the managers may proceed to collect the whole amount of such deposit note, with all costs accruing thereon; and the amount thus collected shall remain in the treasury of the company, subject to the same liabilities as said note or notes would have been liable to.

Sec. 12. *And be it further enacted*, That the general meetings of this company shall be held annually, the time and place to be determined by the managers; also, it shall be the duty of the president to call a meeting of the company whenever requested to do so by twenty of its members. The election of managers shall be held at the annual meetings, and be by ballot, each member having one vote for each risk held by him. It shall also be the duty of the managers of said corporation to cause to be published annually, in a newspaper published in the city of Washington, the amount of the premium notes and cash on hand, and securities held by them, and the amount of losses, if any, during the previous year, and such other matters relating to the business of said company, as they may think proper; said publication to be at least two weeks previous to the annual meeting of the members of the company; and of said meetings notice shall be given in two newspapers published in the city of Washington, at least two weeks previous thereto.

Sec. 13. *And be it further enacted*, That nothing in this act shall be construed to grant banking privileges, or the right to issue any note in the nature of a bank note, or to circulate as money or currency. It shall, however, be lawful for said company to employ and improve all moneys received by them, and the profits thereof, in such manner as the managers deem best for the interest of the company, except as above prohibited, and except in the purchase of real estate. And all real estate purchased by said company for the purposes of collecting or securing debts, shall escheat to the Government of the United States, unless the same shall have been sold and disposed of, and passed *bona fide* from the possession and ownership of said corporation, within three years next succeeding such purchase: *Provided*, Said company may hold property that may be absolutely necessary for the transaction of their corporate business.

Sec. 14. *And be it further enacted*, That this act shall be in full force and effect from its passage.

Sec. 15. *And be it further enacted*, That Congress reserves to itself the right to change, alter, repeal, or annul this act, or any part thereof, at their pleasure.

Sec. 16. *And be it further enacted*, That the members of said corporation shall each be liable in his or her individual capacity for all debts created by said corporation in favor of persons not members thereof.

Approved, January 10, 1855.

Public, XV.—*An Act to authorize the Secretary of the Treasury to issue a Register to the Bark Martha.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be issued, under the direction of the Secretary of the Treasury, a register for the bark Martha, of Charleston, in the State of South Carolina, formerly a British vessel, called the Aquatic, but now owned by John W. Caldwell, a citizen of the State of South Carolina, the said vessel having been brought into the port of Charleston in a disabled condition, and condemned as unseaworthy and sold, and which he caused to be repaired and refitted for sea: *Provided*, It shall be proved to the satisfaction of the Secretary of the Treasury that the cost of the repairs made in the United States, after the purchase of the said vessel by the present owner exceeds three fourths of the original cost of building a vessel of the same tonnage in the United States.

Approved, January 25, 1855.

Public, XVI.—*An Act to authorize the issue of a Register to the Bark Foundling, of Boston.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit to register the bark Foundling, of Boston, she having been picked up at sea with no one on board, and brought into the port of Boston, libeled and sold at auction by the United States marshal, and purchased by William C. Fay, of Boston, her present owner, and put in perfect repair by him.

Approved, January 25, 1855.

Public, XVII.—*An Act to authorize the issue of a Register to the Bark Colonist, by the name of The Lilly.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be issued, under the direction of the Secretary of the Treasury, a register to the British brig Colonist, by the name of The Lilly, now owned by Christian F. Funch, of the city of New York, in the State of New York: *Provided*, It shall be proved to the satisfaction of said Secretary that the cost of the repairs made in the United States after the purchase of the said vessel by the present owner is equal to three fourths of the value of said vessel at the time of said repairs.

Approved, January 31, 1855.

Public, XVIII.—*An Act making Appropriations for the construction of certain Military Roads in the Territories of Nebraska and Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby, appropriated for the construction of military roads in the Territories of Nebraska and Washington, to wit: For the construction of a military road from the Great Falls of the Missouri river, in the Territory of Nebraska, to intersect the military road now established leading from Walla-Walla to Puget's Sound, thirty thousand dollars; for the construction of a military road from the Dalles of the Columbia to Columbia City barracks, twenty-five thousand dollars; for the construction of a military road from Columbia City barracks to Fort Steilacoom or Puget's Sound, thirty thousand dollars. The said military roads shall be constructed under the direction of the Secretary of War.

Approved, February 6, 1855.

Public, XIX.—*An Act to change the Names of the American-built vessels J. H. Holmes and Franklin Pierce.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to grant a register to the schooner J. H. Holmes, an American-built vessel, now owned by Henry Gerdts and Carston Nohrden, citizens of Charleston, in the State of South Carolina, and that the name of the said schooner be changed to that of Effort.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to grant a register to the steamer Franklin Pierce, an American-built vessel, now owned by L. T. Murdock, and W. W. Witherbury, citizens of the city of Cincinnati, in the State of Ohio; that the name of the said boat be changed to that of Texana.

Approved, February 6, 1855.

Public, XX.—*An Act to Incorporate St. Joseph's Male Orphan Asylum, in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas Carbery, James S. Harvey, Thomas Feran, Gregory Ennis, Nicholas Callan, Hugh B. Sweeny, John Carroll Brent, Richard H. Clark, and William H. Ward, and their successors, be, and they are hereby, made a body-politic and corporate forever, by the name of the Trustees of St. Joseph's Male Orphan Asylum, for purposes of charity and education, and by that name may sue and be sued, prosecute and defend, and may have and use a common seal, and the same alter and renew at pleasure; may adopt and establish rules, regulations, and by-laws, not repugnant to the Constitution and laws of the United States, for properly conducting the affairs of said corporation; may take, receive, purchase, and hold estate, real, personal, and mixed, not exceeding in value one hundred thousand dollars at any one time, and may manage and dispose of the same at pleasure, and apply the same, or the proceeds of the sales thereof, to the uses and purposes of the said corporation, according to the rules and regulations which now are, or may hereafter be, established.

Sec. 2. *And be it further enacted*, That Congress may at any time hereafter alter, amend, or repeal the foregoing act.

Sec. 3. *And be it further enacted*, That nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, device, scrip, or other evidence of debt, to be used as a currency.

Sec. 4. *And be it further enacted*, That each of the trustees in the said corporation shall be held liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before any court of competent jurisdiction.

Approved, February 6, 1855.

Public, XXI.—*An Act changing the Appropriation for the erection of a Building in the City of Milwaukie for a Custom-House, Post Office, and the United States Courts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu and place of the appropriation and provision in section two of chapter two hundred and forty-two, approved August fourth, eighteen hundred and fifty-four, for the erection of a building therein described, in the city of Milwaukie, the Secretary of the Treasury is hereby authorized and directed to cause to be constructed, at the said city of Milwaukie, for the accommodation of the custom-house, post office, and United States courts, a building of stone or brick, with fire-proof floors constructed of iron beams and brick work, iron roof, shutters, and sills; eighty-five feet by sixty feet, sixty feet in height from the foundation; to cost not more than eighty-eight thousand dollars, which said sum of eighty-eight thousand dollars, with ten per cent. on the said sum for cost of superintendence of erection, and other contingent expenses, is hereby appropriated for this object, out of any moneys in the Treasury not otherwise appropriated.

Approved, February 10, 1855.

Public, XXII.—*An Act to secure the right of Citizenship to Children of Citizens of the United States, born out of the limits thereof.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons heretofore born, or hereafter to be born, out of the limits and jurisdiction of the United States, whose fathers were, or shall be at the time of their birth, citizens of the United States, shall be deemed and considered, and are hereby declared, to be citizens of the United States: *Provided, however*, That the rights of citizenship shall not descend to persons whose fathers never resided in the United States.

Sec. 2. *And be it further enacted*, That any woman who might lawfully be naturalized under the existing laws, married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen.

Approved, February 10, 1855.

Public, XXIII.—*An Act for the relief of the West Feliciana Railroad and the Georgia Railroad and Banking Companies.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to refund to the West Feliciana Railroad Company the amount paid by them in judgments obtained against said company by suits instituted on duty bonds given by said company for the importation of certain bars of railroad iron imported at New Orleans in the month of July, eighteen hundred and thirty-six, and at New York in the same month of the same year: *Provided*, That it shall appear to the satisfaction of the Secretary of the Treasury that the said railroad bars have been and are now permanently laid down upon the railroad of the aforesaid company, except such part thereof as may be proved

to the satisfaction of said Secretary to have been lost by the sinking of the steamboat Choctaw in an attempt to transport the same from New Orleans to Bayou Sara.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to refund to the Georgia Railroad and Banking Company the duties collected on certain railroad iron imported by said company: *Provided*, That the said company shall prove to the satisfaction of the Secretary of the Treasury that the rails so imported were actually laid down at or about the time when the rails of the Red River Company, the Central Railroad and Banking Company of Georgia, and the Monroe Railroad Company were laid down—on the rails of which companies Congress has already remitted the duties.

APPROVED, February 10, 1855.

PUBLIC, XXIV.—*An Act to divide the State of Illinois into two Judicial Districts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Illinois be, and the same is hereby, divided into two judicial districts, in the manner following, to wit: The counties of Hancock, McDonough, Peoria, Woodford, Livingston, and Iriquois, and all the counties in the said State north of them, shall compose one district, to be called the northern district of Illinois, and courts shall be held for the said district at the city of Chicago; and the residue of the counties of the said State shall compose another district, to be called the southern district of Illinois, and courts shall be held for the same at the city of Springfield.

SEC. 2. *And be it further enacted*, That there shall be two terms of the circuit and district courts begun and held in each of said districts, to wit: At the city of Chicago, for the northern district, on the first Monday in July and third Monday in December; and at the city of Springfield, for the southern district, on the first Monday in March and the first Monday in October, in each year; and the said courts are hereby authorized to hold adjourned terms when the business shall, in the opinion of the courts, require it.

SEC. 3. *And be it further enacted*, That all suits, and other proceedings, of whatever name or nature, now pending in the circuit or district courts of the United States for the district of Illinois, shall be tried and disposed of in the circuit and district courts, respectively, for the northern district of Illinois, in the same manner as the same would have been in case said State had not been divided into two districts, and for that purpose the jurisdiction is reserved to the said courts in the northern district; and the clerk of the circuit and district courts for the present district of Illinois shall remove the records and files of the said circuit and district courts to the city of Chicago, and do and perform all duties appertaining to his office within the northern district. And all process or other proceedings, taken or issued, or made returnable to the circuit or district courts of the present district of Illinois, shall be returnable at the next term of the said courts, respectively, in the northern district of Illinois.

SEC. 4. *And be it further enacted*, That upon application of any party to any suit now pending which would have been commenced in the southern district if this act had been in force before the commencement of the said suit, the proper court may, and if all parties consent, shall order that the same be removed for further proceedings to the proper court for the southern district; and thereupon the clerk shall transmit all the papers in the cause, with a transcript of all orders taken therein to the clerk of the court to which the suit shall be removed, and all further proceedings shall be had in said court as if the said suit had been originally commenced therein.

SEC. 5. *And be it further enacted*, That the present judge of the district of Illinois be, and is hereby, assigned to the northern district of Illinois.

SEC. 6. *And be it further enacted*, That final process on any judgment or decree entered in the circuit or district courts of the United States for the district of Illinois, and all other process for the enforcement of any order of said courts, respectively, in any cause now pending therein, except causes removed, as hereinbefore provided, shall be issued from, and made returnable to, the proper court for the northern district of Illinois, and may be directed to and executed by the marshal of the said northern district in any part of the said State.

SEC. 7. *And be it further enacted*, That there be appointed a district judge for the [the] said southern district of Illinois, and the district judge of each of the said districts shall be entitled to an annual salary of twenty-five hundred dollars.

SEC. 8. *And be it further enacted*, That the present district attorney for the district of Illinois shall be the district attorney for the northern district; the present marshal of the district of Illinois shall be the marshal for the northern district; and the present clerk of the courts for the district of Illinois, shall be the clerk of the courts for the northern district during their respective official terms.

SEC. 9. *And be it further enacted*, That there be appointed a district attorney, a marshal, and a clerk of the court for the southern district.

APPROVED, February 13, 1855.

PUBLIC, XXV.—*An Act to continue temporarily the Offices of Register and Receiver at Vincennes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the offices of register and receiver shall be continued at Vincennes, Indiana, until after a final report shall have been made by the commissioners pursuant to the act of Congress, approved July twenty-seventh, eighteen hundred and fifty-four, entitled "An act to ascertain and adjust the titles to certain lands in the State of Indiana," and the act of Congress approved twelfth June, eighteen hundred and forty, for the discontinuance of land offices under certain circumstances shall not apply to the offices at Vincennes until the services required, by the aforesaid act of twenty-seventh July, eighteen hundred and fifty-four, of the commissioners shall have been fully performed.

APPROVED, February 13, 1855.

PUBLIC, XXVI.—*An Act to Refund to the Officers of the Customs and others, of the District of Passamaquoddy, certain Moneys.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to the late officers of the customs of the district of Passamaquoddy, and informers, their proportion of the net proceeds of sale, by virtue of existing laws, arising from the condemnation of the schooners L'Etang and Josephine, and the bark Phenix, for a violation of the revenue laws in the district of Maine; the same having been wrongfully paid into the Treasury of the United States through mistake.

APPROVED, February 14, 1855.

PUBLIC, XXVII.—*An Act to divide the State of Ohio into two Judicial Districts, and to provide for holding the District and Circuit Courts of the United States therein.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Ohio be, and the same is hereby, divided into two judicial districts, in the following manner, to wit: The counties of Belmont, Guernsey, Muskingum, Licking, Franklin, Madison, Champaign, Shelby, and Mercer, together with all that part of the State lying south of the above mentioned counties, shall compose one district, to be called the southern district of Ohio, and a court shall be held for the said district at the city of Cincinnati, and all the remaining part of the said State shall compose another district, to be called the northern district of Ohio, and a court shall be held for the same in the city of Cleveland, in said State.

SEC. 2. *And be it further enacted*, That there shall be two terms of the circuit and district courts begun and held in each of said districts, to wit: At the city of Cincinnati, for the southern district, on the third Tuesdays of April and October, and at the city of Cleveland; for the northern district, on the second Tuesdays of July and November, in each year; and the said courts are hereby authorized to hold adjourned terms, when the business before the court shall, in the opinion of the court, require it.

SEC. 3. *And be it further enacted*, That all suits and other proceedings, of whatever name or nature, now pending in the circuit or district courts of the United States for the district of Ohio, shall be tried and disposed of in the circuit and district courts, respectively, for the southern district of Ohio, in the same manner as the same would have been in case said State had not been divided into two districts; and for that purpose the jurisdiction is reserved to said courts in the southern district, and the clerk of the circuit and district courts, for the present district of Ohio, shall remove the records and files of the said circuit and district courts to the city of Cincinnati, and do and perform all the duties appertaining to his office within the southern district, and all process and other proceedings taken or issued, or made returnable to the circuit or district court for the present district of Ohio, shall be returnable at the next term of the said courts, respectively, in the southern district of Ohio.

SEC. 4. *And be it further enacted*, That upon the application of any party to any suit now pending, which would have been commenced in the northern district, if this act had been in force before the commencement of said suit, the proper court may, and, if all parties consent, shall order that the same be removed for further proceedings to the proper court for the northern district; and therefore the clerk shall transmit all the papers in the cause, with a transcript of the order of the removal, to the clerk of the court to which the suit shall be removed, and all further proceedings shall be had in said court as if the suit had been originally commenced therein.

SEC. 5. *And be it further enacted*, That the present judge of the district of Ohio be, and he is hereby, assigned to hold said courts in the southern district of Ohio, and shall exercise the same jurisdiction and perform the same duties, within said district, as he now exercises and performs within his present district.

SEC. 6. *And be it further enacted*, That final process upon any judgment or decree entered in the circuit or district court of the United States for the district of Ohio, and all other process for the enforcement of any order of said courts, respectively, in any cause now pending therein, except causes removed as hereinbefore provided, shall be issued from, and made returnable to, the proper court for the southern district of Ohio, and may run and be executed by the marshal of said southern district in any part of said State.

SEC. 7. *And be it further enacted*, That there be appointed a district judge for the said northern district of Ohio, who shall possess the same powers, and do and perform all such duties in his district as are now enjoined or in anywise appertaining to the present district judge for the district of Ohio, and the district judge of each district shall be entitled to the same compensation as by law is provided for the present judge for the district of Ohio.

SEC. 8. *And be it further enacted*, That there be appointed one person as district attorney, and one person as marshal, for said southern district, whose terms of appointment and service, as well as duties and emoluments, shall be the same with those respectively appertaining to the said offices in the district of Ohio; and said marshal shall give the same bond that other marshals are required to give, to be approved and recorded as now directed by law: *Provided*, That the present district attorney of the district of Ohio shall be the district attorney of the northern district, but shall retain the charge of all suits already commenced until final termination, unless the President of the United States shall otherwise direct, and the present marshal of the district of Ohio shall be the marshal of the northern district, during their respective official terms.

SEC. 9. *And be it further enacted*, That all suits hereafter to be brought in either of said courts, not of a local nature, shall be brought in the court of the district where the defendant resides; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either and send a duplicate writ against the defendants,

directed to the marshal of the other district, on which an indorsement shall be made that the writ thus sent is a copy of a writ sued out of the court of the proper district; and the said writs, when executed and returned into the office from whence they issued, shall constitute one suit, and be proceeded in accordingly.

APPROVED, February 10, 1855.

PUBLIC, XXVIII.—*An Act to change the Name of the Schooner Henry Plantagenet to that of A. G. Brown.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to admit to register, under the name of A. G. Brown, the American-built schooner, now owned by Ebenezer Clark, of Jackson county, in the State of Mississippi, and known as the Henry Plantagenet.

APPROVED, February 13, 1855.

PUBLIC, XXIX.—*An Act to amend "An act making Appropriations for the Improvement of certain Harbors and Rivers," approved August thirtieth, eighteen hundred and fifty-two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the section reading as follows: "For reopening a communication between Albemarle Sound, North Carolina, and the Atlantic ocean, by the construction of a breakwater across Croatan Sound, fifty thousand dollars," be amended by striking out the words "by the construction of a breakwater across Croatan Sound."

APPROVED, February 14, 1855.

PUBLIC, XXX.—*An Act for the Construction of a Military Road in Oregon Territory.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of thirty thousand dollars be, and the same is hereby, appropriated for the construction of a military road from Astoria to Salem, in the Territory of Oregon; the said road to be constructed under the direction of the Secretary of War, pursuant to contracts to be made by him.

APPROVED, February 17, 1855.

PUBLIC, XXXI.—*An Act making an Appropriation for a Territorial Road in the Territory of Nebraska.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of constructing a territorial road from a point on the Missouri river, (opposite the city of Council Bluffs,) in the Territory of Nebraska, to New Fort Kearny, in said Territory, there be, and hereby is, appropriated the sum of fifty thousand dollars.

APPROVED, February 17, 1855.

PUBLIC, XXXII.—*An Act for the erection of a Military Post on or near the Pembina River, in the Territory of Minnesota, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby, appropriated, to be expended under the direction of the Secretary of War, for the erection of a military post in the Territory of Minnesota, on the line of forty-nine degrees north latitude, on or near the Pembina river.

SEC. 2. *And be it further enacted*, That for the establishment of military posts in the Territories of Kansas and Nebraska, at such points in said Territories as the Secretary of War may designate, the sum of ten thousand dollars be, and the same is hereby, appropriated.

APPROVED, February 17, 1855.

PUBLIC, XXXIII.—*An Act to regulate the Salaries of the District Judges of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judges of the district courts of the United States shall receive, as compensation for their services, the following yearly salaries, to be paid quarterly from the Treasury of the United States, to wit:

The judges of the districts of the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, New Jersey, Iowa, and Wisconsin, two thousand dollars.

The judge of the northern district of Florida, two thousand two hundred and fifty dollars.

The judges of the western district of Virginia, North Carolina, eastern, western, and middle districts of Tennessee, northern and southern districts of Mississippi, western district of Pennsylvania, western district of Louisiana, Texas, Kentucky, Ohio, Indiana, Missouri, eastern and western districts of Arkansas, Illinois, and Michigan, two thousand five hundred dollars.

The judges of the districts of Georgia, South Carolina, eastern district of Virginia, northern district of New York, northern and southern districts of Alabama, two thousand seven hundred and fifty dollars.

The judges of the districts of Maryland, Massachusetts, eastern district of Pennsylvania, southern district of Florida, and southern district of California, three thousand dollars.

The judge of the eastern district of Louisiana, three thousand five hundred dollars.

The judge of the southern district of New York, three thousand seven hundred and fifty dollars.

The judge of the northern district of California, five thousand dollars.

APPROVED, February 17, 1855.

PUBLIC, XXXIV.—*An Act making an Appropriation for completing the Public Buildings of Oregon Territory, and Minnesota.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of sixty-seven thousand dollars be, and the same is hereby, granted and appropriated, out of any unappropriated money in the Treasury, to defray the expenses of completing the public buildings in the Territory of Oregon, which are now commenced and partially completed.

SEC. 2. *And be it further enacted*, That of the said sum of sixty-seven thousand dollars the sum of forty thousand dollars shall be expended, according to the provisions of the act of the Legislative Assembly relating to the public buildings of the Territory, in completing the penitentiary; and the sum of twenty-seven thousand dollars shall be expended, according to the provisions of said act, in completing the State-House, or house for the meeting of the Legislative Assembly: *Provided*, The commissioners elected to superintend the erection of said buildings shall cause the said money to be so expended as to insure the completion of said buildings without additional expense to the United States.

SEC. 3. *And be it further enacted*, That the sum of eleven thousand five hundred dollars be, and the same is hereby, appropriated to complete the [the] territorial capitol, and build a work-shop for the territorial prison in the Territory of Minnesota, in accordance with estimates made by the agent appointed by the Secretary of the Treasury, said sum to be expended under the direction of the Secretary of the Treasury.

APPROVED, February 17, 1855.

PUBLIC, XXXV.—*An Act to establish an additional Land District in the Territory of Oregon.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the land lying south of the fourth standard parallel, in the Territory of Oregon be, and the same is hereby, created a new land district, to be called the Umpqua district; the land office for which shall be established at such place within said district as the President shall from time to time direct, and the officers for which shall be appointed in the same manner, and have the compensation, powers, duties, obligations, and responsibilities that are prescribed in the sixth section of the act approved July seventeen, eighteen hundred and fifty-four, entitled "An act to amend the act approved September twenty-seven, eighteen hundred and fifty, to create the office of surveyor general of the public lands in Oregon," &c.: *Provided, however*, That this act shall not go into effect until three months after its passage.

SEC. 2. *And be it further enacted*, That the district lying north of the fourth standard parallel in said Territory shall be known as the Willamette land district.

APPROVED, February 17, 1855.

PUBLIC, XXXVI.—*An Act making Appropriations for improving certain Military Roads in the Territory of Minnesota.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and they are hereby, appropriated, for improving certain military roads in the Territory of Minnesota, to wit:

For cutting out the timber on the territorial road from the Falls of St. Anthony to Fort Ridgely, five thousand dollars.

For cutting out the timber on the road from Fort Ripley, via Crow Wing river, to the point where said road intersects the main road leading to the Red river of the north, ten thousand dollars. The aforesaid sums to be expended under the direction of the Secretary of War.

APPROVED, February 17, 1855.

PUBLIC, XXXVII.—*An Act to provide for the accommodation of the Courts of the United States for the District of Maryland, and for a Post Office at Baltimore City, Maryland.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized to procure, or cause to be procured, a suitable site or sites for a building or buildings for a court-house and post office in the city of Baltimore; and that he prepare and submit to Congress, at as early a day as practicable, plans and estimates for the construction of a building or buildings on such site or sites, together with the estimates for fitting up or furnishing the same for the purposes indicated. And if a building or buildings should be on such site or sites which can be remodeled or changed so as to answer the purposes indicated in the title of this bill, he shall submit to Congress plans and estimates for such alterations; and also estimates for fitting up or furnishing such building or buildings: *Provided*, That any contract or contracts he may make for any such site or sites shall be conditional and made subject to the approval of Congress.

APPROVED, February 17, 1855.

PUBLIC, XXXVIII.—*An Act authorizing the construction of a Line of Telegraph from the Mississippi or Missouri Rivers to the Pacific Ocean.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Hiram O. Alden and James Eddy, their associates and assigns, are hereby authorized and empowered to construct, at their own expense, a line of telegraph, from such point on the Mississippi or Missouri river as they may hereafter select, through the public lands belonging to the United States, over which lands the right of way, two hundred feet in width, for that purpose is hereby granted, to San Francisco, in California, in as direct a line as practicable.

SEC. 2. *And be it further enacted*, That all voluntary or intentional injuries to said line of telegraph, or to any property thereto belonging, within the Territories of the United States, shall be deemed, and are hereby declared to be willful and malicious trespasses, and shall be punished as such, and all laws of the United States now in force in any Territory thereof, or which may hereafter be enacted for the better security and protection of property, and applicable to such offenses, shall be, and they are hereby, extended, for the protection of said line of telegraph, into and over all the territory belonging to, and under the jurisdiction of, the United States, through which the same may be constructed; and all legal process and proceedings for the detection and punishment of the aforesaid offenses shall be within the jurisdiction of the courts, and shall be issued and executed by the proper law officers in the States or organized Territories.

APPROVED, February 17, 1855.

PUBLIC, XXXIX.—*An Act authorizing the issue of a Register to the Russian-built Ship Aina.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to admit to register the Russian-built ship Aina, under the name of St. Andrew, said ship having been libeled and sold by the United States marshal to Christian F. Funch and Andrew F. Meinche, of the State and city of New York, her present owners.

APPROVED, February 21, 1855.

PUBLIC, XL.—*An Act to establish the Office of Surveyor General of Utah, and to grant Land for School and University purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for Utah, whose annual salary shall be three thousand dollars, and whose power, authority, and duties shall be the same as those provided by law for the surveyor general of Oregon, prior to the act of July seventeen, eighteen hundred and fifty-four; and he shall locate his office from time to time at such places as may be directed by the President of the United States.

SEC. 2. *And be it further enacted*, That when the lands in said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be created out of the same.

SEC. 3. *And be it further enacted*, That when the lands in said Territory shall be surveyed, as aforesaid, a quantity of land equal to two townships shall be, and the same is hereby, reserved for the establishment of a university in said Territory, and in the State hereafter to be created out of the same, to be selected under the direction of the Legislature, in legal subdivisions of not less than one half section, and to be disposed of as said Legislature may direct.

SEC. 4. *And be it further enacted*, That full power and authority are hereby given to the Secretary of the Interior to issue all needful rules and regulations for fully carrying into effect the several provisions of this act.

APPROVED, February 21, 1855.

PUBLIC, XLI.—*An Act to provide for holding an additional Term of the Circuit Court of the United States for the District of Missouri, and for holding Special Terms of the District and Circuit Courts of the United States for the Northern District of Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the district judge of the United States for the district of Missouri to hold, at the city of St. Louis, on the first Monday in October in every year, a term of the circuit court of the United States for said district, at which term any business may be transacted which might be transacted at the April term of said court.

SEC. 2. *And be it further enacted*, That the United States circuit court for said district shall have power, at any time, to order an adjourned term of said court to be held at any other time, at which adjourned term any business may be transacted which could be transacted at any regular term. A copy of said order shall be posted on the door of the court room, and advertised in some newspaper printed in the city of St. Louis twenty days, at least, before said adjourned term shall be holden.

SEC. 3. *And be it further enacted*, That the district judge for said district may order a special term or terms of said circuit court, to be holden at St. Louis on any day mentioned in said order, at which special term any business may be transacted which might be transacted at any regular term of said court, and shall cause the copy of said order to be posted up and published as aforesaid. He may also rescind any such order, made either in term time or vacation, or fix a different day for said term or terms, giving notice thereof as aforesaid.

SEC. 4. *And be it further enacted*, That there shall be held at the city of Cleveland, in the State of Ohio, on the third Tuesday in March, this year, a special term of the district court of the United States for the northern district of Ohio, and also a special term of the circuit court of the United States for said district, at which terms respectively any business may be transacted which might, under existing laws, be transacted at any regular term.

APPROVED, February 21, 1855.

PUBLIC, XLII.—*An Act to establish a Court for the Investigation of Claims against the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a court shall be established, to be called a court of claims, to consist of three judges, to be appointed by the President, by and with the advice and consent of the Senate, and to hold their offices during good behavior; and the said court shall hear and determine all claims founded upon any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, which may be suggested to it by a petition filed therein; and also all claims which may be referred to said court by either House of Congress. It shall be the duty of the claimant in all cases to set forth a full statement of the claim, and of the action thereon in Congress, or by any of the Departments, if such action has been had; specifying, also, what person or persons are owners thereof or interested therein, and when and upon what consideration such person or persons became so interested. Each of the said judges shall receive a compensation of four thousand dollars per annum, payable quarterly, from the Treasury of the United States, and shall take an oath to support the Constitution of the United States, and discharge faithfully the duties of his office.

SEC. 2. *And be it further enacted*, That a solicitor for the United States, to represent the Government before said court, shall be appointed by the President, by and with the advice and consent of the Senate. It shall be the duty of the said solicitor to prepare all cases on the part of the Government for hearing before said court, and to argue the same when prepared; to cause testimony to be taken, when necessary to secure the interest of the United States; to prepare forms, file interrogatories, and superintend the taking of testimony in the manner prescribed by said court, and generally to render such services as may be required of him, from time to time, in the discharge of the duties of his office. Said solicitor shall be sworn to faithful discharge of the duties of his office, in the manner prescribed for the qualification of the judges in the first section of this act; and he shall receive a compensation of three thousand five hundred dollars per annum for his services, to be paid quarterly from the Treasury of the United States.

SEC. 3. *And be it further enacted*, That the said court shall have authority to establish rules and regulations for its government; to appoint commissioners to take testimony to be used in the investigation of claims that may come before it; to prescribe the fees they shall receive for their services; and to issue commissions for the taking of such testimony, whether the same shall be taken at the instance of the claimant or of the United States, and also to issue subpenas to require the attendance of witnesses in order to be examined before such commissioners; which subpenas shall have the same force as if issued from a district court of the United States, and compliance therewith shall be compelled under such rules and orders as the court hereby created shall establish. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when taken at the instance of the Government, such fees, together with all postage incurred by the solicitor aforesaid, in his official capacity, shall be paid out of the contingent fund provided for said court. In all cases, when it can be conveniently done, the testimony shall be taken in the county where the deponent resides; and the commissioner taking the same is hereby authorized and required to administer an oath or affirmation to the witnesses brought before him for examination.

SEC. 4. *And be it further enacted*, That in all cases where it shall appear to the court that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not be the duty of the court to authorize the taking of any testimony in the case until the same shall have been reported by them to Congress, as is hereinafter provided: *Provided, however*, That if Congress shall, in such case, fail to confirm the opinion of said board, they shall proceed to take the testimony in such case.

SEC. 5. *And be it further enacted*, That in taking testimony to be used in support of any claim before said court, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe, and like opportunity shall be afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations.

SEC. 6. *And be it further enacted*, That if any person shall knowingly and willfully swear falsely before said court, or before any person or persons commissioned by them, or authorized by this act to take testimony in a case pending before said court at the time of taking said oath, or in a case thereafter to be submitted to said court, such person shall be deemed guilty of perjury, and, on conviction thereof, shall be subjected to the same pains, penalties, and disabilities which now are, or shall be hereafter, by law prescribed for willful and corrupt perjury.

SEC. 7. *And be it further enacted*, That said court shall keep a record of their proceedings, and shall, at the commencement of each session of Congress, and at the commencement of each month during the session of Congress, report to Congress the cases upon which they shall have finally acted, stating in each the material facts which they find established by the evidence, with their opinion in the case, and the reasons upon which such opinion is founded. Any judge who may dissent from the opinion of the majority shall append his reasons for such dissent to the report; and such report, together with the briefs of the solicitor and of the claimant, which shall accompany the report, upon being made to either House of Congress, shall be printed in the same manner as other public documents. And said court shall prepare a bill or bills in those cases which shall have received the favorable decision thereof, in such form as, if enacted, will carry the same into effect. And two or more cases may be embraced in the same bill, where the separate amount proposed to be allowed in each case shall be less than one thousand dollars. And the said court shall transmit with said reports the testimony in each case, whether the same shall receive the favorable or adverse action of said court.

SEC. 8. *And be it further enacted*, That said reports, and the bills reported as aforesaid, shall, if not finally acted upon during the session of Congress to which the said reports are made, be continued from session to session, and from Congress to Congress, until the same shall be finally acted upon, and the consideration of said reports and bills shall, at the subsequent session of Congress, be resumed, and the said reports and bills be proceeded with in the same manner as though finally acted upon at the session when presented.

SEC. 9. *And be it further enacted*, That the claims reported upon adversely shall be placed upon the Calendar when reported, and if the decision of said court shall be confirmed by Congress, said decision shall be conclusive; and the said court shall not, at any subsequent period, consider said claims unless such reasons shall be presented to said court as, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Speaker of the House of Representatives, within a reasonable time after the passage of this act, to appropriate such rooms in the Capitol at Washington, for the use of said court, as may be necessary for their accommodation, unless it shall appear to the Speaker that such rooms cannot be appropriated without interfering with the business of Congress; and in that event

the said court shall procure, at the city of Washington, such rooms as may be necessary for the convenient transaction of their business.

SEC. 11. *And be it further enacted*, That said court shall have power to call upon any of the Departments for any information or papers it may deem necessary, and have the use of all recorded and printed reports made by the committees of each House, when deemed to be necessary in the prosecution of the duties assigned by this act. Said court shall appoint a clerk, whose salary shall be two thousand dollars per annum, and an assistant clerk, if deemed necessary, whose salary shall be fifteen hundred dollars, and a messenger, whose salary shall be eight hundred dollars per annum, to be paid quarterly at the Treasury. The said clerks shall be under the direction of said court in the performance of their duties, and for misconduct or incapacity may be removed from office by it; but, when so removed, said board shall make report thereof, with the cause of such removal, to Congress, if in session, or at the next session of Congress. Said clerk and assistant clerk shall take an oath for the faithful discharge of their duties: *Provided*, That the head of no Department shall answer any call for information or papers if, in his opinion, it would be injurious to the puolic interest.

APPROVED, February 24, 1855.

PUBLIC, XLIII.—*An Act concerning the Apprehension and Delivery of Deserters from Foreign Vessels in the Ports of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners who now are, or hereafter may be, appointed by the circuit courts of the United States to take acknowledgments of bail, and for other purposes, may and shall exercise all the powers conferred on any court, judge, or other magistrate, by the act approved the second day of March, one thousand eight hundred and twenty-nine, entitled "An act to provide for the apprehension and delivery of deserters from certain foreign vessels in the ports of the United States."

APPROVED, February 24, 1855.

PUBLIC, XLIV.—*An Act to establish an additional Land District in the State of Wisconsin.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the present Willow river land district, in the State of Wisconsin, lying north of the line dividing townships forty and forty-one, (or fourth correction line,) be, and the same is hereby, created a land district, to be called the Fond du Lac District; the office for which shall be located at such place therein as the President may, from time to time, direct.

SEC. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a register and a receiver for said district, who shall, respectively, be required to reside at the site of the office, be subject to the same laws, and entitled to the same compensation as is, or may hereafter be, prescribed by law in relation to other land offices of the United States.

SEC. 3. *And be it further enacted*, That the sales shall continue at the Willow river district till the land officers for that district are notified that the officers for the district created by this act are prepared to enter on their duties; and in all cases hereafter, the salaries of land officers shall commence only from the time they enter on the discharge of their duties.

APPROVED, February 24, 1855.

PUBLIC, XLV.—*An Act to provide for holding the United States Courts in the Northern and Southern Districts of Florida in case of the sickness or disability of either of the Judges of those Districts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the provisions of the act of Congress approved the twenty-ninth of July, eighteen hundred and fifty, entitled "An act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of the district courts," shall be, and are hereby declared to be, applicable to the two judicial districts of the State of Florida and the judges thereof, so far forth as the same can be applied to the said districts and judges; and that the designation and appointment of either of the said judges to hold the courts in the district of the other, in consequence of the sickness or disability of such other judge, may be made either by the Chief Justice of the United States or by the circuit judge of an adjoining circuit on such certificate as is required by the act aforesaid: *Provided, however*, That a written certificate of the judge of either of said districts, certifying that he is unable, from sickness or physical inability, to hold any regular term, or adjourned or extra term, of the courts appointed to be holden in his district, and requesting the judge of the other district to hold the same, shall, when filed in the clerk's office of the place where such term of the court is to be holden, be sufficient to authorize the said judge of the other district to hold said courts, and shall confer upon him all the powers and privileges granted by the aforesaid act to judges designated and appointed by a circuit judge or the Chief Justice of the United States in pursuance of the provisions of said act.

APPROVED, February 24, 1855.

PUBLIC, XLVI.—*An Act making Appropriations for the payment of Invalid and other Pensions of the United States for the year ending the thirtieth of June, one thousand eight hundred and fifty-six, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the year ending the thirtieth of June, one thousand eight hundred and fifty-six:

For invalid pensions, under various acts, five hundred and fourteen thousand six hundred dollars.

For pensions to widows and orphans, under acts of the fourth of July, one thousand eight hundred and thirty-six, and twenty-first of July, one thousand eight hundred and forty-eight, seventy-eight thousand one hundred and fifty dollars.

For pensions under special acts of Congress, nine thousand seven hundred and fifty dollars.

For pensions to widows, under acts of the seventeenth of June, one thousand eight hundred and forty-four, second of February and twenty-ninth July, one thousand eight hundred and forty-eight, three hundred and thirty-eight thousand dollars.

For pensions and half-pay to widows and orphans, under act of the third of February, one thousand eight hundred and fifty-three, four hundred and fifty-six thousand dollars.

SEC. 2. *And be it further enacted*, That any moneys appropriated by the act of thirty-first May, eighteen hundred and fifty-four, to supply deficiencies for the fiscal year ending the thirtieth of June, eighteen hundred and fifty-four, applicable to the payment of pensions of invalids who were wounded on board of private-armed vessels during the last war with Great Britain, not required under the provisions thereof, may be applied to the same purpose for the year ending the thirtieth of June, eighteen hundred and fifty-five.

SEC. 3. *And be it further enacted*, That the widows of the officers, non-commissioned officers, marines, or mariners, who served in the Navy of the United States during the revolutionary war, and who were married since the first day of January, eighteen hundred, shall be entitled to pensions in the same manner and to the same extent as the widows of the officers and soldiers of the army of the Revolution, under the second section of the act of February third, eighteen hundred and fifty-three.

APPROVED, February 28, 1855.

PUBLIC, XLVII.—*An Act to promote the Efficiency of the Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as practicable after the passage of this act, the President of the United States shall cause a board of naval officers to be assembled, to consist of five captains, five commanders, and five lieutenants, which board, under such regulations as the Secretary of the Navy may prescribe, shall make a careful examination into the efficiency of the officers of the grades hereinafter mentioned, and shall report to the Secretary of the Navy the names and rank of all officers of the said grades who, in the judgment of said board, shall be incapable of performing promptly and efficiently all their duty both ashore and afloat, and whenever said board shall believe that said incompetency has arisen from any cause implying sufficient blame on the part of the officer to justify it, they shall recommend that his name be stricken altogether from the rolls. Vacancies occurring in said board shall be filled by the Secretary of the Navy, who shall preserve the number and grades of its officers, as aforesaid: *Provided*, That no officers upon said board shall examine into, or report upon, the efficiency of officers of a grade above them.

SEC. 2. *And be it further enacted*, That all officers who shall be found by the said board incapable of performing the duties of their respective offices, ranks, or grades, shall, if such finding be approved by the President, be dropped from the rolls, or placed, in the order of their rank and seniority at the time, upon a list in the Navy Register, to be entitled the "reserved list," and those so placed on the reserved list shall receive the leave-of-absence pay or the furlough pay to which they may be entitled when so placed, according to the report of the board and approval of the President, and shall be ineligible to further promotion, but shall be subject to the orders of the Navy Department at all times for duty; and vacancies created in the active-service list by placing officers on the reserved list, shall be filled by regular promotion in the order of rank or seniority. And officers who may be promoted to fill the vacancies created by the reserved list shall, while unemployed, receive only the "leave-of-absence" or "waiting-orders" pay to which they would have been entitled if such promotion had not been made; but when employed at sea, or on other duty, they shall receive, in addition to such "leave-of-absence" or "waiting-orders" pay, the difference between the "waiting-orders" or "leave-of-absence" pay and the lowest sea-service pay of the grade to which they may be so promoted: *Provided*, That this scrutiny and reservation of officers shall extend only to the grades of captain, commander, lieutenant, masters, and passed midshipmen: *And provided further*, That all vacancies occurring in the grade of masters shall be filled by the promotion of the senior passed midshipmen, to be entitled masters in the line of promotion, who when promoted shall receive the pay allowed by law to masters; that the number of masters in the line of promotion shall not exceed sixty, and that nothing in this act contained shall be held or construed to authorize any increase of the aggregate pay of the said grades, or of the naval service, as now allowed by law.

SEC. 3. *And be it further enacted*, That nothing in this act contained shall be construed to restrict, apply to, or impair the regular promotion of officers in the service list of the Navy who may be at any time entitled to promotion, consequent upon deaths, dismissals, or resignations, in the naval service, nor in any manner to abridge or impair the right of the Secretary of the Navy to place any officers upon furlough.

SEC. 4. *And be it further enacted*, That nothing in this act shall be so construed as to increase the aggregate number of officers, and that all laws, or clauses of laws, so far as they conflict with the provisions of this act, are hereby repealed.

APPROVED, February 28, 1855.

PUBLIC, XLVIII.—*An Act making an Appropriation for Military Defenses at Proctor's Landing, in Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and twenty-five thousand dollars be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in the purchase of a site, and the erection and completion of such military defenses, as may be deemed expe-

dient, at Proctor's Landing, at the terminus of the Mexican Gulf railway, in the State of Louisiana.

APPROVED, February 28, 1855.

PUBLIC, XLIX.—*An Act to provide for the Payment of such Creditors of the late Republic of Texas as are comprehended in the act of Congress of September nine, eighteen hundred and fifty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the sum of five millions of dollars, payable to the State of Texas in five per cent. stock of the United States, by the act entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," passed September ninth, eighteen hundred and fifty, the issuing of which stock was restricted by the first proviso to the fifth proposition contained in the first section of said act, the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the creditors of the late Republic of Texas, who hold such bonds, or other evidences of debt for which the revenues of that Republic were pledged, as were reported to be within the provisions of the said act of September the ninth, eighteen hundred and fifty, by the report of the late Secretary of the Treasury to the President of the United States, and approved by him on the thirteenth day of September, eighteen hundred and fifty-one, or which come within the provisions of said act, according to the opinion upon the Texas compact of the present Attorney General of the United States, addressed to the Secretary of the Treasury, under date of September twenty-sixth, eighteen hundred and fifty-three, the sum of seven millions seven hundred and fifty thousand dollars, to be apportioned among the said holders *pro rata: Provided*, That the interest on the debt embraced in this act shall be determined by the existing laws of the State of Texas.

SEC. 2. *And be it further enacted*, That in all cases where the State of Texas may have paid any portion of the debt described in this act, the said Secretary shall refund to the proper officer of said State the amount actually so paid by the State upon the presentation at the Treasury Department of the evidences of said debt, on which the said State may have made such payment: *Provided*, The said sum shall not exceed the proportion which would have been allowed to the creditor or creditors, if such payment on said evidences of debt had not been made by the State of Texas; and where the said sum that may be refunded to the State of Texas by the provisions of this section is less than the proportion which would have been allowed under this act to the holders of such evidences of debt, had such payment not been made them, such holders shall be entitled to receive the difference between said sum and the proportion they would have received under this act if no payment had been made them; and where any original certificates or other evidences of debt have been surrendered to the authority of the State of Texas, and new certificates issued therefor by said State of Texas, such new certificate shall be received as evidences of the original amount of the claim.

SEC. 3. *And be it further enacted*, That no payment shall be made under this act to any holder of said securities, or evidences of debt, unless the said holder shall first execute to the United States a receipt for the said payment, in which said holder shall forever release all claim against the United States for or on account of the said securities, or evidences of debt; also similar releases, to said State of Texas, and the said certificates, or other evidences of debt, shall then be deposited with the Treasury Department.

SEC. 4. *And be it further enacted*, That before payment of the moneys aforesaid, the Secretary of the Treasury shall give notice, by public advertisement, for the space of ninety days, of the time at which said payment will be made; and no payment shall be made on any bond, certificate, or evidence of debt, which shall not, thirty days before the time limited by said notice, be presented at the Treasury Department.

SEC. 5. *And be it further enacted*, That the sum of seven millions seven hundred and fifty thousand dollars be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

SEC. 6. *And be it further enacted*, That this act shall not take effect until it shall be assented to by an act of the Legislature of the State of Texas, and a copy of the act of said State duly authenticated, deposited in the Treasury Department at Washington, nor until the Legislature of the State of Texas shall pass an act withdrawing and abandoning all claims and demands against the United States, growing out of Indian depredations or otherwise.

APPROVED, February 28, 1855.

PUBLIC, L.—*An Act to confirm the Canal Selections in the State of Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the selections of land by the State of Ohio for canal purposes under the act of second March, eighteen hundred and twenty-seven, and twenty-fourth May, eighteen hundred and twenty-eight, be, and the same are hereby, confirmed.

APPROVED, March 2, 1855.

PUBLIC, LI.—*An Act extending in certain cases the provisions of the act entitled "An act to extend Preëmption Rights to certain Land therein mentioned," approved March third, eighteen hundred and fifty-three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of preëmption granted by the act of third March, eighteen hundred and fifty-three, entitled "An act to extend preëmption rights to certain lands therein mentioned," shall be, and the same is hereby, extended so that the settler, or occupant on the Maison Rouge grant and the De Bastrop grant, entitled to the benefits of said act, shall be entitled to enter, at the minimum price, every quarter-quarter subdivision, on which he has made improvements: *Provided, however*, That where any part of the improvements of two or more settlers or occupants is on the same quarter-quarter section, the same shall be entered in their joint names, and their rights shall be proportionate to the extent and value of their improvements thereon.

APPROVED, March 2, 1855.

PUBLIC, LII.—*An Act to amend the act approved twenty-sixth August, eighteen hundred and fifty-two, entitled "An act to reduce and define the Boundaries of the Military Reserve at Saint Peter's River, in the Territory of Minnesota," and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act approved twenty-sixth August, eighteen hundred and fifty-two, "to reduce and define the boundaries of the military reserve at Saint Peter's river, in the Territory of Minnesota," shall be, and the same is hereby, amended, so that the lands authorized to be sold at public sale by that act shall be subject to the operations of the laws regulating the sale and disposition of the public lands: *Provided, however*, That where any of said lands are claimed by preemption, under settlement and cultivation made prior to the passage of this act, proof and payment shall be made within three months after its passage; and where any of said lands come within the provisions of the act of twenty-third May, eighteen hundred and forty-four, for the relief of the citizens of towns upon the lands of the United States, under certain circumstances, such proof and payment shall also be made within three months after the passage of this act; and in either case, if the entries are not made within that time, the claim shall be forfeited: *Provided further*, That where two or more persons are settled upon the same legal subdivision, they shall be permitted to enter it jointly—the right of each to be in proportion to the extent of his improvements.

SEC. 2. *And be it further enacted*, That the Rev. E. G. Gear shall be, and he is hereby, authorized to enter lots numbers one and two and the west half of the northeast quarter of section four, in township twenty-eight north, of range twenty-four west, of the fourth principal meridian, in the Minneapolis district, at one dollar and twenty-five cents per acre.

APPROVED, March 2, 1855.

PUBLIC, LIII.—*An Act to provide a more Efficient Discipline for the Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be the duty of every commanding officer of any of the vessels of the Navy, on returning from a cruise, to forward, immediately on his arrival in port, to the Secretary of the Navy, a list of the names of such of the crew who enlisted for three years as in his opinion, on being discharged, are entitled to an "honorable discharge," as a testimonial of fidelity and obedience; and that he shall grant the same to such, according to the form to be prescribed by the Secretary of the Navy.

SEC. 2. *And be it further enacted*, That if any seaman, ordinary seaman, landsman, or boy, shall reënlist for three years, within three months after his discharge, he shall, on presenting his honorable discharge, or on accounting in a satisfactory manner for its loss, be entitled to pay during the said three months, equal to that which he would have been entitled if he had been employed in actual service.

SEC. 3. *And be it further enacted*, That it shall be the duty of commanders of any vessel in the Navy, in granting temporary leave of absence and liberty on shore, to exercise carefully a discrimination in favor of the faithful and obedient.

SEC. 4. *And be it further enacted*, That summary courts-martial may be ordered upon petty officers and persons of inferior ratings by the commander of any vessel in the Navy to which such persons belong, for the trial of offenses which he may deem deserving of greater punishment than the commander of a vessel himself is by law authorized to inflict of his own authority, but not sufficient to require trial by general court-martial.

SEC. 5. *And be it further enacted*, That summary courts-martial shall consist of three officers not below the rank of passed midshipmen, and of some competent person to act as recorder. Before proceeding to trial the members shall take the following oath or affirmation, which the recorder is hereby authorized to administer: "You, A B, do solemnly swear (or affirm) that you will well and truly try, without prejudice or partiality, the case now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and your own conscience. So help you God."

After which, the recorder of the court shall take the following oath or affirmation, which the senior member of the court shall administer: "You, A B, do solemnly swear (or affirm) that you will keep a true record of the evidence which may be given before this court, and of the proceedings thereof. So help you God."

SEC. 6. *And be it further enacted*, That the commander of a ship shall have authority to order any officer under his command to act as the recorder of a summary court-martial.

SEC. 7. *And be it further enacted*, That all testimony given before such court shall be given orally, on oath or affirmation, which the senior member of the court shall administer.

That summary courts-martial may sentence petty officers and persons of inferior ratings to any one of the following punishments, viz:

First. Discharge from the service with bad-conduct discharge, but the sentence not to be carried into effect in a foreign country.

Second. Solitary confinement in irons, single or double, on bread and water, or diminished rations, provided no such confinement shall exceed thirty days.

Third. Solitary confinement in irons, single or double, not exceeding thirty days.

Fourth. Solitary confinement not exceeding thirty days.

Fifth. Confinement not exceeding two months.

Sixth. Reduction to next inferior rating.

Seventh. Deprivation of liberty on shore on foreign station.

Eighth. Extra police duties, and loss of pay,

not to exceed three months, may be added to any of the above-mentioned punishments.

SEC. 8. *And be it further enacted*, That no sentence of a summary court-martial shall be carried into effect without the approval of the officer ordering the court, who shall have power to remit in part or altogether, but not to commute, any such sentence. And it shall be the duty of any such commanding officer to remit any part or the whole of any sentence by a summary court-martial, the execution of which would, in the opinion of the surgeon or senior medical officer on board, given in writing, produce serious injury to the health of the person sentenced; or in case he shall refuse to do so, it shall be his duty, without delay, to submit the case again to the same or to another summary court-martial, which shall have power, upon the testimony already taken, to remit the former punishment, and to assign some other of the authorized punishments in the place thereof.

SEC. 9. *And be it further enacted*, That the proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President of the United States; and all such proceedings shall be transmitted in the usual mode to the Navy Department.

SEC. 10. *And be it further enacted*, That any punishments authorized by this act to be inflicted by a summary court-martial may likewise be inflicted by any general court-martial.

SEC. 11. *And be it further enacted*, That any person who shall entice any seaman, ordinary seaman, landsman, or boy, who may have enlisted into the naval service of the United States, to desert therefrom, or who shall conceal any person who may have so deserted, and shall refuse to deliver him up upon the order of his commanding officer, shall, upon legal conviction thereof, be fined at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned for any term not exceeding one year.

APPROVED, March 2, 1855.

PUBLIC, LIV.—*An Act to amend "An act to establish a Land District in the State of Florida, to be called the District of Tampa."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for the land district called Tampa, in the State of Florida, which district was created by the act approved August fifth, eighteen hundred and fifty-four, whose compensation, duties, responsibilities, and emoluments, shall be the same as is or may be prescribed by law for other land officers in said State.

APPROVED, March 2, 1855.

PUBLIC, LV.—*An Act to establish the Collection Districts of Cape Perpetua and Port Orford, in the Territory of Oregon, and to fix the Salaries of the Officers of the Customs therein.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, constituted and established the collection districts of Cape Perpetua and Port Orford, in the Territory of Oregon. That the first named district shall embrace the coast of the Pacific ocean from Kowes bay, exclusive to Cape Perpetua, and all of the said Territory lying south of a line running parallel with the southern boundary line of Oregon, from Cape Perpetua to the eastern boundary of Oregon, except so much as is included in the district of Port Orford, and to include all the islands, bays, harbors, inlets, shores, rivers, and waters within said boundaries, and that Gardner (Umpqua) shall be the port of entry for said district. That the last named district shall extend from the line dividing said Territory and the State of California, along the Pacific coast, so far as to include Kowes bay; thence east to the one hundred and twenty-third degree of longitude; thence south along said line to the line dividing the State of California and Oregon Territory; thence by said line to the place of beginning; and to include all the islands, bays, harbors, inlets, rivers, shores, and waters embraced in said boundaries, and that Port Orford shall be the port of entry, and Kowes bay the port of delivery for said district.

SEC. 2. *And be it further enacted*, That for each of the collection districts of Cape Perpetua and Port Orford, in the Territory of Oregon, the President shall, by and with the advice and consent of the Senate, appoint a collector who shall perform the duties of collector and surveyor of the port, and who shall each reside at the port of entry of their respective districts, and receive an annual salary of two thousand dollars each. The Secretary of the Treasury shall have authority to appoint, on the nomination of said collectors, deputy collectors for each of the above named districts equal to the number of the ports of delivery in said districts, or at as many of said ports of delivery as he shall deem expedient, and to fix the compensation of said deputies, not to exceed the sum of one thousand dollars per annum. He may also, if he shall deem it expedient, appoint one clerk for each of said collectors, to keep the accounts of the office and act as auditor in the settlement thereof, at an annual compensation, not exceeding fifteen hundred dollars. He shall also, on the nomination of the said collectors, appoint for said districts, if in his judgment they are necessary, a competent number of weighers, gaugers, and measurers, at a compensation not exceeding six dollars per day each; and such number of inspectors as he shall deem expedient, at a compensation not exceeding four dollars per day each.

APPROVED, *March* 2, 1855.

PUBLIC, LVI.—*An Act to settle certain Accounts between the United States and the State of Alabama.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby, required to state an account between the United States and the State of Alabama, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, under the sixth section of the act of March second, eighteen hundred and nineteen, for the admission of Alabama into the Union; and that he be required to include in said account the several reservations under the various treaties with the Chickasaw, Choctaw, and Creek Indians within the limits of Alabama, and allow and pay to the said State five per centum thereon, as in case of other sales.

APPROVED, March 2, 1855.

PUBLIC, LVII.—*An Act to prevent Mistrials in the District and Circuit Courts of the United States in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the trial or hearing of any cause, civil or criminal, in any circuit or district court in the United States, which has been commenced and is in progress before a jury or the court, shall not be stayed or discontinued by the arrival of the period fixed by law for another session of said court, and it shall be lawful for the court to proceed with such trial or hearing, and bring it to a conclusion, in like manner and with the same effect as if another stated term of the court had not intervened.

SEC. 2. *And be it further enacted*, That where letters rogatory shall have *be* addressed from any court of a foreign country to any circuit court of the United States, and a United States commissioner, designated by said circuit court to make the examination of witnesses in said letters mentioned, said commissioner shall be empowered to compel the witnesses to appear and depose in the same manner as to appear and testify in court.

APPROVED, March 2, 1855.

PUBLIC, LVIII.—*An Act authorizing the Purchase or Construction of four additional Revenue Cutters, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of sixty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to cause to be built or purchased, in such mode as he may deem best for the public interest, four vessels of suitable size and construction, to be employed as revenue cutters on such stations as the said Secretary may designate.

SEC. 2. *And be it further enacted*, That from and after the passage of this act no person shall be appointed to the office of captain, first, second, or third lieutenant, of any revenue cutter, who does not adduce competent proof of proficiency and skill in navigation and seamanship.

APPROVED, March 2, 1855.

PUBLIC, LIX.—*An Act to establish a Circuit Court of the United States in and for the State of California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a judicial circuit shall be, and the same is hereby, constituted, in and for the State of California, to be known as the circuit court of the United States for the districts of California, a term of which court shall be held annually, in the city of San Francisco, on the first Monday of July in each and every year; and for this purpose a judge shall be appointed, and the court hereby organized shall, in all things, have and exercise the same original jurisdiction as is vested in the several circuit courts of the United States, as organized under existing laws, and shall also have and exercise the same appellate jurisdiction over the district courts of the United States for the northern and southern districts of California as by existing laws is vested in the several circuit courts of the United States over the district courts of the United States in their respective circuits; and the said judge shall appoint a clerk, who shall have the power to appoint a deputy, which clerk shall reside, and keep the records of the court, in the said city of San Francisco, and shall receive for the services he may perform double the fees allowed to the clerk of the southern district of New York.

SEC. 2. *And be it further enacted*, That said judge shall have power to order and hold such special or extra terms of said court as he may deem expedient, and at such time or times as he shall, by his order, under his hand and seal, direct, addressed to the marshal and clerk of said court, at least thirty days previous to the commencement of such special or extra term or terms, which order shall be published intermediately in two or more of the gazettes of the State of California; and at any or all of such special terms the business of said court shall have reference to the immediately preceding regular or special term, and be proceeded with in the same manner; and such proceedings shall be, to all intents and purposes, as valid as if the same had taken place at a regular term of said court; all which terms shall be held at such place, in the said city of San Francisco, as the marshal of the United States for the northern district of California, whose duty it shall be to act as the marshal of said court, shall procure for the purpose, under the directions of said judge; and appeals from the proceedings of the court organized under this act shall be taken to the Supreme Court of the United States in the same manner, and on the same conditions, as appeals are taken under existing laws from the other circuit courts of the United States.

SEC. 3. *And be it further enacted*, That the judge of said court shall have the same power to issue writs of *habeas corpus* and other writs as is vested by law in the other judges of the United States.

SEC. 4. *And be it further enacted*, That in case the judge of said court shall fail to attend at the time and place of holding any regular or special term of said court before the close of the fourth day after the commencement of such term, the business pending before said court shall stand adjourned until the next regular term of said court, or until the next special term of the court, should one be ordered under the authority of this act previous to such regular term.

SEC. 5. *And be it further enacted*, That the district courts of the United States for the northern and southern districts of California shall hereafter exercise only the ordinary duties and powers of the district courts of the United States, except the special jurisdiction vested in the said district courts of California over the decisions of the board of

commissioners for the settlement of private land claims in California under existing laws; and that appeals from the judgments, orders, and decrees of either of said district courts of California, in the exercise of its ordinary jurisdiction, shall be taken to the circuit court organized by this act in the same manner and upon the same conditions as appeals may be taken from the judgments, orders, or decrees of the district courts to the circuit courts of the United States.

SEC. 6. *And be it further enacted*, That the judge appointed under this act shall, from time to time, or at any time when, in his opinion, the business of his own court will permit, and that of the courts of the northern and southern districts of California shall require, form part of, and preside over, the said district courts when either of them is engaged in the discharge of the appellate jurisdiction vested in it over the decisions of the board of commissioners for the settlement of private land claims in the State of California, under the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," passed March third, eighteen hundred and fifty-one, and by another act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending thirtieth of June, eighteen hundred and fifty-three, and for other purposes," passed thirty-first of August, eighteen hundred and fifty-two; and it shall be the duty of the clerks of the respective district courts of California to give thirty days' written notice to the judge of the court organized under this act of the time and place of the sitting of such district court for the discharge of such appellate jurisdiction; and in case the judge of such district court shall fail, from sickness or other casualty, to attend at such time and place, the judge of the court organized under this act is hereby authorized to hold said court and proceed with the business of the court, in accordance with the provisions prescribed for the regulation of said district court in the act of Congress hereinbefore referred to; and all appeals to the Supreme Court of the United States from the decisions of said district court, whether held by the last mentioned judge, or by him in conjunction with the district judge, or by the district judge alone, shall be taken in the manner prescribed by the act of Congress passed on the third day of March, eighteen hundred and fifty-one, entitled "An act to ascertain and settle the private land claims in the State of California."

SEC. 7. *And be it further enacted*, That the salary of the judge appointed under this act shall be four thousand five hundred dollars per annum, to commence from the date of his appointment.

SEC. 8. *And be it further enacted*, That all laws and parts of laws militating against this act be, and the same are hereby, repealed.

APPROVED, March 2, 1855.

PUBLIC, LX.—*An Act changing the Times of holding the United States Courts in Tennessee.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the times heretofore fixed by law, the circuit and district courts of the United States for the several districts in Tennessee, shall hereafter be held as follows: At Jackson, on the third Mondays in March and September; at Knoxville, on the second Mondays in April and October; and at Nashville, on the first Mondays in May and November. And all writs, pleas, suits, recognizances, indictments, or other proceedings, civil or criminal, issued, commenced, or pending in either of said courts, shall be returnable to, be entered, and have day in court, and be heard and tried according to the times of holding said courts as herein provided.

APPROVED, March 2, 1855.

PUBLIC, LXI.—*An Act to amend "An act to carry into effect a Treaty between the United States and Great Britain," signed on the fifth of June, eighteen hundred and fifty-four, and approved August fifth, eighteen hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date when the reciprocity treaty of the fifth June, eighteen hundred and fifty-four, entered into between Great Britain and the United States, shall go into effect, the Secretary of the Treasury shall be, and he is hereby, authorized and required, to refund, out of any money in the Treasury, to the several persons entitled thereto, such sums of money as shall have been collected as duties on "fish of all kinds, the products of fish, and of all other creatures living in the water," imported into the United States from and after the eleventh day of September, eighteen hundred and fifty-four, the date of the promulgation, by the President of the United States, of the reciprocity treaty aforesaid, on proof, satisfactory to the said Secretary, that the articles aforesaid were the products of some one of the British Provinces of New Brunswick, Canada, Nova Scotia, Newfoundland, or Prince Edward's Island, and imported therefrom into the United States, and duties duly paid thereon, which have not been refunded on export; and he is further authorized and required, from and after the day the treaty aforesaid shall go into effect, to cancel, on like satisfactory proof, any warehouse bonds to secure the duties that may have been given for any of said articles imported as aforesaid.

SEC. 2. *And be it further enacted*, That from and after the date when the reciprocity treaty of the fifth of June, eighteen hundred and fifty-four, entered into between Great Britain and the United States, shall go into effect in the manner therein prescribed, the Secretary of the Treasury shall be, and he is hereby, authorized to refund, out of any money in the Treasury not otherwise appropriated, to the persons entitled thereto, such sums of money as shall have been collected as duties on any of the articles enumerated in the schedule annexed to the third article of the reciprocity treaty aforesaid, imported into the United States from the British Provinces of Canada, New Brunswick, and Nova Scotia, respectively, since the date of the acts of their respective Governments admitting like articles into said Provinces from the United States free of duty, on proof, satisfactory to the said Secretary, that the articles so imported were the products of Canada, New Brunswick, or Nova Scotia, as the case may be, and imported therefrom into the United States, and that the duties were duly paid thereon; and he is further authorized and required to cancel, from and after the date the treaty aforesaid shall go into effect, on like satisfactory proof, any warehouse bonds to secure duties which may have been given for any of the said articles imported as aforesaid. And the Secretary of the Treasury is also hereby invested with the same authority and power to refund the duties or cancel the warehouse bonds on any of the articles enumerated in said treaty, the produce of Prince Edward's Island or Newfoundland, respectively, on said treaty going into operation, should it be proved, to the satisfaction of the said Secretary, that Prince Edward's Island, or Newfoundland, have admitted all of the articles enumerated in said treaty from the United States free of duty, prior to said treaty going into operation.

APPROVED, March 2, 1855.

PUBLIC, LXII.—*An Act authorizing the Corporate Authorities of Georgetown to impose additional Taxes, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mayor, Recorder, Aldermen, and Common Council, of Georgetown, be, and they are hereby, authorized and empowered to lay and collect a special annual tax of seventy-five cents, or so much thereof as may be necessary, upon every hundred dollars of property by law now taxable within the corporate limits of said town, and all money vested or held in any banking, insurance, brokerage, or exchange company, or institution, upon all State or corporation stocks, and money loaned at interest on bond, mortgage, or other evidence of indebtedness, in order to meet the engagements recently assumed by said town in subscribing to the stock of the Metropolitan Railroad Company; and to pledge the same to secure the said engagements, in such a manner that no part of the same shall, in any event, be applied to any other object, and the like remedy shall be used for the recovery thereof as is now used for the recovery of other public taxes in said town.

SEC. 2. *And be it further enacted*, That the said Corporation of Georgetown shall have full power and authority to introduce into said town a supply of water for the use of the inhabitants thereof, and to cause the streets, lanes, and alleys, or any of them, or any portion of any of them, to be lighted by gas or otherwise, and to provide for the expense of any such works or improvements, either by a special tax or out of its corporate funds generally, or both, at its discretion.

APPROVED, March 2, 1855.

PUBLIC, LXIII.—*An Act making Appropriations for the Civil and Diplomatic Expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-six, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-six, namely:

Legislative.

For compensation and mileage of Senators, one hundred and ninety-five thousand seven hundred and ten dollars.

For compensation of the officers, clerks, messengers, and others, receiving an annual salary in the service of the Senate, viz: Secretary of the Senate, three thousand six hundred dollars; officer charged with the disbursements of the Senate, four hundred and eighty dollars; principal clerk and principal executive clerk in the office of the Secretary of the Senate, at two thousand one hundred and sixty dollars each; eight clerks in office of the Secretary of the Senate, at one thousand eight hundred and fifty dollars each; keeper of the stationery, one thousand seven hundred and fifty-two dollars; two messengers, one at one thousand and eighty dollars, and one seven hundred and fifty dollars; one page, at five hundred dollars; sergeant-at-arms and doorkeeper, two thousand dollars; assistant doorkeeper, one thousand seven hundred dollars; postmaster to the Senate, one thousand seven hundred and fifty dollars; assistant postmaster and mail-carrier, one thousand four hundred and fifty dollars; two mail-boys, at nine hundred dollars each; superintendent of the document room, one thousand five hundred dollars; two assistants in document room, at one thousand two hundred dollars each; superintendent of the folding room, one thousand five hundred dollars; two messengers, acting as assistant doorkeepers, at one thousand five hundred dollars each; fifteen messengers, at one thousand two hundred dollars each; superintendent in charge of Senate furnaces, one thousand and eighty dollars; assistant in charge of furnaces, six hundred dollars; laborer in private passage, six hundred dollars; two laborers, at four hundred and eighty dollars each; clerk or secretary to the President of the Senate, one thousand seven hundred and fifty-two dollars; draughtsman, two thousand one hundred and sixty dollars; chaplain of Senate, seven hundred and fifty dollars;—making seventy thousand two hundred and eighty-four dollars.

For the contingent expenses of the Senate, viz:

For binding, forty-five thousand dollars.

For lithographing and engraving, forty-five thousand dollars.

For books, five thousand dollars.

For stationery, twelve thousand dollars.

For newspapers, three thousand dollars.

For Congressional Globe, and binding the same, three thousand dollars.

For reporting proceedings, thirteen thousand dollars.

For clerks to committees, pages, police, horses and carry-alls, forty-eight thousand dollars.

For miscellaneous items, twenty thousand dollars.

For compensation and mileage of members of the House of Representatives and delegates from Territories, six hundred and ninety-four thousand nine hundred and seventy-six dollars.

For compensation of the officers, clerks, mes-

sengers, and others receiving an annual salary, in the service of the House of Representatives, viz: Clerk of the House of Representatives, three thousand six hundred dollars; two clerks, at two thousand one hundred and sixty dollars each; seven clerks, at one thousand eight hundred dollars; sergeant-at-arms, two thousand one hundred and sixty dollars; doorkeeper two thousand one hundred and sixty dollars; postmaster, two thousand one hundred and sixty dollars; one messenger, at one thousand seven hundred and fifty-six dollars and eighty cents; librarian, one thousand eight hundred dollars; reading clerk, one thousand eight hundred dollars; clerk to Committee of Claims, one thousand eight hundred dollars; clerk to sergeant-at-arms, one thousand eight hundred dollars; five messengers, at one thousand four hundred and forty dollars each; chaplain, seven hundred and fifty dollars;—making forty-three thousand nine hundred and six dollars and eighty cents.

For the contingent expenses of the House of Representatives, viz:

For binding documents, seventy thousand dollars.

For furniture and repairs, three thousand dollars.

For stationery for members, twelve thousand dollars.

For twenty-one messengers, including superintendent of folding and document rooms, twenty-eight thousand four hundred and thirteen dollars and twenty cents.

For horses and carriages, four thousand five hundred dollars.

For fuel, oil, and candles, two thousand five hundred dollars.

For newspapers for members, twelve thousand five hundred dollars.

For engraving and lithographing, fifty thousand dollars.

For Capitol police, five thousand four hundred and ninety dollars.

For miscellaneous items, thirty thousand dollars.

For messenger in charge of hall, one thousand seven hundred and forty dollars.

For two messengers in Clerk's office three thousand six hundred dollars.

For saddle horses, six hundred and fifty dollars.

For laborers, two thousand five hundred dollars.

For pages, five thousand nine hundred and thirty-six dollars.

For folding documents, including pay of folders, folding paper, twine, and paste, twenty thousand dollars.

For compensation of draughtsman and clerks, per resolution of the fourth May, one thousand eight hundred and forty-eight, nine thousand dollars.

For compensation to F. W. Lander, civil engineer, for furnishing report of his reconnoissance for a railroad route from Washington and Oregon Territory, by the way of Fort Hall, to Salt Lake, five thousand dollars.

Library of Congress.

For compensation of librarian, three assistant librarians, and messenger, nine thousand dollars.

For contingent expenses of said library, one thousand dollars.

For purchase of books for said library, five thousand dollars.

For purchase of law books for said library, two thousand dollars.

For paper required for the printing of the first session of the Thirty-Fourth Congress, one hundred and fifty-six thousand four hundred and eight dollars.

For printing required for the first session of the Thirty-Fourth Congress, one hundred and fifteen thousand dollars: *Provided*, That the printed sheets for the finer description of books authorized by either House of Congress shall be dry-pressed before being bound, whenever, in the opinion of the Joint Committee on Printing, it is deemed necessary, the cost thereof not to exceed the sum of fifty cents per ream medium.

Executive.

For compensation of the President of the United States, twenty-five thousand dollars.

For compensation to secretary to sign patents for lands, one thousand five hundred dollars.

Department of State.

For compensation of the Secretary of State and Assistant Secretary of State, clerks, messenger, assistant messenger, and laborers in his office, fifty-two thousand six hundred and ninety-two dollars.

For the Incidental and Contingent Expenses of said Department.

For publishing the laws in pamphlet form, and in the newspapers of the States and Territories and in the city of Washington, nineteen thousand seven hundred and twenty-five dollars.

For proof-reading, packing, additional compensation to packer, and distributing laws and documents, including cases, labor, and transportation, fifteen thousand two hundred dollars.

For stationery, blank books, binding, labor, and attendance, furniture, fixtures, repairs, painting and glazing, six thousand five hundred dollars.

For copper-plate printing, books and maps, one thousand dollars.

For newspapers, four hundred dollars.

For extra clerk hire and copying, two thousand dollars; said clerks to be employed only during the session of Congress, or when indispensably necessary, to enable the Department to answer some call made by either House of Congress at one session to be answered at another.

For miscellaneous items, one thousand dollars.

For compiling and supervising the publication of the Biennial Register, five hundred dollars.

For binding books and music in the copyright bureau, and procuring port-folios for the prints and engravings, five hundred dollars.

To enable the Secretary of State to purchase of Messrs. Little, Brown & Company five hundred copies of their new edition of Wheaton's Elements of International Law, to be distributed to the foreign ministers and consuls, and to the Departments at home, two thousand five hundred dollars.

To enable the Secretary of State to purchase fifty copies each, of volumes sixteen and seventeen of Howard's Reports of the Decisions of the Supreme Court of the United States, five hundred dollars.

To enable the Secretary of State to purchase of Messrs. Little, Brown & Company, two thousand copies of the tenth volume of the United States Statutes at Large, for distribution, agreeably to acts of Congress directing the distribution of the other volumes, seven thousand dollars.

Northeast Executive Building.

For compensation of the superintendent, four watchmen, and two laborers of the northeast executive building, three thousand eight hundred and two dollars.

For contingent expenses of said building, viz:

For fuel, light, labor, and repairs, three thousand three hundred dollars.

Treasury Department.

For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, assistant messenger, and laborers in his office, fifty-five thousand five hundred and seventy-two dollars.

For compensation of the First Comptroller and the clerks, messenger, and laborers in his office, twenty-nine thousand four hundred and ninety-two dollars.

For compensation of the Second Comptroller, and the clerks, messenger, and laborer in his office, twenty-nine thousand two hundred and sixteen dollars.

For compensation of the First Auditor, and the clerks, messenger, assistant messenger, and laborer in his office, forty-one thousand nine hundred and thirty-six dollars.

For compensation of the Second Auditor, and the clerks, messenger, assistant messenger, and laborer in his office, thirty-five thousand four hundred and sixteen dollars.

For compensation of the Third Auditor, and the clerks, messengers, assistant messenger, and laborers in his office, one hundred and seven thousand five hundred and thirty-two dollars.

For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office, thirty thousand two hundred dollars.

For compensation of the Fifth Auditor, and the clerks, messenger, and laborer in his office, fifteen thousand and sixteen dollars.

For compensation of the Auditor of the Post Office Department, and the clerks, messenger, assistant messenger, and laborers in his office, one hundred and sixty-five thousand six hundred and twenty-four dollars.

For compensation of the Treasurer of the United States, and the clerks, messenger, assistant messenger, and laborers in his office, twenty-five thousand four hundred and eighty-two dollars.

For compensation of the Register of the Treasury, and the clerks, messenger, assistant messengers, and laborers in his office, forty-seven thousand and fifty-two dollars.

For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, twelve thousand nine hundred dollars.

For compensation of the Commissioner of Customs, and the clerks, messenger, and laborer in his office, twenty thousand four hundred and sixteen dollars.

For compensation of the clerks and messenger of the Light-House Board, eight thousand nine hundred and seventy-six dollars.

Contingent Expenses of the Treasury Department.

In the office of the Secretary of the Treasury:

For labor, blank books, stationery, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress—said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another; and no such extra clerk shall receive more than three dollars thirty-three and one third cents per day for the time actually and necessarily employed; and for miscellaneous items, thirteen thousand dollars.

In the office of the First Comptroller:

For furniture, blank books, binding, stationery, public documents, State and Territorial statutes, and miscellaneous items, one thousand eight hundred dollars.

In the office of the Second Comptroller:

For blank books, binding, stationery, pay for the National Intelligencer and Union, to be filed and preserved for the use of the office, office furniture, and miscellaneous items, one thousand five hundred dollars.

In the office of the First Auditor:

For blank books, binding, stationery, office furniture, and cases for records and official papers, one thousand five hundred dollars.

For miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office, three hundred dollars.

In the office of the Second Auditor:

For blank books, binding, stationery, office furniture, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, one thousand two hundred dollars.

In the office of the Third Auditor:

For blank books, binding, stationery, office furniture, carpeting, two newspapers, the Union and Intelligencer, preserving files of papers, expenses of bounty-land service, miscellaneous items, and arrearages, three thousand five hundred and forty dollars.

In the office of the Fourth Auditor:

For stationery, books, and binding, six hundred dollars.

For labor, one hundred dollars.

For miscellaneous items, two hundred dollars.

In the office of the Fifth Auditor:

For blank books, binding, and stationery, two hundred and fifty dollars.

For miscellaneous items, three hundred and fifty dollars.

In the office of the Auditor of the Post Office Department:

For stationery, blank books, binding, and ruling, ten thousand and fifty dollars.

For miscellaneous items, file-boards, repairs, cases and desks for safe-keeping of papers, furniture, lights, washing towels, ice, horse for mes-

senger, telegraphic dispatches, and stoves, two thousand five hundred dollars.

In the office of the Treasurer:

For blank books, binding, stationery, and miscellaneous items, one thousand two hundred dollars.

In the office of the Register:

For ruling and full binding twenty-eight books for recording collectors' quarterly abstracts of the commerce and navigation, and blank abstracts for their use, three thousand dollars.

For blank books, binding, stationery, cases for official papers and records, and miscellaneous items, four thousand dollars.

For arranging and binding canceled marine papers, one thousand dollars.

In the office of the Solicitor:

For blank books, binding, stationery, labor, and miscellaneous items, one thousand two hundred dollars.

For statutes and reports, one thousand dollars.

In the office of the Commissioner of Customs:

For blank books, stationery, and miscellaneous items, two thousand dollars.

Light-House Board.

For blank books, binding, and stationery, two hundred and fifty dollars.

For miscellaneous expenses and postage, five hundred dollars.

For the General Purposes of the Southeast Executive Building.

For the continuation of the Treasury building, three hundred thousand dollars, to be expended under the direction of the President of the United States, according to the plan proposed by Thomas U. Walter, architect, and approved of by the committees of the Senate and House of Representatives on buildings and grounds at the last session of Congress.

For compensation of eight watchmen of the southeast executive building, four thousand eight hundred dollars.

For compensation of nine laborers of the southeast executive building, five thousand one hundred and eighty-four dollars.

For contingent expenses of said building, viz:

Fuel, lights, repairs, and miscellaneous, eight thousand five hundred dollars.

To enable the Department to provide a suitable protection from the weather for the fuel consumed in said building, and to cleanse, repair, and furnish twenty-six rooms in the third story, when they shall be vacated by the General Land Office, seven thousand dollars.

For rent of building occupied in part by the Attorney General and in part by the First Auditor of the Treasury, three thousand five hundred dollars.

For fuel and miscellaneous items for the same, two thousand five hundred dollars.

For compensation of four watchmen for said building, two thousand four hundred dollars.

For compensation of four laborers for said building, two thousand three hundred and four dollars.

For rent of the building occupied by the Third Auditor of the Treasury, six hundred dollars.

For fuel and other miscellaneous items for the same, two thousand two hundred dollars.

For compensation of two watchmen for said building, one thousand two hundred dollars.

For rent of building occupied by the Fifth Auditor of the Treasury, eight hundred dollars.

For fuel and other miscellaneous items for the same, two thousand two hundred dollars.

For compensation of two watchmen for said building, one thousand two hundred dollars.

Department of the Interior.

For compensation of the Secretary of the Interior, and the clerks, messengers, and assistant messenger in his office, thirty thousand and eighty dollars.

For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, and laborers in his office, one hundred and sixty-eight thousand one hundred and eighty-six dollars.

For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger, in his office, twenty-nine thousand eight hundred and forty dollars.

For compensation of the Commissioner of Pensions, and the clerks, messenger, and assistant messenger, in his office, one hundred and seven thousand eight hundred and forty dollars.

For the repairs of the Potomac, navy-yard, and upper bridges, and to refund to the Commissioner of Public Buildings three thousand dollars advanced to him by the Corporation of Washington, in eighteen hundred and fifty-three, and expended on the Potomac bridge, ten thousand dollars.

Contingent Expenses Department of the Interior.

Office Secretary of the Interior:

For books, stationery, furniture, and other contingencies, three thousand seven hundred dollars.

For library, books, and maps, one thousand dollars.

General Land Office:

For cash system and military patents, under laws prior to twenty-eighth September, eighteen hundred and fifty; patents and other records, tract-books, and blank books, for this and the district land offices; binding plats and field-notes; stationery, furniture and repairs of same, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, thirty-three thousand five hundred and twenty-five dollars.

For contingent expenses in addition, under swamp land act of twenty-eighth September, eighteen hundred and fifty; military bounty acts of twenty-eighth September, eighteen hundred and fifty, and twenty-second March, eighteen hundred and fifty-two, and act thirty-first August, eighteen hundred and fifty-two, for the satisfaction of Virginia land warrants, twenty-six thousand one hundred dollars.

For tract and other books for new land offices, created during the first session of the Thirty-Third Congress, including blanks for the same, six thousand dollars.

To enable the register and receiver of the land office at Indianapolis, Indiana, to rent suitable rooms for the preservation of the records and papers of the several land offices in said State, which have been discontinued, and the books and papers thereof transferred to the said land offices at said city of Indianapolis, the sum of five hundred dollars.

For amount required to enable the Secretary of the Interior to execute the provisions of the "Act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved fourth August, one thousand eight hundred and fifty-four, thirty thousand dollars: *Provided, however*, That in all cases where lands have been or shall hereafter be, sold under the act of fourth August, eighteen hundred and fifty-four, "to graduate and reduce the price of the public lands to actual settlers and cultivators" at a higher rate than authorized by that act, the Secretary of the Interior shall be, and is hereby, authorized to direct the receivers of public money for the proper land district to refund the excess out of any money in his hands derived from the sales of public lands; and the periods and principle of graduation, fixed by the instructions of the General Land Office, of thirtieth October, eighteen hundred and fifty-four, shall be, and they are hereby, confirmed.

Office of Indian Affairs:

For rent of building on Seventh street for office, one thousand two hundred dollars.

For compensation of four watchmen, two thousand four hundred dollars.

For compensation of laborer, five hundred and seventy-six dollars.

For fuel and lights, six hundred and sixteen dollars.

For blank books, binding, and stationery, nine hundred dollars.

For miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved, for the use of the office, eight hundred dollars.

Pension Office:

For engraving and printing bounty land certificates, five thousand dollars.

For stationery, three thousand dollars.

For binding books, two thousand five hundred dollars.

For furniture, five hundred dollars.

For compensation of laborers, one thousand five hundred dollars.

For miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved, for the use of the office, five thousand dollars.

For the general purposes of the Department of the Interior:

For compensation of four night watchmen and one day watchman for the eastern wing of the Patent Office, occupied by the Secretary of the Interior, three thousand dollars.

For expenses incurred by Dr. John Evans, in geological explorations in Oregon, Washington, &c., and for the completion of those explorations in Washington Territory and on Coose Bay, twenty-three thousand five hundred and sixty dollars.

For Contingent Expenses of the Eastern Wing of the Patent Office Building.

For fuel, lights, and incidental expenses, two thousand five hundred dollars.

For compensation of three laborers, one thousand seven hundred and twenty-eight dollars.

For the preservation of the collections of the exploring expedition:

For compensation of keepers, watchmen, and laborers, two thousand nine hundred and eighty dollars.

For contingent expenses, two hundred dollars.

Surveyors General and their Clerks

For compensation of the surveyor general northwest of the Ohio, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office, five thousand eight hundred and twenty dollars.

For compensation of the surveyor general of Louisiana, and the clerks in his office, four thousand five hundred dollars.

For compensation of the surveyor general of Florida, and the clerks in his office, five thousand five hundred dollars.

For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Arkansas, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Oregon, and the clerks in his office, seven thousand five hundred dollars.

For compensation of the surveyor general of California, and the clerks in his office, thirty-nine thousand five hundred dollars.

For compensation of the surveyor general of Washington Territory, and the clerks in his office, seven thousand five hundred dollars.

For compensation of the surveyor general of New Mexico, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor general of Kansas and Nebraska, and the clerks in his office, eight thousand three hundred dollars.

For compensation of clerks in the offices of the surveyors general, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field-notes of surveys for the purpose of preserving them at the seat of Government, sixty-one thousand dollars.

For salary of the recorder of land titles in Missouri, five hundred dollars.

For compensation of the Commissioner of Public Buildings, and the clerk in his office, three thousand two hundred dollars.

For compensation of the Superintendent of the Public Printing, and the clerks and messenger in his office, eleven thousand five hundred and seventeen dollars. And the Superintendent and the clerks and messenger in his office, and the librarian and assistants and messenger in the library of Congress, shall be entitled to, and shall receive the benefits of the joint resolution, approved July twentieth, eighteen hundred and fifty-four, fixing the compensation of the legislative employees of the Government, in the same manner and to the same extent as officers of the same grade in the legislative department.

For contingent expenses of his office, viz:

For blank books, stationery, postage, advertising for proposals for paper, and miscellaneous items, one thousand dollars.

For rent of ware-room, two hundred and fifty dollars.

For cartage and labor in storing and transportation of paper, five hundred and fifty dollars.

War Department.

For compensation of the Secretary of War, and the clerks, messenger, assistant messenger, and laborer in his office, twenty-two thousand three hundred and forty-eight dollars.

For compensation of the clerks and messenger in the office of the Adjutant General thirteen thousand four hundred dollars.

For compensation of the clerks and messenger in the office of the Quartermaster General, sixteen thousand two hundred dollars.

For compensation of the clerks and messenger in the office of the Paymaster General twelve thousand four hundred and forty dollars.

For compensation of the clerks, messenger, and laborer, in the office of the Commissary General of Subsistence, nine thousand seven hundred and seventy-six dollars.

For compensation of the clerks and messenger in the office of the Chief Engineer, eight thousand two hundred dollars.

For compensation of the clerks and messenger in the office of the Surgeon General, five thousand dollars.

For compensation of the clerks, messenger, and laborer in the office of the Colonel of Topographical Engineers, six thousand nine hundred and seventy-six dollars.

For compensation of the clerks and messenger in the office of Colonel of Ordnance, twelve thousand dollars.

Contingent Expenses of the War Department.

Office of the Secretary of War:

For blank books, stationery, and labor, one thousand four hundred and fifty dollars.

For miscellaneous items, five hundred and fifty dollars.

For books, maps, and plans, one thousand dollars.

For extra clerk hire, one thousand five hundred dollars.

Office of the Adjutant General:

For blank books, binding, and stationery, six hundred dollars.

For miscellaneous items, including office furniture, six hundred dollars.

Office of the Quartermaster General:

For blank books, binding, and stationery, five hundred dollars.

For labor, one hundred and fifty dollars.

For miscellaneous items, three hundred dollars.

Office of the Commissary General:

For blank books, binding, stationery, advertising, and miscellaneous items, two thousand five hundred dollars.

Office of the Chief Engineer:

For blank books, binding, and stationery, four hundred dollars.

For miscellaneous items, including two daily Washington papers, five hundred dollars.

Office of the Surgeon General:

For blank books, binding, and stationery, two hundred dollars.

For miscellaneous items, two hundred dollars.

Office of the Colonel of Ordnance:

For blank books, binding, and stationery, six hundred dollars.

For miscellaneous items, five hundred dollars.

Office of the Colonel of Topographical Engineers:

For blank books, binding, and stationery, seven hundred dollars.

For miscellaneous items, five hundred dollars.

For the General Purposes of the Northwest Executive Building.

For compensation of four watchmen of the northwest executive building, two thousand four hundred dollars.

For compensation of two laborers of the northwest executive building, eight hundred and sixty-four dollars.

For fuel and light, two thousand four hundred dollars.

For miscellaneous items, one thousand six hundred dollars.

For the General Purposes of the Building corner of F and Seventeenth streets.

For compensation of superintendent, four watchmen, and two laborers, for said building, three thousand eight hundred and two dollars.

For repairs and improvements, ten thousand two hundred and fifty-three dollars and forty cents.

For fuel and compensation of firemen, one thousand nine hundred and forty-two dollars and fifty cents.

For contingent expenses, one thousand four hundred dollars.

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, assistant messenger, and laborer, in his office, twenty-nine thousand two hundred and ninety-six dollars.

For compensation of the Chief of the Bureau of Ordnance and Hydrography, and the clerks, messenger, and laborer, in his office, twelve thousand three hundred and sixteen dollars.

For compensation of the Chief of the Bureau of Navy-Yards and Docks, and the civil engineer, clerks, messenger, and laborers, in his office, seventeen thousand and ninety-two dollars.

For compensation of the Chief of the Bureau of Construction, Equipment, and Repairs, and of the engineer-in-chief, and the clerks, messenger, and laborers, in his office, twenty thousand seven hundred and ninety-two dollars.

For compensation of the clerks, messenger, and laborer in the Bureau of Provisions and Clothing, eight thousand eight hundred and sixteen dollars.

For compensation of the Chief of the Bureau of Medicine and Surgery, and the clerks, messenger, and laborer, in his office, nine thousand and sixteen dollars.

Contingent Expenses of the Navy Department.

Office Secretary of the Navy:

For blank books, binding, stationery, labor, newspapers, periodicals, and miscellaneous items, two thousand eight hundred and forty dollars.

Bureau of Ordnance and Hydrography:

For blank books and stationery, five hundred dollars.

For miscellaneous items, two hundred and fifty dollars.

Bureau of Construction, Equipment, and Repairs:

For blank books, binding, stationery, and miscellaneous items, eight hundred dollars.

Bureau of Yards and Docks:

For stationery, books, plans, drawing, and incidental labor, eight hundred dollars.

Bureau of Provisions and Clothing:

For blank books, binding, stationery, and miscellaneous items, seven hundred dollars.

Bureau of Medicine and Surgery:

For blank books and stationery, three hundred and fifty dollars.

For miscellaneous items, one hundred dollars.

For the General Purposes of the Southwest Executive Building.

For compensation of four watchmen of the southwest executive building, two thousand four hundred dollars.

For contingent expenses of said building, viz:

For labor, fuel, lights, and miscellaneous items, three thousand eight hundred and sixty-five dollars.

Post Office Department.

For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, assistant messengers, watchmen, and laborers of said Department, one hundred and fifty thousand five hundred and fifty-two dollars.

Contingent expenses of said Department:

For blank books, binding, and stationery, fuel for the General Post Office building, including the Auditor's Office, oil, gas, and candles, printing, labor, day watchman, and for miscellaneous items, nine thousand five hundred dollars.

For the continuation of the Post Office building, three hundred thousand dollars; to be expended under the direction of the President of the United States, according to the plan submitted by Thomas U. Walter, architect, to the Postmaster General, and approved of by the committees of the Senate and House of Representatives at the present session of Congress.

For repairs of the General Post Office building, for office furniture, glazing, painting, whitewashing, and for keeping the fire-places and furnaces in order, four thousand dollars.

For the renewal of the furnaces in the General Post Office building, and for repairing the mantels and fire-places therein, two thousand dollars.

For paper and printing for the executive departments, including the annual statement of commerce and navigation, the Biennial Register, and annual estimates of appropriations, one hundred and forty-six thousand five hundred dollars: *Provided*, All blank books, binding, and ruling the same for the several executive departments herein appropriated for, shall be furnished under the direction and supervision of the Superintendent of Public Printing.

Mint of the United States at Philadelphia.

For salaries of the director, treasurer, assayer, melter, and refiner, chief coiner and engraver, assistant assayer, assistant melter and refiner, and seven clerks, twenty-seven thousand nine hundred dollars.

For wages of workmen and adjusters, fifty thousand dollars.

For specimens of ores and coins, to be reserved at the Mint, three hundred dollars.

For transportation of bullion from New York assay office to the United States Mint for coinage, ten thousand dollars: *Provided*, That all bullion required by law to be transmitted from said office to the Mint for coinage, shall, if practicable, be in the form of refined bars.

For incidental and contingent expenses, including fuel, materials, stationery, water-rent, gas, wastage, freight on bullion, in addition to other available funds, sixty thousand dollars.

At New Orleans.

For salaries of superintendent, treasurer, assayer, coiner, melter and refiner, and three clerks, seventeen thousand seven hundred dollars.

For wages of workmen, thirty-seven thousand dollars.

For incidental and contingent expenses, including fuel, materials, stationery, wastage, in addition to other available funds, forty-two thousand three hundred dollars.

At Charlotte, North Carolina.

For salaries of superintendent, coiner, assayer, and clerks, six thousand dollars.

For wages of workmen, four thousand one hundred dollars.

For incidental and contingent expenses, including fuel, materials, stationery, wastage, in addition to other available funds, one thousand five hundred dollars.

At Dahlonega, Georgia.

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars.

For wages of workmen, three thousand six hundred dollars.

For incidental and contingent expenses, including fuel, materials, stationery, wastage, in addition to other available funds, two thousand five hundred dollars.

At San Francisco, California.

For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and five clerks, twenty-eight thousand dollars.

For wages of workmen and adjusters, one hundred thousand dollars.

For ordinary expenses, including wastage, in addition to other available means, twenty thousand dollars.

Assay Office, New York.

For salaries of officers and clerks, fourteen thousand four hundred dollars: *Provided*, That the Secretary of the Treasury be authorized to fix the salaries of such officers and clerks so as not to exceed those allowed by law to like officers and clerks in the Mint or its branches.

For wages of workmen, in addition to an available balance of former appropriations, forty thousand dollars.

For incidental and contingent expenses, repairs, including fuel and materials, and wastage on gold and silver, in addition to other available means, seventy thousand dollars.

Government in the Territories.

TERRITORY OF OREGON.

For salaries of Governor, three judges, and secretary, twelve thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF MINNESOTA.

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary, ten thousand three hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF NEW MEXICO.

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary, twelve thousand five hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF UTAH.

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary, twelve thousand dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

For the construction of a warden's house and outer yard and twelve cells and fixtures for the penitentiary in the Territory of Utah, thirteen thousand dollars.

TERRITORY OF WASHINGTON.

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary, twelve thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF NEBRASKA.

For salaries of Governor, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, three thousand one hundred and twenty-five dollars; and the accounting officers of the Treasury shall audit and pay out of said sum the amount expended by Acting Governor Cumming in removing the remains of the late Governor Burt from Nebraska to his late residence in South Carolina.

For expenses of taking the census, authorized by fourth section of act May thirtieth, one thousand eight hundred and fifty-four, two thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF KANSAS.

For salaries of Governor, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

For expenses of taking the census, authorized by fourth section of act May thirtieth, one thousand eight hundred and fifty-four, two thousand dollars.

For the expenses of the election of a Delegate to the House of Representatives of the United States, second session of the Thirty-Third Congress, seven hundred dollars.

Judiciary.

For salaries of the chief justice of the Supreme Court and eight associate judges, fifty-four thousand five hundred dollars; and from and after the passage of this act, the annual salaries of the several justices of the Supreme Court of the United States shall be as follows, to wit:

Of the chief justice of the Supreme Court, six thousand five hundred dollars.

Of the associate justices of the Supreme Court, six thousand dollars each. And hereafter the messengers attending the Supreme Court be allowed the sum of three dollars per day each during their attendance, commencing with the present term of the court; and that the marshal of the District of Columbia pay the same out of any moneys of the United States in his hands.

For salary of the circuit judge for California, four thousand five hundred dollars.

For salaries of the district judges, inclusive of the deficiency for the year ending 30th June next, one hundred and eleven thousand six hundred and sixty-eight dollars.

For salaries of the chief judge of the District of Columbia, the assistant judges, and the judges of the criminal court, and the orphans' court, eleven thousand seven hundred dollars.

For salaries of the Attorney General and the clerks and messenger in his office, eighteen thousand and forty dollars.

For contingent expenses of the office of the Attorney General, one thousand dollars.

For purchase of law books for the office of the Attorney General, one thousand five hundred dollars.

For salary of the reporter of the Decisions of the Supreme Court, one thousand three hundred dollars.

For one hundred and fifty copies of volume sixteen of Howard's Reports of Decisions of the Supreme Court of the United States, furnished by the reporter thereof to the State Department, for distribution according to existing laws, thirteen hundred dollars.

For compensation of the district attorneys, ten thousand one hundred and fifty dollars; and the district attorney of the Territory of Utah shall receive the same fees as is now allowed by law to the district attorney of the Territory of Oregon.

For the marshal of the southern district of New York, for repairs made in, and furniture supplied for, the court-rooms and offices of the circuit and district judges, district attorney, and marshal of the southern district of New York, rendered necessary in consequence of the destruction of the court buildings by fire, seven thousand one hundred and forty-eight dollars and eighty-one cents: *Provided*, That the vouchers shall be submitted to the Secretary of the Interior, and the expenditure approved by him.

For compensation of the marshals, eight thousand six hundred dollars.

Miscellaneous.

For annuities and grants, seven hundred and fifty dollars.

Independent Treasury.

For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, thirteen thousand five hundred dollars; and hereafter the annual salaries of the assistant treasurers at Boston and St. Louis shall be four thousand dollars each.

For additional salaries of the treasurer of the Mint at Philadelphia of one thousand dollars, and of the treasurer of the branch Mint at New Orleans of five hundred dollars, one thousand five hundred dollars.

For salaries of six of the additional clerks, authorized by the acts of August sixth, one thousand eight hundred and forty-six, August twelfth, one thousand eight hundred and forty-eight, March third, one thousand eight hundred and fifty-one, and August thirty-first, one thousand eight hundred and fifty-two, and August fourth, one thousand eight hundred and fifty-four, six thousand five hundred dollars.

For salary of additional clerk in office of assistant treasurer at Boston, one thousand two hundred dollars.

For salary of a clerk to the treasurer of the branch Mint at San Francisco, California, two thousand five hundred dollars.

For salaries of clerks, messengers, and watchmen, in the office of the assistant treasurer at New York, thirteen thousand nine hundred dollars.

For contingent expenses under the act for the safe-keeping, collecting, transfer, and disbursement of the public revenue of August sixth, one thousand eight hundred and forty-six, sixteen thousand five hundred dollars: *Provided*, That no part of said sum of sixteen thousand five hundred dollars shall be expended for clerical services.

For compensation to special agents to examine the books, accounts, and money on hand, of the several depositaries, under the act of August sixth, one thousand eight hundred and forty-six, five thousand dollars.

For the discharge of such miscellaneous claims, not otherwise provided for, as shall be admitted, in due course of settlement, at the Treasury, five thousand dollars: *Provided*, That no part of the appropriation shall be drawn from the Treasury, except in pursuance of some law or resolution of Congress authorizing the expenditure.

For salaries of nine supervising and fifty local inspectors, appointed under the act of August thirtieth, one thousand eight hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them, eighty thousand dollars.

Survey of the Coast.

For survey of the coast of the United States, (including compensation to superintendent and assistants, and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy, employed on the work,) two hundred and fifty thousand dollars.

For continuing the survey of the western coast of the United States, one hundred and thirty thousand dollars.

For continuing the survey of the Florida reefs and keys, (excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy, employed on the work,) forty thousand dollars.

For publishing the observations made in the progress of the survey of the coast of the United States, fifteen thousand dollars.

For fuel and quarters, and for mileage and transportation for officers and enlisted soldiers of the Army, serving in the coast survey, in cases no longer provided for by the quartermaster's department, ten thousand dollars.

Light-House Establishment.

For supplying five hundred and ten light-houses and beacon-lights with oil, glass chimneys, wicks, chamois skins, polishing powder, whiting, and cleaning materials, transportation and other necessary expenses of the same; repairing and keeping the lighting apparatus, two hundred and eighty-seven thousand two hundred and forty dollars and fifty cents.

For repairs and incidental expenses, refitting, and improvements of all the light-houses, and buildings connected therewith, one hundred and forty-two thousand four hundred and eighty-nine dollars and twenty-one cents.

For salaries of five hundred and forty-three keepers of light-houses and lighted beacons, and their assistants, and including one thousand two hundred dollars for salary of superintendent of supplies on the upper lakes, two hundred and eighteen thousand four hundred dollars.

For salaries of forty-nine keepers of light-vessels, twenty-seven thousand six hundred and fifty dollars.

For seamen's wages, repairs, supplies, and incidental expenses of forty-nine light vessels, one hundred and eighty-six thousand eight hundred and sixty-one dollars and twenty-three cents.

For expenses of raising, cleaning, painting, repairing, remooring, and supplying losses of buoys and day beacons, and for chains and sinkers for the same, and for coloring and numbering all the buoys, eighty-nine thousand three hundred and fifty-seven dollars and thirty-two cents.

For expenses of visiting and inspecting lights,

and other aids to navigation, two thousand dollars.

For commissions, at two and a half per centum, to such superintendents as are entitled to the same, under the proviso to the act of third of March, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them, eight thousand dollars.

For the coasts of California, Oregon, and Washington:

For oil and other supplies for twenty-one lights, cleaning materials of all kinds, and transportation of the same, expenses of keeping lamps and machinery in repair, publishing notices to mariners of changes of aids to navigation, thirty-eight thousand and twenty-four dollars and twenty-five cents.

For repairs and incidental expenses of twenty-one lights, and buildings connected therewith, twelve thousand seven hundred and fifty dollars.

For salaries of forty-one keepers and assistant keepers of light-houses, at an average not exceeding eight hundred dollars per annum, thirty-two thousand eight hundred dollars.

For expenses of raising, cleaning, repairing, remooring, and supplying losses of floating beacons and buoys, and chains and sinkers for the same, and for coloring and numbering all the buoys, eleven thousand five hundred dollars.

For commissions, at two and a half per centum, to such superintendents as are entitled to the same, under the proviso to the act of the third of March, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them, eight hundred dollars.

For continuing the construction of the light-house near Coffin's Patches, off Dry Bank on the Florida reef, between Cary's Fort reef and Sand Key light-houses, sixty-five thousand dollars.

For continuing the construction of the light-house on Minot's ledge, one of the Cohasset rocks, Boston bay, Massachusetts, seventy-five thousand dollars.

For continuing the construction of the light-house on Ship shoal, Louisiana, to take the place of the light-vessel at that point, thirty thousand dollars.

To enable the Secretary of the Treasury to replace lost light-vessel, to mark the dangerous New South shoals off Nantucket, Massachusetts, thirty thousand dollars.

For continuing the appropriation of the third of March, eighteen hundred and fifty-three, for a first-class light-house at the mouth of the Sabine river, thirty thousand dollars.

For continuing the system of protecting human life from shipwreck as heretofore established, by life-boats and other means, on the coast of Massachusetts, the sum of ten thousand dollars; said money to be expended by the Boston Humane Society, under the direction and control of the Secretary of the Treasury.

For fuel and quarters for officers of the Army serving on light-house duty, the payment of which is no longer provided for by the quartermaster's department, five thousand and sixty-three dollars and sixty-seven cents.

To supply deficiencies in the revenue of the Post Office Department, one million one hundred and six thousand one hundred and eighty-seven dollars.

For the continuation of the custom-house at Charleston, South Carolina, two hundred thousand dollars.

For the continuation of the custom-house at New Orleans, Louisiana, two hundred and seventy-five thousand dollars.

To complete the custom-house at Bath, Maine, ten thousand dollars.

For the completion of the custom-house at Mobile, with granite facing, in place of brick, ninety-five thousand dollars.

Intercourse with Foreign Nations.

For salaries of envoys extraordinary and ministers plenipotentiary of the United States, two hundred and sixty-seven thousand five hundred dollars.

For salaries of secretaries of legation, forty-four thousand five hundred dollars.

For salary of the commissioner to the Sandwich Islands, six thousand dollars.

For the dragoman to the mission to Turkey, two thousand five hundred dollars.

For the interpreter to the mission to China, two thousand five hundred dollars.

For the salaries of the consuls of the United States, two hundred and seventy-one thousand seven hundred and fifty dollars.

For contingent expenses of all the missions abroad, or so much thereof as may be necessary, ninety-six thousand five hundred and forty-three dollars and seventy-five cents.

For contingent expenses of foreign intercourse, sixty thousand dollars.

For expenses of intercourse with the Barbary Powers, six thousand dollars.

For office rent of the commercial agent at St. Martin, from the twelfth of November, eighteen hundred and fifty-two, to the end of the present fiscal year, at the rate of one hundred dollars per annum, two hundred and sixty-three dollars and thirty-three cents, the same being allowed because of unexpected losses sustained at said consulate.

And the Secretary of the Treasury is hereby authorized and directed to pay to James Keenan, consul at Hong Kong, in China, the sum of five hundred and eighty-one dollars and fifty-eight cents, expended by him for the relief of American citizens shipwrecked in Chinese waters in August last: *Provided*, That the account and vouchers shall be filed in the office of the Secretary of State, and the claim be first approved by him.

For the relief and protection of American seamen in foreign countries, one hundred and twenty-five thousand dollars.

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens and vessels of the United States from shipwreck, two thousand dollars: *Provided*, That the same shall be expended under the direction of the President of the United States.

For the purchase of blank books, stationery, arms of the United States, presses, and flags, and for the payment of postages for the consuls of the United States, ten thousand dollars.

For compensation of a consul general, to reside at Simoda, in Japan, at the rate of five thousand dollars per annum, three thousand seven hundred and fifty dollars.

To reimburse Commodore M. C. Perry, of the United States Navy, the extraordinary expenses incurred by him on his recent mission to Japan, and as a consideration for his eminent public service in effecting a treaty of amity and commerce with that Power, twenty thousand dollars, to be received in full of all expenses or other charges incurred by him on that mission.

And the Secretary of the Treasury is hereby directed to pay, out of any moneys not otherwise appropriated, to Robert [C.] Schenck, of Ohio, for his full compensation while employed as envoy extraordinary and minister plenipotentiary of the United States on special mission to the Oriental Republic of Uruguay, in the year eighteen hundred and fifty-two, the sum of nine thousand dollars; and for his full compensation as envoy extraordinary and minister plenipotentiary of the United States on special mission to the Argentine Confederation, in the year eighteen hundred and fifty-three, the sum of nine thousand dollars, such payment to be in lieu of the per diem compensation provided for said Robert C. Schenck in the "Act making appropriations for the civil and diplomatic expenses of the Government," approved August fourth, eighteen hundred and fifty-four.

To enable the Secretary of State to reimburse to Edward Riddle such sums as shall be satisfactorily shown to have been expended by him, for which said Riddle may have obligated himself to pay, on account of his official position at the Industrial Exhibition at London, England, or so much as shall be necessary, twenty-six thousand dollars: *Provided*, That no portion of the payments made *pro rata*, by contributors of said exhibition, shall be regarded as within this appropriation.

Expenses of the Collection of Revenue from Lands.

To meet the expenses of collecting the revenue from the sale of public lands in the several States and Territory of Minnesota, in addition to the balances of former appropriation:

For salaries and commissions of registers of land offices and receivers of public moneys, three hundred and eighteen thousand dollars.

For expenses of depositing public moneys by receivers of public moneys, one hundred thousand dollars.

For incidental expenses of the several land offices, seventy-four thousand three hundred dollars.

Survey of the Public Lands.

For surveying the public lands, (exclusive of California, Oregon, Washington, New Mexico, Kansas, and Nebraska,) including incidental expenses, and island surveys in the interior, and all other special and difficult surveys demanding augmented rates, to be apportioned and applied to the several surveying districts according to the exigencies of the public service, including expenses of selecting swamp lands, and the compensation and expenses to surveyor to locate private land claims in Louisiana, in addition to the unexpended balances of all former appropriations for the same objects, one hundred and fifteen thousand dollars.

For the resurvey and correction of thirty townships in Michigan, situated north of the first correction line, and west of the meridian, averaging sixty-miles each, at a rate not exceeding six dollars per mile, ten thousand eight hundred dollars.

For the resurvey and correction of townships forty-four to forty-eight north, inclusive of ranges eighteen, nineteen, and twenty west, situated in the upper peninsula of Michigan, estimated at thirteen full townships, averaging sixty miles each, at a rate not exceeding six dollars per mile, four thousand six hundred and eighty dollars.

For correcting erroneous and defective lines of public and private surveys in Illinois and Missouri, at a rate not exceeding six dollars per mile, three thousand dollars.

For the resurvey and correction of old erroneous surveys in Arkansas, discovered since the last report by the surveyor general, at a rate not exceeding six dollars per mile, nine thousand five hundred and four dollars.

For the renewal and correction of old, erroneous, and defective surveys in Arkansas, discovered since the last estimate by the surveyor general, where the marks have become obliterated by time, accident, and other causes, at a rate not exceeding four dollars per mile, four thousand eight hundred and ninety-six dollars.

For surveying in Louisiana, at augmented rates, now authorized by law, twenty-three thousand and ninety-one dollars.

For retracing and renewing old, obliterated, imperfect, and defective surveys in the State of Florida, and making relocations of the lines of private land claims therein, and for locating private land claims under the act of twenty-eighth June, one thousand eight hundred and forty-eight; also for detached and unfinished surveys, and for the execution of surveys rendered difficult by reason of swamps and lakes, and to be expended at rates not exceeding six dollars per mile, ten thousand dollars.

For preparing the unfinished records of public and private surveys to be transferred to the State authorities, under the provisions of the act of the twelfth June, one thousand eight hundred and forty, in those districts where the surveys are about being completed, twenty thousand dollars.

For resurveys and examinations of the surveys of the public lands in those States where the offices of the surveyors general have been, or shall be, closed under the acts of the twelfth of June, one thousand eight hundred and forty, and the twenty-second of January, one thousand eight hundred and fifty-three, including two thousand dollars for the salary of the clerk detailed to this special service in the General Land office, three thousand dollars.

For Surveys in California, Oregon, Washington, New Mexico, Kansas, and Nebraska.

For surveying the public lands and private land

claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, one hundred and fifty thousand dollars.

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, and pay of messenger, eighteen thousand dollars.

For continuing the surveys of standard parallels in Oregon, over the coast range of mountains to the Pacific, estimated at one hundred and fifty miles, three thousand dollars.

For surveying township and subdivision lines in Oregon Territory, at a rate not exceeding twelve dollars per mile, twenty-five thousand nine hundred and twenty dollars.

For rent of surveyor general's office in Oregon, fuel, books, stationery, and other incidental expenses, three thousand dollars.

For surveying township and subdivision lines in Washington Territory, at a rate not exceeding twelve dollars per mile, thirty thousand dollars.

For office rent for the surveyor general of Washington Territory, fuel, books, stationery, and other incidental expenses, three thousand dollars.

For rent of surveyor general's office in New Mexico, fuel, books, stationery, and other incidental expenses, three thousand dollars.

For compensation of a translator in the office of the surveyor general of New Mexico, two thousand dollars.

For surveying the necessary base, meridian, standard parallels, and section lines in Kansas and Nebraska, also outlines of Indian reservations, one hundred and one thousand dollars.

For rent of surveyor general's office in Kansas and Nebraska, fuel, books, stationery, and other incidental expenses, six thousand dollars.

For continuing the survey of the keys off the coast of Florida by the officers of the coast survey, thirty thousand dollars.

For continuing the survey of the islands off the coast of California, forty thousand dollars.

For running and marking the boundary line between the United States and the Republic of Mexico, under the treaty concluded at the city of Mexico on the thirtieth of December, one thousand eight hundred and fifty-three, seventy-one thousand four hundred and fifty dollars, to be disbursed under the direction of the Secretary of the Interior.

For compensation of the surveyor general of Utah Territory, three thousand dollars.

For clerks in his office, four thousand dollars.

For office rent for the surveyor general of Utah Territory, fuel, books, stationery, furniture, and other incidental expenses, three thousand dollars.

For surveying the base, principal meridian, correction parallels, township and section lines, in the Territory of Utah, at augmented rates, fifty thousand dollars.

Penitentiary.

For compensation of the warden, clerk, physician, chaplain, assistant keepers, guards, and porter of the Penitentiary of the District of Columbia, eleven thousand two hundred and twenty-nine dollars and thirty-one cents; and twenty per centum additional salary is hereby appropriated, to be paid to the said officers of the Penitentiary, which per centum shall commence from the first day of July, eighteen hundred and fifty-three: *Provided*, That the same shall not extend to the chaplain.

For compensation of three inspectors of said Penitentiary, seven hundred and fifty dollars, and for the present fiscal year four hundred and fifty dollars, in addition to the sum already appropriated.

For the support and maintenance of said Penitentiary, six thousand three hundred and twelve dollars and fifty cents. And the annual compensation of the chaplain of the Penitentiary shall be five hundred dollars, to commence from the present fiscal year.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-six, and previous years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, eight hundred thousand dollars.

For the support, clothing, and medical treatment of the insane of the District of Columbia and of the Army and Navy at the asylum in said District, sixteen thousand eight hundred dollars.

For finishing and furnishing the two last sections of the hospital building, which comprises all that has been commenced, twenty-two thousand five hundred and twelve dollars. And for the erection of a lodge for the colored insane, fences, repair of the farm-houses, for ten cows for use of the asylum, for a carriage and harness for the patients, and for ditching, grading, and setting out trees, twelve thousand and twenty dollars.

Public Buildings and Grounds.

For compensation, in part, for the messenger in charge of the main furnace in the Capitol, four hundred and twenty dollars.

For compensation to the laborer in charge of the water-closets in the Capitol, four hundred and thirty-eight dollars.

For removing fences, grading streets, &c., preparatory to the extension of the Capitol square, in accordance with the plan submitted by the Commissioner of Public Buildings, fifteen thousand dollars: *Provided*, That no part of this appropriation shall be expended except upon property now owned by the United States.

For compensation of the public gardener, one thousand four hundred and forty dollars.

For compensation of sixteen laborers, employed in the public grounds and President's garden, at forty-eight dollars per month each, nine thousand two hundred and sixteen dollars.

For compensation of the keeper of the western gate, Capitol square, eight hundred and seventy-six dollars.

For compensation of two day watchmen, employed in the Capitol square, at six hundred dollars each, one thousand two hundred dollars.

For compensation of two night watchmen, employed at the President's house, at six hundred dollars each, one thousand two hundred dollars.

For compensation of the doorkeeper at the President's house, six hundred dollars.

For compensation of the assistant doorkeeper at the President's house, four hundred and thirty-eight dollars.

For compensation of four draw-keepers at the Potomac bridge, and for fuel, oil, and lamps, three thousand two hundred and sixty-six dollars.

For compensation of two draw-keepers at the two bridges across the Eastern branch of the Potomac, and fuel, oil, and lamps, one thousand one hundred and eighty dollars.

For compensation of the Auxiliary Guard, fuel, and oil for lamps, nineteen thousand four hundred dollars.

For support, care, and medical treatment of eighteen transient paupers, medical and surgical patients, in Washington Infirmary, three thousand dollars.

For purchase of manure for the public grounds, one thousand dollars.

For hire of carts on the public grounds, one thousand dollars.

For purchase and repair of tools used in the public grounds, five hundred dollars.

For purchase of trees and tree-boxes, to replace, where necessary, such as have been planted by the United States, and the repair of pavements in front of the public grounds, five thousand dollars.

For compensation of one night watchman employed for the better protection of the buildings lying south of the Capitol and used as public stables and carpenter's shop, six hundred dollars.

For annual repairs of the Capitol, water-closets, public stables, water-pipes, pavements and other walks within the Capitol square, broken glass, and locks, five thousand dollars.

For annual repairs of the President's house, improvement of grounds, purchasing trees and plants for garden, and making hot-beds therein, six thousand dollars.

For removing the stone wall which now forms the southern boundary of the park at the President's, in accordance with the recommendation and plan submitted by the Commissioner of Public Buildings, fifteen thousand dollars.

For removing the old engine-house of the Franklin Fire Company from the triangular space on Pennsylvania avenue, between Thirteenth and Fourteenth streets, and inclosing said space with an iron fence, and improving it, six thousand dollars.

For removing the present dome over the central portion of the Capitol, and the construction of one upon the plan as designed by Thomas U. Walter, architect of the Capitol extension, under the direction of the President of the United States, one hundred thousand dollars.

For public reservation number two, and Lafayette square, three thousand dollars.

For inclosing the circle at the intersection of Pennsylvania avenue with New Hampshire avenue and K and Twenty-Third streets, and improving the space within said circle, three thousand dollars.

For inclosing the triangular space upon which the western market-house recently stood with an iron fence, and improving the same, five thousand dollars.

For repairs of Pennsylvania avenue, one thousand dollars.

For footway on north front of the President's house, in lieu of the brick pavement now much broken, containing seventeen thousand one hundred and seventy-six square feet, at twenty-eight cents per foot, three thousand eight hundred and nine dollars and twenty-eight cents.

For finishing the brick pavement on the south front of Lafayette square, one thousand dollars.

For purchase of books for library at the Executive Mansion, to be expended under the direction of the President of the United States, two hundred and fifty dollars.

To complete and revise the grades of the city of Washington, and to determine the plans for the drainage and sewerage thereof, per act of August thirty-one, eighteen hundred and fifty-two, five thousand dollars.

For taking care of the grounds south of the President's house, continuing the improvements of the same and keeping them in order, three thousand dollars.

For the completion of the east wing of the Patent Office building, and the improvements connected therewith, ten thousand seven hundred dollars.

For lighting the President's house and Capitol, the public grounds around them, and around the Executive offices and Pennsylvania avenue, East Capitol street to Second street, twenty-five thousand dollars.

For fuel for the President's house, one thousand dollars.

For furnace-keeper at the President's house, three hundred and sixty-five dollars.

To complete the furnishing of the rooms of the new wing of the Patent Office building with furniture, and providing the saloon therein with cases for models, fifteen thousand dollars.

For the collection of agricultural statistics, and procuring and distributing cuttings and seeds, twenty-five thousand dollars.

For continuing the work on the Washington aqueduct, two hundred and fifty thousand dollars.

For completing the engravings and illustrations of the Mexican boundary survey, ten thousand dollars.

To meet the expenses of the transportation of certain persons from San Diego to San Francisco, California, charged with a violation of the neutrality laws of the United States, and who surrendered themselves to the military authorities, one thousand two hundred dollars.

For salaries and incidental expenses of the commission appointed under the act of third March, eighteen hundred and fifty-one for settling land claims in California, from third March, eighteen hundred and fifty-five, to third March, eighteen hundred and fifty-six, in addition to unexpended balance, one hundred and twenty thousand dollars.

For compensation of thirty clerks of class one, ten of class two, nine of class three, and one at two thousand dollars per annum, one messenger at eight hundred and forty dollars, one messenger at six hundred dollars, two laborers at five hun-

dred and seventy-six dollars each, and four watchmen at six hundred dollars each per annum, for temporary service, at the discretion of the Secretary of the Interior, in the Pension Office, on account of bounty lands, seventy-one thousand three hundred and ninety dollars.

For contingent expenses, viz:

For rent of rooms, stationery, engraving plates for bounty land warrants, paper, and printing the same, binding books, blank books for registers, office furniture, and miscellaneous items, twenty thousand dollars.

For expenses of the current fiscal year on account of military bounty lands, thirty thousand dollars.

For clerk hire, patents, records, stationery, and miscellaneous items in the General Land Office on account of military bounty lands, seventy thousand dollars: *Provided, however*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair.

For compensation of ten clerks of class one, to be employed temporarily in the office of the Third Auditor, on account of military bounty lands, twelve thousand dollars; and that the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Jacob P. Chase the usual compensation for the services of his two sons as clerks in the Pension Office for the time they were engaged as such, and the sum necessary to pay the same be, and the same is hereby, appropriated.

And the Secretary of War be, and he hereby is, directed to cause to be constructed, on such site, in a central position on the public grounds, in the city of Washington, as may be selected by the President of the United States, a suitable building for the care and preservation of the ordnance and arms and accouterments of the United States, required for the use of the volunteers and militia of the District of Columbia, and for the care and preservation of the military trophies of the revolutionary and other wars, and for the deposit of newly-invented and model arms, for the military service, the said ordnance and arms, and the building, to be used by the volunteers and militia of the District of Columbia, under such regulations as may be prescribed by the President; and for the purpose of carrying this act into effect the sum of thirty thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated, to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five, out of any money in the Treasury not otherwise appropriated, namely:

For additional to the appropriations by the act of fourth August, eighteen hundred and fifty-four, for the contingent expenses of the Senate, namely:

For binding, thirty thousand dollars.

For lithographing and engraving, twenty-five thousand dollars.

For the House of Representatives, viz:

For twenty-four copies of Globe for each member and delegate of the second session of the Thirty-Third Congress, seventeen thousand three hundred and fifty-two dollars.

For binding twenty-four copies of Globe for each member and delegate of the second session of the Thirty-Third Congress, six thousand nine hundred and forty dollars and eighty cents.

For reporting the debates of the second session of the Thirty-Third Congress, seven thousand five hundred dollars.

To enable John C. Rives to pay to the reporters of the House for the Congressional Globe, viz: William W. Curran, William Hitcks, Francis H. Smith, John J. McElhone, Theodore F. Andrews, Charles B. Collar, and Henry G. Hayes, the same amount of additional compensation for reporting the debates of the House for the present session of Congress, as has been heretofore paid them, eight hundred dollars each, five thousand six hundred dollars. And for the payment of a like sum to each of the reporters of the Senate, namely, Richard Sutton, D. F. Murphy, R. M. Patterson, Henry Pardon, James J. Murphy, and David W. Brown, four thousand eight hundred dollars.

To pay for twenty-four copies of the Congressional Globe and Appendix of the first session of the present Congress, for each of the Delegates from Nebraska and Kansas, being forty-eight copies, at six dollars per copy, two hundred and eighty-eight dollars; and for binding the same, one hundred and ninety-two volumes, at sixty cents a volume, one hundred and fifteen dollars and twenty cents.

For additional amount required for binding documents, thirty thousand dollars.

For additional amount required for engraving and lithographing, thirty thousand dollars.

For the payment of salaries and other expenses of the Census Bureau, until the completion of the mortality statistics, five thousand dollars, to be expended under the direction of the Secretary of the Interior.

For supplying a deficiency in the appropriation for the printing of the Executive Departments, thirty-two thousand eight hundred and seventy-five dollars.

For the completion of the printing of the Senate ordered at the present session, and paper for the same, thirty thousand dollars.

For the completion of the printing of the House ordered at the present session, and paper for the same, sixty thousand dollars.

To Norman R. Haskel, of Michigan, the sum of three hundred and fifty dollars and fifty-six cents, in full of charges as custodian of public property.

To pay the draughtsman and clerks employed upon the maps of the public lands for the House of Representatives and the Committee of Public Lands for the balance of the present fiscal year, four thousand dollars.

And the draughtsman employed on the maps of the public lands under the charge of the Clerk of the House of Representatives shall be paid the same compensation as is paid to the draughtsmen similarly employed under the direction of the Senate.

For amount equal to drafts, checks, and deposits awaiting decisions in certain applications for approval of sales of Indian reserves, including eight hundred dollars collected by, and deposited with the late firm of Selden, Withers and Company, [by] a former disbursing officer of Government, four thousand four hundred dollars: *Provided*, That such portion of this sum as may be recovered from said firm and disbursing officer shall be reimbursed to the Treasury of the United States.

Contingent Expenses of Department of State.

For publishing the laws in pamphlet form, and in the newspapers in the States and Territories, and in the District of Columbia, in addition to any balance that may remain of former appropriations, twenty-one thousand three hundred and ninety-six dollars.

TERRITORY OF OREGON.

For compensation of chief justice, two associate judges, and secretary, five thousand dollars.

For amount ascertained to be due to Governor Joseph Lane for and on account of his disbursements in eighteen hundred and forty-nine and fifty, for the necessary contingent expenses of his office, one thousand four hundred and thirty-four dollars and twenty-five cents.

TERRITORY OF WASHINGTON.

For compensation of chief justice, two associate judges, and secretary, three thousand five hundred and four dollars and eleven cents.

TERRITORY OF MINNESOTA.

For compensation of chief justice and two associate judges, six hundred dollars.

TERRITORY OF UTAH.

For compensation of chief justice, two associate judges, and secretary, two thousand three hundred dollars.

For contingent expenses of the Territory of Utah, one thousand one hundred and sixty-eight dollars and thirty-seven cents, to discharge such sums as the accounting officers, subject to the approval of the Secretary of the Interior, may deem to have been necessarily expended by the Executive of said Territory during the years one thousand eight hundred and fifty-two, fifty-three, and fifty-four.

TERRITORY OF NEW MEXICO.

For compensation of Governor, chief justice, two associate judges, and secretary, two thousand eight hundred dollars.

Support of the Army.

For clothing for the Army, camp and garrison equipage, and horse equipments, one hundred and twenty-five thousand and sixty-nine dollars and three cents.

Mint at Philadelphia.

For increased compensation of clerks, by the thirteenth section of act of fourth August, eighteen hundred and fifty-four, three thousand dollars.

For supplying deficiency in the appropriation, in the current fiscal year, made for the Mint in Philadelphia, thirty-seven thousand dollars, if so much be necessary.

For supplying deficiency in the appropriation, in the current fiscal year, for the branch Mint in San Francisco, sixty-six thousand dollars, if so much be necessary.

For increased compensation of the chief clerk of the branch Mint at New Orleans, by the thirteenth section of the act of fourth August, eighteen hundred and fifty-four, four hundred dollars.

For construction of new roof to branch Mint at Charlotte, North Carolina, eight thousand eight hundred and fifty dollars.

Independent Treasury.

For additional compensation of the assistant treasurer at New York, two thousand dollars.

For additional compensation of clerk to treasurer of Mint at Philadelphia as depositary, per act fourth August, eighteen hundred and fifty-four, five hundred dollars.

Custom-Houses.

For furnishing the custom-house, post office, and United States court room at Bangor, Maine, one thousand five hundred dollars for each, making four thousand five hundred dollars; the appropriation for the custom-house to be expended under the direction of the Secretary of the Treasury; that for the post office under the Postmaster General, and that for the court room under the Secretary of the Interior.

For the completion of the custom-house at San Francisco, California, one hundred and forty-one thousand two hundred and seventy-one dollars and nine cents.

Miscellaneous.

To complete the penitentiary in Utah Territory, twelve thousand dollars.

For lighting and ventilating the upper story of the Treasury building, and for giving additional security to Treasury vault, twenty-four thousand six hundred and forty dollars.

To render the Mint at Philadelphia fire-proof, and to give additional security to the funds deposited in its vaults, one hundred and twenty-five thousand dollars.

To enable the Secretary of State to pay to Messrs. Little, Brown and Company, for one hundred and ninety-seven pages of additional post office routes in the pamphlet volume of the United States Statutes at Large, first session of the Thirty-Third Congress, four thousand one hundred and twenty-five dollars.

To defray expenses incurred, and to be incurred, in complying with the resolution of the House of Representatives twenty-sixth December, one thousand eight hundred and fifty-four, five thousand dollars.

To enable the Secretary of State to pay Blythe and Company, of Port Louis, in the Island of Mauritius, the amount of two bills of exchange drawn upon the Department of State by George M. Farnum, commercial agent, in payment of the expenses incurred in relieving destitute American citizens, which drafts were cashed by said Blythe and Company, seven thousand eight hundred and fifty-four dollars and fifty cents.

For professional services additional to his regular and ordinary official duties rendered by the United States attorney for the northern district of California, on behalf of the United States, in the district court of San Francisco, in appeals from the land commissioner to ascertain and settle the private land claims in California, from the first of

June, eighteen hundred and fifty-three, to first of June, eighteen hundred and fifty-five, the sum of ten thousand dollars.

To enable the Commissioner of Indian Affairs to pay the amount due George R. Herrick, for arrears of pay for services from first of April, eighteen hundred and forty-six, to the eighteenth of July, eighteen hundred and forty-nine, in the business of reservations and grants under Indian treaties, as provided for one clerk at fourteen hundred dollars per annum, by the act of ninth May, eighteen hundred and thirty-six, entitled "An act providing for the salaries of certain officers therein named, and for other purposes," eleven hundred and nine dollars and seventy-nine cents.

For payment of clerks temporarily employed in the office of the Postmaster General from first July to tenth August, eighteen hundred and fifty-four, three hundred and eighty-seven dollars and thirty-eight cents.

For compensation and expenses of the commissioner and the agent of the United States under the convention for the adjustment of claims between the United States and Great Britain, at twelve thousand dollars each for the entire service, twenty-four thousand dollars: *Provided*, That this sum shall include what has already been paid to either of them under the said convention.

That the Secretary of State cause the accounts of Joseph Eve, deceased, late chargé d'affaires of the United States to the late Republic of Texas, to be audited and adjusted by the proper accounting officers of the Government, and that the amount found due thereon be paid to Betsy W. Eve, widow of said Joseph Eve, out of any money in the Treasury not otherwise appropriated.

For salaries of the three judges of the court of claims, twelve thousand dollars.

For salary of solicitor of said court, three thousand five hundred dollars.

For salaries of the two clerks, three thousand five hundred dollars.

For contingent expenses of said court, two thousand dollars.

For the salaries of the judges, solicitor, and clerks of said court, and for other expenses thereof prior to the first day of July, eighteen hundred and fifty-five, or so much thereof as may be required, five thousand dollars.

For outfit of the minister of the United States to Spain, nine thousand dollars.

For outfit of chargés des affaires or minister resident to New Granada, four thousand five hundred dollars.

For expenses of depositing public moneys by receivers of public moneys, forty-one thousand dollars.

For salaries and commissions of registers of land offices and receivers of public moneys, one hundred and ten thousand dollars.

For incidental expenses of the several land offices, eleven thousand dollars.

To enable the Clerk of the House of Representatives to purchase, for the new members from Virginia, Kentucky, and New York, and the Delegates from Kansas and Nebraska, the same books as have been furnished the other members of the present House of Representatives, seven thousand four hundred and fifty-two dollars.

For the contingent expenses of the House of Representatives:

For stationery for members, four thousand nine hundred and ten dollars; and that the allowance to members of the House for the present session shall be thirty-five dollars, instead of twenty-five, as heretofore.

For miscellaneous items, ten thousand dollars.

For oil for light-houses, being the difference between the estimated and the actual cost of that article, eighty-two thousand and thirty-four dollars and seventeen cents.

For compensation of commissioner provided in the first article of the reciprocity treaty with Great Britain, two thousand dollars.

For boats and other incidental expenses connected with the duties of the commissioner provided in the first article of the reciprocity treaty with Great Britain, three thousand dollars.

For completing the publications of the works of the exploring expedition, twenty-nine thousand three hundred and twenty dollars.

To enable the Committee on the Library to pay to William H. Powell two thousand dollars in full for the picture painted by him for the United States, in addition to the sums heretofore appropriated by law.

And the accounting officers of the Treasury are hereby directed to settle and pay the account of C. W. Hinman, third assistant librarian, from the first day of July, eighteen hundred and fifty-four, at the rate of fifteen hundred dollars per annum.

For the erection of a suitable house for the plants recently brought from Japan by the United States, fifteen hundred dollars, to be expended under the direction of the Commissioner of Public Buildings.

For the support of the public green-houses, including the pay of horticulturist and assistants, three thousand dollars.

To enable the Commissioner of Public Buildings to provide additional furnaces for the library of Congress, one thousand dollars.

To construct suitable iron railings in front of the alcoves of the library and other repairs, in addition to the balance of appropriations unexpended for the repairs of the congressional library, under the direction of the architect, three thousand five hundred dollars.

SEC. 3. *And be it further enacted*, That the salaries to which envoys extraordinary and ministers plenipotentiary shall be entitled on the first July, eighteen hundred and fifty-five, may be allowed to such as may be in office on that day without re-appointment; nor shall such envoys extraordinary and ministers plenipotentiary be required to take with them secretaries of legation unless they should be allowed by the President of the United States.

SEC. 4. *And be it further enacted*, That from and after the thirtieth of June, eighteen hundred and fifty-five, the Secretary of State be, and he is hereby, authorized and required to cause the examination, classification, and distribution of the clerks in the Department of State in the same manner as directed in other executive departments by the provision contained in the third section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government," approved third March, eighteen hundred and fifty-three, who shall be paid annual salaries according to the act amendatory thereof, approved twenty-second April, eighteen hundred and fifty-four. And the whole permanent clerical force in said Department shall consist of three clerks of class one, two of class two, eight of class three, eight of class four, and one chief clerk, in lieu of those now authorized by law; and one of the said clerks of class four shall give bonds as required by the Independent Treasury act, and make the disbursements for the Department, and superintend the northeast executive building, and shall receive therefor two hundred dollars per annum in addition to his salary as clerk of class four: *Provided*, That the increased salary hereby allowed the chief clerk shall be construed to take effect from the first of July, eighteen hundred and fifty-three, and be paid accordingly.

SEC. 5. *And be it further enacted*, That, upon the tract so to be selected and set apart, there shall be erected, under the direction of the Secretary of the Treasury, a marine hospital for said district, of faced brick exterior walls upon a hammered granite underpinning, one hundred and forty feet long, fifty-two feet deep in the center, and one hundred feet deep at the wings, and forty-five feet high from top of entrance-story floor to the eaves, with verandas to each story on each side between the wings, and on each end of the building; for the construction of which a sum equal to the proceeds of the sale hereinafter directed is hereby appropriated.

SEC. 6. *And be it further enacted*, That a tract of ten acres of the land heretofore purchased by the United States for the purposes of the naval hospital at Chelsea, Massachusetts, be selected and set apart, under the direction of the President of the United States, for the use of the marine hospital of the district of Boston and Charlestown.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to sell and convey the land, with the buildings thereon, belonging to the United States, now occupied as the marine hospital at Chelsea, as may seem to be most advantageous to the United States; and he is hereby empowered to execute valid title deeds of the same to the purchaser or purchasers; and that the proceeds of such sales shall be paid into the Treasury of the United States.

SEC. 8. *And be it further enacted*, That the provisions contained in the second section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government," approved the seventeenth day of June, eighteen hundred and forty-four, be required to be carried into effect in all particulars, any act in conflict therewith being hereby repealed; and all estimates for the compensation of officers of the Government authorized by law to be employed shall be based upon the expressed provisions of law, and not upon the authority of Executive distribution thereof; and the act and section authorizing the same, with the volume and page where such authority may be found, shall be cited in each and all estimates respectively.

SEC. 9. *And be it further enacted*, That the proper accounting officers of the Treasury be, and they are hereby, authorized and required to credit T. Butler King, late collector and depositary at San Francisco, in the sum of twelve thousand eight hundred and twenty-four dollars and ninety-eight cents, being the amount of money proved to have been lost by the destruction of the custom-house building and vault at San Francisco by the fire of May, eighteen hundred and fifty-one.

SEC. 10. *And be it further enacted*, That there shall be appointed, and paid in the manner now provided by law, four principal examiners and four assistant examiners of patents, in addition to the examining force now authorized by law to be so employed in the Patent Office; and should the necessities of the public service, in the estimation of the Commissioner of Patents, require any additional examining force to that herein provided, previous to the next session of Congress, there may also be appointed, and paid in the manner now provided by law, in addition to the foregoing, not exceeding two principal and two assistant examiners, who shall not so continue to be employed subsequent to the expiration of said next session of Congress without further provision of law.

That the second section of the act of thirty-first August, eighteen hundred and fifty-two, which provides "that the clerks, messengers, watchmen, and laborers employed at an annual salary, or in temporary positions, in the executive and legislative departments of the Government in the city of Washington, whose annual compensation does not exceed twelve hundred dollars, shall, in addition thereto, be allowed an increased compensation of twenty per cent," shall be construed to include the principal clerk at the National Observatory at Washington; and that hereafter the salary of said clerk shall be fifteen hundred dollars per annum.

And one thousand six hundred and ninety-six dollars and fifteen cents to supply a deficiency in the appropriation for building four steam dredge-boats in use by the War Department on Lakes Champlain, Erie, Michigan, and Ontario, to be applied for materials, machinery, tools, and labor furnished in painting said boats.

SEC. 11. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to cause to be constructed the following buildings:

At Burlington, Vermont, a marine hospital, to cost not more than thirty-five thousand dollars.

At Wilmington, North Carolina, a marine hospital, including a pest-house, for the separate accommodation of patients with contagious and infective diseases, to cost not more than forty thousand dollars.

SEC. 12. *And be it further enacted*, That the several sums mentioned in the preceding section as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned until a valid title for the land for

the site of such building in each case shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax or in any way assess said site or property of the United States that may be thereon during the time that the United States shall be or remain the owner thereof.

That the compensation of the collector of customs at Sandusky, Toledo, and Cleveland, be hereafter the same as is now allowed by law to the collector at Detroit.

That the provisions of the act of February twenty-sixth, eighteen hundred and fifty-three, "to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes, are hereby extended to the Territories of Minnesota, New Mexico, and Utah, as fully in all particulars as they would be had the word "Territories" been inserted in the sixth line after the word "States," and the same had read "in the several States and in the Territories of the United States." This clause to take effect from and after the date of said act, and the accounting officers will settle the accounts within its purview accordingly.

For the building of a light-house on the Government reservation at Minnesota Point, near the head of Lake Superior, in the Territory of Minnesota, fifteen thousand dollars.

And for the construction of two light-houses in California, one at Crescent City, and one at Trinity Bay, fifteen thousand dollars each, should the Secretary of the Treasury decide that said light-houses were necessary, after proper examination and survey.

SEC. 13. *And be it further enacted*, That Franklin, in the collection district of Paso del Norte, Texas, be, and the same is hereby, made the port of entry of said district instead of Frontera; and the collector shall reside thereat.

SEC. 14. *And be it further enacted*, That the treaties made during the present Congress with the Indian tribes, and those to be made in future, shall be published as the laws and other treaties in the newspapers of such States and Territories as the Secretary of the Interior may think expedient.

That, in the settlement of the accounts of E. F. Beale, late superintendent of Indian affairs in California, the accounting officers of the Treasury be authorized to allow him the amount actually paid to an interpreter during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, upon producing satisfactory vouchers therefor.

SEC. 15. *And be it further enacted*, That the sum of seven hundred and sixty-five dollars, the balance of two thousand two hundred dollars, directed to be paid James F. Miller and Pyne-y-ohte-mah, or either of them, by the Senate amendment to the treaty with the Miami Indians, made in August, eighteen hundred and fifty-four, be, and the same is hereby, directed to be paid to the said Miller and Pyne-y-oh-te-mah, out of any moneys in the Treasury not otherwise appropriated.

To pay this amount for interest due to the Chickasaws, at the rate of five per centum per annum, in pursuance of the treaty of eighteen hundred and thirty-two, on the sum of one hundred and twelve thousand forty-two dollars and ninety-nine cents improperly charged to said nation, according to the decision of the proper accounting officers of the Treasury, from the first of September, eighteen hundred and thirty-seven, until the ninth of March, eighteen hundred and fifty, seventy-two thousand nine hundred and sixty dollars and twenty-five cents.

SEC. 16. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At Bristol, Rhode Island, for the accommodation of the custom-house and post office, a building of brick, with fire-proof floors, constructed of iron beams and brick work, iron roof, shutters, sills, &c., twenty-five feet by thirty, and twenty-five feet high, to cost not more than twelve thousand five hundred dollars.

At Pensacola, Florida, for the accommodation of the custom-house, post office, and United States court, a building of like materials, thirty-five by fifty feet, and forty feet high, to cost not more than thirty-five thousand dollars.

At Cleveland, Ohio, for the accommodation of the custom-house, post office, and United States court, a building of stone, eighty-five by sixty feet, and sixty feet high, of like floors, beams, roof, shutters, &c., to cost not more than eighty-eight thousand dollars.

At Plattsburg, New York, for the accommodation of the custom-house, post office, and United States court, a building of brick, of like floors, roof, beams, shutters, &c., forty-five feet by sixty, and forty-eight feet high, to cost not more than fifty thousand dollars.

At Alexandria, Virginia, to accommodate the custom-house, post office, and United States court, a building of brick, of like floors, beams, roof, shutters, &c., forty-five feet by sixty, and forty-eight feet high, to cost not more than fifty thousand dollars.

At Barnstable, Massachusetts, for the accommodation of the custom-house and post office, a building of brick, of like floors, beams, roof, shutters, &c., forty-five feet by thirty-two, and thirty-two feet in height, and to cost not more than twenty thousand dollars.

SEC. 17. *And be it further enacted*, That the several sums mentioned in the preceding section of this act as the cost of the buildings therein authorized to be constructed, together with ten per centum thereon to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned until a valid title to the land for the site of such buildings, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon, during the time that the United States shall be or remain the owner thereof.

SEC. 18. *And be it further enacted*, That the proper accounting officers of the Treasury of the United States be, and they are hereby, authorized and required to credit the secretary of the Territory of Minnesota, in the settlement of his accounts, with the sum of eight hundred and eighty-five dollars, the amount paid by the said secretary for collecting, indexing, and superintending the printing of the statutes of said Territory for the years eighteen hundred and forty-nine, eighteen hundred and fifty-one, eighteen hundred and fifty-two, and eighteen hundred and fifty three; and for arranging, indexing, and in part, reporting, the decisions of the supreme court of said Territory, under joint resolution of the Legislative Assembly of said Territory, passed in the year eighteen hundred and fifty-three.

SEC. 19. *And be it further enacted*, That the proper accounting officer of the Department of the Interior be authorized and directed to audit and settle the claim of John Random, deceased, a friendly Creek Indian, (of the half-breeds,) for losses sustained and property destroyed by the hostile Creek Indians in the war of eighteen hundred and fourteen, in such manner and upon such terms as may be just and equitable; the amount, when so ascertained, to be paid out of any money in the Treasury not otherwise appropriated, to the heirs and legal representatives of the said John Random: *Provided*, That the amount shall not exceed the sum of five thousand nine hundred and twenty-five dollars.

SEC. 20. *And be it further enacted*, That there shall be appointed a consul general to reside in the British North American colonies, with a salary of four thousand dollars per annum; and the sum of four thousand dollars is hereby appropriated for that object.

For the reimbursement of the Patent Office fund for moneys heretofore paid out of appropriations of acts of Congress for seeds and the collection of agricultural statistics, forty thousand and seventy-eight dollars and seventy-eight cents, to be paid out of any moneys in the Treasury not otherwise appropriated.

For filling up and draining the grounds in the vicinity of the national green-houses, known as the botanic garden, and for walling with brick the creek which passes through the same, twelve thousand dollars.

SEC. 21. *And be it further enacted*, That the sum of twenty-five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of six companies of volunteers called into the service of the United States by Brigadier General Smith, in the State of Texas, to be paid under the direction of the Secretary of War.

That the President be authorized to appoint, during the recess of Congress, to be nominated to the Senate for confirmation at the next session, the register and receiver of the land office for the Umpqua land district, in the Territory of Oregon, established by the act of February seventeenth, eighteen hundred and fifty-five, to take effect on the seventeenth of May, eighteen hundred and fifty-five.

SEC. 22. *And be it further enacted*, That the Secretary of the Interior may, in his discretion, authorize the employment of temporary clerks by superintendents of Indian affairs, on such occasions and for such periods of time as he may deem necessary to the public service; for which purpose there is hereby appropriated the sum of five thousand dollars.

SEC. 23. *And be it further enacted*, That the seventh section of the act of eighteenth January, eighteen hundred and thirty-seven, entitled "An act supplementary to an act establishing the Mint and regulating the coin of the United States," be so amended as to extend the allowance for the annual salary of the clerks in the branch Mint of the United States at New Orleans to eighteen hundred dollars each, from and after the first day of July, eighteen hundred and fifty-four, at the discretion of the officers authorized by law to appoint, with the approbation of the President of the United States.

That the accounting officers of the Treasury are hereby authorized to allow to the secretary of the Territory of Nebraska the difference between the salary of the Governor of said Territory and his salary as secretary during the period he acted as Governor after the decease of, and until the arrival in the Territory of the successor of, the late Governor Burt; which amount, after being ascertained, is payable out of the appropriation "for salaries of Governor, three judges, and secretary" of said Territory, as made by Congress for the fiscal year ending June thirtieth, eighteen hundred and fifty-five.

SEC. 24. *And be it further enacted*, That the tenth section of the act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes, approved July thirty-first, eighteen hundred and fifty-four, be carried into effect by paying the valuations ascertained and reported by Messrs. Upton and Summey, and other official assessors, as ordered by the commissioners under the Cherokee treaty of eighteen hundred and thirty-five and eighteen hundred and thirty-six, with interest on said valuations, respectively, from the date of the said commissioners' orders for assessment; and that the Secretary of the Interior be further directed to fill the blanks in such awards as are on his files with such amounts, respectively, as may be established by proof of value satisfactory to him, and pay the same.

For taking up and relaying and renewing so much as has washed away at the sewer along Fifteenth street west, contiguous to the public grounds south of the President's, three thousand dollars.

SEC. 25. *And be it further enacted*, That the first assistant examiners in the Patent Office shall be rated as of the fourth class of clerks, and the second assistant examiners, machinist, and librarian as of the third class.

That the Secretary of the Treasury be authorized and required to settle and adjust the accounts of John Adair, collector of the customs at Astoria, Oregon, upon fair and equitable principles, taking into consideration the particular circumstances of the case.

SEC. 26 *And be it further enacted*, That there shall be paid to the surveyor general of Washington

Territory and the officers employed under him the same amount of compensation as is allowed to the surveyor general of New Mexico and the officers employed under him.

SEC. 27. *And be it further enacted*, That, in accordance with the memorial of the Menomonee Indians to the President and Congress, dated the fourth of October, eighteen hundred and fifty-four, and executed in general council of the nation, the Secretary of the Treasury pay to Richard W. Thompson, out of any money in the Treasury not otherwise appropriated, one half of the amount stipulated in said memorial, and in an agreement of said Indians with said Thompson, dated the fifteenth of February, eighteen hundred and fifty-one, for his services as attorney for said Indians in the prosecution of a claim in their behalf for additional compensation for lands ceded by them to the United States by the treaty of eighteen hundred and forty-eight, and that the sum so paid be deducted from the annuities, when due and payable, that are to be paid to the said Indians under the treaty of the twelfth of May, eighteen hundred and fifty-four, and the amendments thereto.

For rebuilding and repairs of the building for the branch Mint at New Orleans, fifty-five thousand dollars.

For the erection of a building for a court-house, post office, and other public purposes at Indianapolis, Indiana, fifty thousand dollars.

SEC. 28. *And be it further enacted*, That, to enable the President of the United States to contract with Hiram Powers for some work of art, executed or to be executed by him, and suitable for the ornament of the Capitol, a sum not exceeding twenty-five thousand dollars.

SEC. 29. *And be it further enacted*, That the Secretary of the Treasury be authorized to sell the United States court-house and the water lot belonging to the United States at Detroit, Michigan, on which the custom-house, post office, and court-house were directed to be constructed, under the provisions of the second section of the act approved fifth August, eighteen hundred and fifty-four; and to apply so much of the proceeds as may be necessary to the purchase of a suitable site for said building as is therein provided for, and on which the Secretary of the Treasury is authorized to erect said building.

For fulfilling treaty with the Chippewa Indians, negotiated February twenty-second, eighteen hundred and fifty-five, one hundred and ninety-seven thousand two hundred and eighty-six dollars and sixty-six cents.

For fulfilling treaties with the Winnebagoes, per articles of twenty-seventh February, eighteen hundred and fifty-five, seventy-three thousand seven hundred dollars.

For fulfilling the articles with the Umpquas and Calapooias of the Umpqua valley, Oregon, of the twenty-ninth November, eighteen hundred and fifty-four, twenty-three thousand nine hundred and eighty dollars.

For fulfilling the articles negotiated November eighteenth, eighteen hundred and fifty-four, with certain bands of Chasta, Scoton, and Umpqua Indians, thirty-five thousand seven hundred and eighty dollars.

For fulfilling treaty with the Rogue river Indians per articles of fifteenth November, eighteen hundred and fifty-four, two thousand one hundred and fifty dollars.

For fulfilling the articles negotiated December twenty-sixth, eighteen hundred and fifty-four, with certain bands of Indians of Puget's Sound, Washington Territory, sixteen thousand five hundred dollars.

For fulfilling the articles negotiated January tenth, eighteen hundred and fifty-five, with certain confederated bands of Calapooia, Molala, and Clockamas Indians, of Oregon, sixty-two thousand two hundred and sixty dollars.

For the increased pay of Indian agents and pay of additional agents authorized by the act passed first March, eighteen hundred and fifty-five, six thousand three hundred and seventy-five dollars.

For the increase of pay to Indian sub-agents, authorized by the act passed March first, eighteen hundred and fifty-five, one thousand three hundred and thirty-four dollars.

For pay of three Indian agents in California, per act twenty-eighth September, eighteen hundred and fifty, and act passed March first, eighteen hundred and fifty-five, twelve thousand dollars.

For expenses of the reconnoissance of the boundary line between the Choctaw and Chickasaw Indians, one thousand dollars.

For fulfilling the treaty with the Wyandot Indians of thirty-first January, eighteen hundred and fifty-five: *Provided*. That the appropriations made for said Indians by the Indian appropriation bill passed at this session of Congress are hereby repealed, one hundred and twenty-eight thousand five hundred and sixty-six dollars and sixty-seven cents.

For arrearages due the Choctaw Indians under various treaty stipulations, as per report on statement of the proper accounting officer of the Treasury transmitted by the Secretary of the Interior, in answer to a resolution of the Senate of the tenth March, eighteen hundred and fifty-three, to be paid over or expended for the benefit of the Choctaw nation, as may be requested by the authorized delegation thereof now in Washington, ninety-two thousand two hundred and fifty-eight dollars and fifty-cents.

APPROVED, March 3, 1855.

PUBLIC, LXIV.—*An Act in addition to certain Acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the surviving commissioned and non-commissioned officers, musicians, and privates, whether of regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States, and every officer, commissioned and non-commissioned, seaman, ordinary seaman, marine, flotilla-man, clerk, and landsman in the Navy, in any of the wars in which this country has been engaged since seventeen hundred and ninety, and each of the survivors of the militia, or volunteers, or State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States, shall be entitled to receive a certificate or warrant from the Department of the Interior for one hundred and sixty acres of land; and where any of those who have been so mustered into service and paid shall have received a certificate or warrant he shall be entitled to a certificate or warrant for such quantity of land as will make, in the whole, with what he may have heretofore received, one hundred and sixty acres to each such person having served as aforesaid: *Provided*, The person so having been in service shall not receive said land warrant if it shall appear by the muster-rolls of his regiment or corps that he deserted or was dishonorably discharged from service: *Provided further*, That the benefits of this section shall be held to extend to wagon-masters and teamsters who may have been employed, under the direction of competent authority in time of war, in the transportation of military stores and supplies.

SEC. 2. *And be it further enacted*, That in case of the death of any person who, if living, would be entitled to a certificate or warrant as aforesaid under this act, leaving a widow, or, if no widow, a minor child or children, such widow, or, if no widow, such minor child or children, shall be entitled to receive a certificate or warrant for the same quantity of land that such deceased person would be entitled to receive under the provisions of this act if now living: *Provided*, That a subsequent marriage shall not impair the right of any such widow to such warrant if she be a widow at the time of making her application: *And provided further*, That those shall be considered minors who are so at the time this act shall take effect.

SEC. 3. *And be it further enacted*, That in no case shall any such certificate or warrant be issued for any service less than fourteen days, except where the person shall actually have been engaged in battle, and unless the party claiming such certificate or warrant shall establish his or her right thereto by recorded evidence of said service.

SEC. 4. *And be it further enacted*, That said certificates or warrants may be assigned, transferred, and located by the warrantees, their assignees, or their heirs-at-law, according to the provisions of existing laws regulating the assignment, transfer, and location of bounty land warrants.

SEC. 5. *And be it further enacted*, That no warrant issued under the provisions of this act shall be located on any public lands except such as shall at the time be subject to sale at either the minimum or lower graduated prices.

SEC. 6. *And be it further enacted*, That the registers and receivers of the several land offices shall be severally authorized to charge and receive for their services in locating all warrants under the provisions of this act the same compensation or percentage to which they are entitled by law for sales of the public lands, for cash, at the rate of $1 25 per acre; the said compensation to be paid by the assignees or holders of such warrants.

SEC. 7. *And be it further enacted*, That the provisions of this act and all the bounty land laws heretofore passed by Congress, shall be extended to Indians, in the same manner and to the same extent as if the said Indians had been white men.

SEC. 8. *And be it further enacted*, That the officers and soldiers of the revolutionary war, or their widows or minor children, shall be entitled to the benefits of this act.

SEC. 9. *And be it further enacted*, That the benefits of this act shall be applied to and embrace those who served as volunteers at the invasion of Plattsburg, in September, 1814; also, at the battle of King's Mountain, in the revolutionary war, and the battle of Nickajock against the confederated savages of the South.

SEC. 10. *And be it further enacted*, That the provisions of this act shall apply to the chaplains who served with the army in the several wars of the country.

SEC. 11. *And be it further enacted*, That the provisions of this act be applied to those who served as volunteers at the attack on Lewistown, in Delaware, by the British fleet, in the war of 1812 and 1815.

APPROVED, March 3, 1855.

PUBLIC, LXV.—*An Act to increase the Compensation of the Registers of Land Offices and Receivers of Public Moneys under the act entitled "An Act to Graduate and Reduce the Price of the Public Lands to Actual Settlers and Cultivators."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each register of a land office and receiver of public moneys shall receive the same amount of pay for each and every entry of land made under the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved August fourth, eighteen hundred and fifty-four, as such officer is by law entitled to receive for similar entries of land at the minimum price of one dollar and twenty-five cents per acre: *Provided*, That the whole amount received per year shall in no case exceed the limitation fixed by existing laws.

APPROVED, March 3, 1855.

PUBLIC, LXVI.—*An Act making Appropriations for the Naval Service for the year ending the thirtieth of June, one thousand eight hundred and fifty-six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, one thousand eight hundred and fifty-six:

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the Navy, three million five hundred and fifteen thousand one hundred and eleven dollars: *Provided*, That the compensation of the chiefs of Bureau of Construction, Equipment, and Repair, and of Medicine and Surgery, be the same as now allowed to the other Chiefs of Bureaus of the Navy Department, and that the deficiency be paid out of any money in the Treasury not otherwise appropriated.

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations, one hundred and twenty-four thousand four hundred and eighty dollars. And such further sums as may be necessary for paying to the clerks and others in the Washington

navy-yard the compensation authorized by the act approved April twenty-second, eighteen hundred and fifty-four. That in lieu of two thousand dollars per annum, the maximum of compensation now allowed by law to navy agents, there shall be allowed two per centum on the first hundred thousand dollars or under disbursed by them, and one per centum on every succeeding one hundred thousand dollars or under disbursed by them, until the compensation reaches the sum of three thousand dollars per annum, which amount shall be the maximum of compensation for said agents: *Provided*, That the compensation named herein shall be in lieu of all extra compensation for services of every nature and description rendered by navy agents, by order of the Navy Department, from and after the passage of this act: *And provided further*, That nothing herein contained shall be construed to reduce the salary to which any navy agent is entitled under existing laws.

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea-service, six hundred and eighty-six thousand two hundred dollars.

That the purser of the navy-yard at Washington, District of Columbia, shall, from and after the passage of this act, receive the same pay as is now allowed by law to the pursers at the navy-yards at Boston, New York, Norfolk, and Pensacola: *Provided*, That when pursers of the Navy shall be appointed inspectors of provisions, clothing, and small-stores, they shall, while so acting, receive the same compensation as the pursers of the navy-yard to which they may be attached.

For surgeons' necessaries and appliances for the sick and hurt of the Navy, including the marine corps, thirty-four thousand three hundred and twenty-five dollars.

For increase, repair, armament, and equipment of the Navy, including the wear and tear of vessels in commission, fuel for steamers, and purchase of hemp for the Navy, two million seven hundred and ninety-nine thousand five hundred dollars.

To continue the construction of the six steam frigates authorized to be built by an act of the first session of the Thirty-Third Congress, three million of dollars.

For Stevens's war steamer, two hundred and fifty thousand dollars: *Provided*, That the Secretary of the Navy may, at his discretion, apply the said sum, in whole or in part, during the fiscal year ending the thirtieth June, eighteen hundred and fifty-five.

To enable the Secretary of the Navy to carry into effect the "joint resolution respecting the Arctic expedition commanded by Passed Assistant Surgeon E. K. Kane," or so much thereof as may be necessary, one hundred and fifty thousand dollars.

For ordnance and ordnance stores and small-arms, including incidental expenses, five hundred and forty thousand dollars.

For preparing for publication the American Nautical Almanac, twenty thousand eight hundred and eighty dollars.

For the purchase of nautical instruments required for the use of the Navy, for repairs of the same, and also of astronomical instruments; and for the purchase of nautical books, maps, and charts, and for backing and binding the same, twenty-three thousand dollars.

For printing and publishing sailing directions, hydrographical survey, and astronomical observations, ten thousand dollars.

For models, drawing and copying, postage, freight, and transportation, and for working lithographic press, including chemicals, for keeping grounds in order, for fuel and lights, and for all other contingent expenses of the hydrographical office and United States Observatory, seven thousand six hundred dollars.

For continuing the publication of the series of wind and current charts, and for defraying all the expenses connected therewith, eighteen thousand dollars.

For the wages of persons employed at the observatory and hydrographical office, viz: one lithographer, one instrument maker, two watchmen, and one porter, three thousand one hundred and sixty dollars.

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy, for the current fiscal year ending June thirtieth, eighteen hundred and fifty-six, two thousand dollars; the payment to be made in the same manner and under the like control as former appropriations for meteorological observations.

For contingent expenses that may accrue for the following purposes, viz: Freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings; purchase and repair of fire-engines and machinery, repairs of, and attending to, steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repairs of workmen's tools, postage of public letters, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen, and incidental labor, not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels, and assistance to vessels in distress, bills of health, and quarantine expenses of the United States Navy in foreign ports, eight hundred and forty-two thousand and forty-eight dollars.

For repair of buildings and grounds, for the necessary additions and repairs to the works for heating the buildings, and support of the Naval Academy at Annapolis, Maryland, thirty thousand and forty-four dollars and twenty-two cents.

For repair of buildings, for the necessary additions and repairs to the works for heating the buildings, and support of the Naval Academy at Annapolis, Maryland, twenty-five thousand and forty-four dollars and twenty-two cents; for continuing the sea-wall along the northern front of the academy grounds, grading, draining, and filling in low grounds, and for keeping the grounds in order, twenty-three thousand dollars.

For repainting, calking, and for other repairs of the floating balance dry dock, basin, and railway at the navy-yard, Pensacola, the sum of ten thousand dollars.

And the Secretary of the Navy is hereby authorized to receive the said works: *Provided*, That it shall appear from the certificates of the officers appointed by the Government to superintend and direct in the construction thereof that the same have been faithfully built according to the stipulations of the contract, and that a ship furnished by the contractors, at their own expense, has been successfully docked and hauled on and off the land by the railway of equal or greater weight and displacement than the ships by which the docks, basins, and railways at Philadelphia and Kittery were tested.

For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards, viz:

Portsmouth, New Hampshire.—For completing coopers' shop and watchmen's quarters; dredging front of basin; dock basin; sewer and drainage; removing ledge; back of timber shed; paving; flue boiler at smithery; repairs of a floating dock; for a new shell-house for safe-keeping of shells; and repairs of all kinds, fifty-eight thousand two hundred and fifty-eight dollars.

Boston.—For removing and altering coal-house at smithery; stone wall north side of timber-dock, and filling area around machine shop and smithery; packing-house and cooperage; rebuilding dock-engine boiler-house; paving area around dry dock; paving between sheds numbers thirty-one and thirty-three; extension of city sewer to sea-wall; finishing coal-house at ropewalk; machinery for machine shop and smithery; steam-engine and pump for ropewalk; completing the foundery, boiler and machine shop, and necessary tools for the same; and repairs of all kinds, two hundred and fifty-five thousand three hundred and twenty-two dollars.

New York.—For extension of smithery; machinery for smithery; carpenters' shop; oakum shop; quay-wall; paving and flagging; dredging channels; timber and knee slip; dry dock pavement; filling in low places and grading; oakum picker; and completing the foundery, boiler and machine shop, and necessary tools for the same, three hundred and forty-five thousand nine hundred and forty-six dollars. For this sum required to pay amount due for iron work for engine-house, nine thousand five hundred dollars; for repairs of all kinds, twenty-five thousand dollars.

Philadelphia.—For adding sixty feet to ship-house F; roof of ship-house F; roof to ship-house G; wharf number four; dredging channels; repairs of dry dock; and repairs of all kinds, sixty-six thousand seven hundred dollars.

Washington.—For ordnance building; completing cradle to marine railway; extension of boiler shop; conversion of ordnance to machine shop; forge shop for new steam hammer; shoring ways in ship-house T; lining walls of slip; pavements, drains, and gutters; grading and filling low places; raising roof of brass foundery; fire-engine house; dredging channels; reservoir for water; gas-pipes and fixtures; and repairs of all kinds, one hundred and ninety-two thousand three hundred and eighty-six dollars.

Norfolk.—For continuing quay-wall; reservoirs for rain water; dredging channels; foundery; engine of dry dock; carpenters' work-shop; rail tracks and cars at St. Helena; scows, landing cranes, and derricks; steam-boxes and boilers; pitch-house; completing the foundery, boiler and machine shops, and necessary tools for the same; and repairs of all kinds, three hundred and twenty-one thousand three hundred and seventeen dollars.

Pensacola.—For permanent wharf, deep basin, and dredging; coping for basin; filling in and paving; and removing sunk caisson; paint shop and cooperage, (to complete;) repairs of cisterns numbers fourteen, twenty-five, and twenty-six; water-pipes to permanent wharf; guard-house at west gate; shell-house; lightning conductors; railway to spar-house; steam-box; fire-engine house; and repairs of all kinds, one hundred and fifty thousand dollars.

For repairs of officers' houses, number one to thirteen, rebuilding small stables, repairs of warrant officers' houses, guard-house, and building three kitchens, twelve thousand dollars.

Sackett's Harbor.—For repairs of all kinds, two thousand dollars.

San Francisco.—For completing store-house; completing blacksmiths' shop; completing carpenters' shop; wharf; grading and leveling yard; houses for quarters; and repairs of all kinds, three hundred and forty-five thousand dollars.

For continuation of basin and railway, four hundred thousand dollars.

For Hospitals:

At Boston, Massachusetts.—For repairs of all kinds, six thousand dollars.

At New York, New York.—For inclosing wall; repairs of buildings and fences; grading and cemetery; machinery; labor; and repairs of all kinds, nineteen thousand two hundred and seventy dollars.

At Philadelphia, Pennsylvania.—For repairing lower floor of main building; improving wharf property; repairs to furnaces, grates, and ranges; gas, house cleaning, and white-washing; water rent; furniture, and repairs to same; and repairs of all kinds, seven thousand one hundred dollars.

At Norfolk, Virginia.—For repairs of hospital and dependencies, one thousand two hundred dollars.

At Pensacola, Florida.—For water-closets; lightning conductors; draining ponds; wall around burial ground; and repairs of all kinds, nineteen thousand eight hundred and twenty-eight dollars.

For Magazines:

At Portsmouth, New Hampshire.—For repairs of all kinds, five hundred dollars.

At Boston, Massachusetts.—For fire-proof building for loaded shells; house for unloaded shells and work-shop; platforms for stowing shot; addition to store-house for gun-carriages; and for repairs of all kinds, twenty-two thousand dollars.

At New York, New York.—For gunners' house at Ellis's Island, machinery, and fitting room for its use; gun-carriage shop; building for stowing gun-carriages; fire-proof building for loaded shells;

building for unloaded shells; shot platforms; stowage, and transportation of guns; and for repairs of all kinds, one hundred and ten thousand dollars.

At Philadelphia, Pennsylvania.—For a fire-proof building for loaded shells; purchase of land, magazine, and keeper's house, and fitting room for ordnance stores, twenty thousand dollars.

At Washington, District of Columbia.—For a cap machine, (Wright's patent;) rebuilding experimental battery, and fuel for ordnance foundery, nine thousand five hundred dollars.

At Norfolk, Virginia.—For fitting up store-house for filling; shot platforms, and gun-skids, ten thousand dollars.

At Pensacola, Florida.—For a fire-proof house for loaded shells; fitting room for ordnance stores, gun-skids, shot platforms, and repairs of magazines, eight thousand dollars.

Marine Corps.

For pay of the officers, non-commissioned officers, musicians, and privates, clerks, messengers, stewards, and servants; for rations and clothing for servants, subsistence and additional rations for five years' service of officers; for undrawn clothing and rations, bounties for reënlistments, and pay for unexpired terms of previous service, three hundred and twenty-three thousand two hundred and thirty-three dollars and ninety-four cents.

For provisions for marines serving on shore, forty thousand nine hundred and thirty-four dollars and seventy-five cents.

For clothing, fifty-five thousand two hundred and sixty-four dollars.

For fuel, twenty thousand one hundred and eighty dollars and sixty-two cents.

For military stores, repairs of arms, pay of armorer; for accouterments, ordnance stores, flags, drums, fifes, and musical instruments, nine thousand dollars.

For transportation of officers and troops, and expenses of recruiting, twelve thousand dollars.

For repairs of barracks, and rent of temporary barracks and offices, eight thousand dollars.

For contingencies, viz: Freight, ferriage, cartage, and wharfage, compensation to judges-advocate, per diem for attending courts-martial and courts of inquiry; for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, advertising, stationery, forage, postage, pursuit of deserters, candles, oil, straw, furniture, bed-sacks, spades, shovels, axes, picks, and carpenters' tools, expense of a horse for messenger, pay of matron, washerwoman, and porter for the hospital at headquarters, thirty-one thousand five hundred dollars.

For fuel, twenty thousand one hundred and eighty dollars and sixty-two cents.

For military stores, repairs of arms, pay of armorer; for accouterments, ordnance stores, flags, drums, fifes, and musical instruments, nine thousand dollars.

For transportation of officers and troops, and expenses of recruiting, twelve thousand dollars.

For repairs of barracks, and rent of temporary barracks and offices, eight thousand dollars.

For contingencies, viz: Freight, ferriage, cartage, and wharfage, compensation to judges-advocate, per diem for attending court-martial and courts of inquiry; for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, advertising, stationery, forage, postage, pursuit of deserters, candles, oil, straw, furniture, bed-sacks, spades, shovels, axes, picks, and carpenters' tools, expense of a horse for a messenger, pay of matron, washerwoman, and porter for the hospital at headquarters, thirty-one thousand five hundred dollars.

Sec. 2. *And be it further enacted*, That the Secretary of the Navy is hereby authorized to permit the Seavy's Island Bridge Company to connect with the navy-yard at Kittery, Maine, a bridge extending thereto from said Seavy's Island, at such point thereon as he shall direct, and may permit a right of way through said yard from said bridge, in such direction and under such regulations as the commandant of the yard for the time being shall establish, under the authority of the Navy Department: *Provided*, That no expense whatever in connecting said bridge with said yard, or making said way across the same, shall be incurred by the United States; and said bridge and said right of way may at any time be discontinued by the Secretary of the Navy.

For two clerks or assistants employed from the commencement of the present fiscal year in the United States naval astronomical expedition, to be paid as the first or lowest class of clerks, deducting the present rate of compensation, fourteen hundred dollars.

For their compensation for the next fiscal year, twenty-four hundred dollars, or at that rate so long as they may be necessarily employed. And that the salary of the surveyor of customs at the port of Cairo, Illinois, shall be eight hundred dollars per annum instead of the sum now allowed by law.

For the erection of a marine hospital at Galena, Illinois, fifteen thousand dollars.

Sec. 3. *And be it further enacted*, That the right of way, one hundred feet in width, through the land reserved west of the navy-yard, Pensacola, be, and the same is hereby, granted to Jasper Strong, George Terrill, and their associates, for the construction of a railroad from the Perdido river, on the most direct and practicable route, to the waters of the Pensacola bay, and the use of any timber or other materials along the route of said road and within half a mile on each side thereof, which may be necessary in the construction thereof; and at the terminus of said road on Pensacola bay the said Strong, Terrill, and their associates shall have the privilege of erecting a wharf and of establishing a depot for lumber and other articles, not more than one acre in extent: *Provided*, Said road shall be constructed on such line, and the terminus be at such point on Pensacola bay as shall be approved by the Navy Department: *And provided further*, That this act shall not be so construed as to authorize said Strong, Terrill, and their associates to use or destroy any timber which the Navy Department may direct to be preserved for Navy purposes: *And provided further*, That, in the opinion of the Secretary of the Navy, the privileges conferred by this act will not be prejudicial to the public interest or public property.

Sec. 4. *And be it further enacted*, That a like privilege in every respect to the grant herein made to Jasper Strong, George Terrill, and their associates be, and the same is hereby, granted to James Herron, of Escanovia county, and his associates, for the construction of a railroad from his steam saw and grist mills on the Perdido river, through the Government lands west of the navy-yard, to the bay of Pensacola.

Sec. 5. *And be it further enacted*, That the fifth section of the "Act making appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and fifty-five," approved August fifth, eighteen hundred and fifty-four, shall not be so construed as in any case to reduce the pay of the boatswain, carpenters, sailmakers, and gunners of the Navy from the passage of said act.

Sec. 6. *And be it further enacted*, That the sum of six thousand dollars, be and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of continuing experiments in testing Lieutenant Rodman's plan of casting cannon hollow, so as to effect the cooling of the mass from the interior instead of the exterior.

Sec. 7. *And be it further enacted*, That the salary of the assistant astronomer at the National Observatory shall hereafter be two thousand five hundred dollars.

Sec. 8. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, one thousand eight hundred and fifty-six:

For the transportation of the mails from New York to Liverpool and back, eight hundred and nineteen thousand five hundred dollars.

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back, two hundred and sixty-one thousand dollars.

For transportation of the mails from Panama to California and Oregon and back, three hundred and twenty-eight thousand three hundred and fifty dollars.

For carrying out the contract entered into by the Post Office Department, under the provisions of the act approved thirtieth August, one thousand eight hundred and fifty-two, establishing a tri-monthly mail by steam-vessels between New Orleans and Vera Cruz, via Tampico, sixty-nine thousand seven hundred and fifty dollars.

Sec. 9. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated for the service of the Post Office Department for the year ending the thirtieth of June, one thousand eight hundred and fifty-six, out of any moneys in the Treasury arising from the revenues of said Department, in conformity to the act of the second July, one thousand eight hundred and thirty-six:

For transportation of the mails, in two steamships, from New York, by Southampton, to Bremen, and back, at one hundred thousand dollars for each ship; and in two steamships from New York, by Cowes, to Havre, and back, at seventy-five thousand dollars for each ship, under the contract with the Ocean Steam Navigation Company of New York, three hundred and fifty thousand dollars.

For transportation of the mails between Charleston and Havana, a sum not exceeding fifty thousand dollars.

For transportation of the mails across the Isthmus of Panama, one hundred and fifty thousand dollars.

Sec. 10. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five, out of any money in the Treasury not otherwise appropriated, namely:

For transportation of the mails from New York to Liverpool and back, five hundred and fifty-nine thousand two hundred and thirty-eight dollars and sixty-five cents.

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres and back, two hundred and two thousand three hundred and seventy-eight dollars and twenty-one cents.

For transportation of the mails from Panama to California and Oregon and back, two hundred and forty-nine thousand two hundred and forty-two dollars and two cents.

Sec. 11. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated for the service of the Post Office Department for the year ending the thirtieth of June, one thousand eight hundred and fifty-five, out of any moneys in the Treasury arising from the revenues of said Department, in conformity to the act of the second of July, one thousand eight hundred and forty-six:

For transportation of the mails, in two steamships, from New York, by Southampton, to Bremen and back, at one hundred thousand dollars for each ship; and in two steamships from New York, by Cowes, to Havre, and back, at seventy-five thousand dollars for each ship, under the contract with the Ocean Steam Navigation Company of New York, three hundred and fifty thousand dollars.

For transportation of the mails between Charleston and Havana, under the contract with M. C. Mordecai, fifty thousand dollars.

For the transportation of the mails across the Isthmus of Panama, one hundred and twenty thousand dollars.

Approved, March 3, 1855.

Public, LXVII.—*An Act making Appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the service of the Post Office Department for the year ending the thirtieth of June, one thousand eight hundred and fifty-six, out of any moneys in the Treasury arising from the revenues of the said Department, in conformity to the act of the second of July, one thousand eight hundred and thirty-six:

For transportation of the mails, five million

nine hundred and eighty-one thousand nine hundred and thirty-eight dollars.

For the transportation of the United States mail over the Michigan Central railroad, (five hundred and eighteen miles,) from the ninth of June, eighteen hundred and forty-nine, to the twenty-eighth November, of the same year, five thousand one hundred and seventy-seven dollars and sixty cents.

For compensation to postmasters, two million one hundred and fifty thousand dollars.

For ship, steamboat, and way letters, twenty thousand dollars.

For wrapping-paper, forty-eight thousand dollars.

For office furniture in the post offices, six thousand five hundred dollars.

For advertising, one hundred thousand dollars.

For mail-bags, fifty-four thousand dollars.

For blanks, eighty thousand dollars.

For mail-locks, keys, and stamps, fifteen thousand dollars.

For mail depredations and special agents, fifty-eight thousand dollars.

For clerks in the offices of postmasters, six hundred and seventy-five thousand dollars.

For postage-stamps and stamped envelops, seventy thousand dollars.

For miscellaneous items, one hundred and sixty thousand dollars.

For compensation to William M. F. Magraw, for carrying the mail on route number eight thousand nine hundred and eleven, from Independence, Missouri, to Great Salt Lake City, Utah Territory, monthly, each way, according to the contract under which said service is now being performed, the sum of thirty-six thousand dollars per annum commencing with the eighteenth day of August, eighteen hundred and fifty-four, and continuing one year, and in lieu of the compensation therein stipulated: *Provided*, That the Postmaster General, with the assent of the contractors, be, and he is hereby, authorized to annul said contract.

Also, for compensation to Jacob Hale, for carrying the mail on route number eight thousand nine hundred and twelve, from Independence, Missouri, to Santa Fé, Territory of New Mexico, monthly, each way, according to the contract under which said service is now being performed, the sum of twenty-two thousand dollars per annum for one year from the eighteenth day of August, eighteen hundred and fifty-four: *Provided*, That the Postmaster General, with the assent of the contractors, be, and he is hereby, authorized to annul said contract.

For compensation to George H. Giddings, for carrying the mail on route number twelve thousand nine hundred, from Santa Fé, New Mexico, to San Antonio, Texas, monthly, each way, according to the contract under which said service is now being performed, the sum of thirty-three thousand five hundred dollars per annum, commencing with the eighteenth day of August, eighteen hundred and fifty-four, continuing one year, and in lieu of the compensation therein stipulated: *Provided*, That the Postmaster General, with the assent of the contractors, be, and he is hereby, authorized to annul said contract. And that each contractor engaged or to be engaged in carrying mails through any of the Territories west of the Mississippi, shall have the privilege of occupying stations, at the rate of not more than one for every twenty miles of the route on which he carries a mail, and shall have a preëmptive right therein, when the same shall be brought into market, to the extent of six hundred and forty acres, to be taken contiguously, and to include his improvements, but no such preëmptive right shall extend to any pass in a mountain or other defile.

SEC. 2. *And be it further enacted*, That the fourth section of the act of Congress approved fifth August, eighteen hundred and fifty-four, entitled "An act making appropriations for the service of the Post Office Department, during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five," be, and the same is hereby, continued for one year from August fifth, eighteen hundred and fifty-five, and that the allowance granted by said section to the deputy postmaster at Washington city, District of Columbia, of one mill per pound upon the aggregate weight of public documents printed by order of Congress, and deposited in the office of the said postmaster to be mailed, shall be so construed as to commence on the fifth of August, eighteen hundred and fifty-three.

SEC. 3. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to establish and put in operation a semi-monthly mail by sea from San Francisco, in the State of California, to Olympia, in the Territory of Washington, touching at Humboldt Bay, Trinidad, and Crescent City, in the State of California, Port Orford, Gardiner City or Umpqua, and Astoria, in the Territory of Oregon; Shoal-Water Bay, Fort Townsend, in the Territory of Washington, and at such other points as shall be designated by the Postmaster General: *Provided*, That the contract for the said service be advertised by the Postmaster General in pursuance of existing laws and let to the lowest bidder: *And provided further*, that the whole cost of said service shall not exceed the sum of one hundred and twenty thousand dollars per annum: *Provided further*, that the Postmaster General may, if he shall deem it for the public interest, contract for said service with the lowest bidder as aforesaid, under the advertised proposals heretofore made for mail service between the points aforesaid.

SEC. 4. *And be it further enacted*, That the right to frank letters and documents now allowed by law to the Vice President be continued to those who have heretofore, or shall hereafter, hold that office, during life.

SEC. 5. *And be it further enacted*, That all books, maps, and charts, or other publications entered for copyright, and which, under the act of August tenth, eighteen hundred and forty-six, are required to be deposited in the Library of Congress, and in the Smithsonian Institution, may be sent through the mail free of postage, under such regulations as the Postmaster General may prescribe.

SEC. 6. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized, in the settlement of the accounts of the late postmaster at Waterville, Maine, to allow such sum, in addition to the commissions which accrued at his office during his term of service, as will make his compensation equal to one hundred and seventy-five dollars per quarter, and cover all such necessary items of incidental expenses as have been usually incurred and allowed in a post office of this class: *Provided, however*, That the whole compensation and expenses shall not exceed four hundred and twenty-five dollars per quarter.

SEC. 7. *And be it further enacted*, That the First Comptroller of the Treasury be instructed to examine the claim of William R. Glover and Thomas W. Mather, and their associates, and ascertain and allow such damages as they are entitled to in justice and equity, in consequence of the refusal of the Postmaster General to carry into effect the contract entered into between William R. Glover and Thomas W. Mather and the Postmaster General, in eighteen hundred and fifty-three, for the transportation of the mails on the Mississippi and Ohio rivers, and that such damages be paid to the said William R. Glover and Thomas W. Mather and their associates, out of any money in the Treasury not otherwise appropriated: *Provided*, The sum allowed shall not exceed the sum of two hundred thousand dollars.

SEC. 8. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to pay to Uriah P. Monroe, his representatives or assigns, as pay in full for extra mail service on the mail route from Sacramento to Shasta, in the State of California, commencing October the first, Anno Domini eighteen hundred and fifty-one, and ending July the fifteenth, eighteen hundred and fifty-two, the sum of five thousand five hundred and forty-one dollars and sixty-six cents.

SEC. 9. *And be it further enacted*, That the proper Comptroller of the Treasury, under instructions of the Attorney General, inquire whether the contract made by the Postmaster General with William L. Blanchard for carrying the United States mail on route numbered five thousand and sixty-six; in the year eighteen hundred and fifty-three, was violated by the Postmaster General without legal and adequate cause given by said Blanchard; and if it was so violated, then to ascertain and allow such damages as he is entitled to in equity and justice, by reason of such violation, and that such damages be paid to said Blanchard out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1855.

PUBLIC, LXVIII.—*A Bill to provide for the Erection of Public Buildings in the Territory of Kansas.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the continuation and erection of public buildings for the use of the Legislature of the Territory of Kansas, to be expended under the direction of the Governor of said Territory: *Provided*, Said money, or any part thereof, or of any portion of the money heretofore appropriated for this purpose, shall not be expended until the Legislature of said Territory shall have fixed by law the permanent seat of government.

APPROVED, March 3, 1855.

PUBLIC, LXIX.—*An Act to provide for the Erection of Public Buildings in the Territory of Nebraska.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of public buildings in the Territory of Nebraska, to be expended under the direction of the Governor of said Territory: *Provided*, Said money, or any part thereof, shall not be expended until the Legislature shall have fixed by law the permanent seat of government.

APPROVED, March 3, 1855.

PUBLIC, LXX. *An Act making Appropriations for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-six, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-six:

For pay of the Army, two million six hundred thousand eight hundred and six dollars.

For pay, supplies, and traveling expenses of six companies of Texas volunteers, called into service by the Governor of Texas, and mustered into the service of the United States, one hundred and thirty-seven thousand seven hundred and fifty-five dollars and thirty-eight cents.

For commutation of officers' subsistence, six hundred and twenty-eight thousand one hundred and sixty-eight dollars.

For commutation of forage for officers' horses, one hundred and four thousand eight hundred and thirty-two dollars.

For payment in lieu of clothing for officers' servants, thirty-six thousand three hundred and fifty dollars.

For expenses of recruiting, transportation of recruits, three months' extra pay to non-commissioned officers, musicians, and privates, on reënlistment, one hundred thousand dollars.

For subsistence in kind, one million three hundred and eighty-one thousand and sixty-eight dollars and seventy-five cents.

For clothing for the Army, camp and garrison equipage, five hundred and seventy-four thousand eight hundred and seventy-six dollars and fifty-nine cents.

For the regular supplies of the quartermaster's department, consisting of fuel, forage in kind for the horses, mules, and oxen of the quartermaster's department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field and at the outposts; of straw for soldiers' bedding, and of stationery, including company and other blank books for the Army, certificates for discharged

soldiers, blank forms for the pay and quartermaster's departments, and for the printing of division and department orders, Army regulations, and reports, eight hundred and ninety thousand dollars.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation to judges-advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay of soldiers employed, under the direction of the quartermaster's department, in the erection of barracks, quarters, store-houses, and hospitals; the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers, and trains, when military escorts cannot be furnished; expenses of the interment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including hire of interpreters, spies, and guides, for the Army; compensation of clerk to officers of the quartermaster's department; compensation of forage and wagon-masters, authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz: for the purchase of horse equipments, as saddles, bridles, saddle-blankets, nose-bags, iron combs, curry-combs, and spurs, and straps; of traveling forges, blacksmith's and shoeing tools, horse and mule shoes, iron and steel for shoeing, hire of veterinary surgeons, purchase of medicines for horses and mules, shoeing horses of mounted corps, and repairing dragoon and rifle equipments, three hundred and seventy-five thousand three hundred and sixty-eight dollars.

For constructing barracks and other buildings at posts, which it may be necessary to occupy during the year, and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty; hire of quarters for troops, of store-houses for the safe-keeping of military stores, and of grounds for summer cantonments; for encampments and temporary frontier stations, four hundred and ninety thousand four hundred and fifty-eight dollars.

For mileage to officers of the Army, for transportation of themselves and baggage when traveling on duty without troops or escorts, one hundred thousand dollars.

For transportation of the Army, including the baggage of the troops when moving either by land or water; of clothing, camp and garrison equipage, and horse equipments, from the depot at Philadelphia to the several posts and Army depots; of subsistence from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores and small-arms, from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, drays, ships, and other sea-going vessels and boats for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance, and for clearing roads and removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops on the frontier, one million two hundred thousand dollars.

For the purchase of horses for the first and second regiments of dragoons, the companies of light artillery, the mounted riflemen, and such infantry as the commanding officers at the frontier posts may find it necessary to mount, two hundred thousand dollars.

For contingencies of the Army, six thousand dollars.

For the medical and hospital departments, fifty-two thousand five hundred dollars.

For contingent expenses of the Adjutant General's Department, at division and department headquarters, four hundred dollars.

For armament of fortifications, one hundred and twenty-five thousand dollars.

For ordnance, ordnance stores, and supplies, one hundred thousand dollars.

For the current expenses of the ordnance service one hundred thousand dollars.

For the manufacture of arms at the national armories, two hundred and fifty thousand dollars.

For repairs and improvements and new machinery at Harper's Ferry, thirty-two thousand six hundred and seventy-three dollars.

For repairs and improvements and new machinery at Springfield armory, fifty-four thousand dollars.

For new machinery at Harper's Ferry armory, twenty thousand dollars.

For repairs, preservation, and contingencies of arsenals fifty thousand dollars.

And for continuing the construction of the arsenal at Benicia, California, forty thousand dollars. And it is hereby provided, that the annual compensation of the civil superintendents of the national armories be two thousand five hundred dollars, without perquisites, allowances, or additions of any kind, quarters excepted, and that the same be paid out of any money in the Treasury not otherwise appropriated.

For continuing the survey of the northern and northwestern lakes, including Lake Superior, fifty thousand dollars.

For surveys for military defenses of the sea and inland frontier, fifteen thousand dollars.

For printing a new system of light infantry and rifle tactics, to be stereotyped, with engraved plates, and for procuring for distribution to the militia of the United States books of tactical instruction, including the system of regulations now in course of preparation, thirty thousand dollars.

For compensation of the clerk and messenger in the office of the Commanding General, two thousand dollars.

For contingent expenses of the office of the Commanding General, three hundred dollars.

For arrearages prior to July first, one thousand eight hundred and fifteen, payable through the office of the Third Auditor, under an act approved May the first, one thousand eight hundred and twenty, in addition to the balance undrawn in the Treasury, two thousand dollars.

For the Capitol extension, three hundred and twenty-five thousand dollars.

To complete the road from Point Douglass, on the Mississippi river, to the mouth of the St. Louis river, of Lake Superior, in Wisconsin, thirty-four thousand two hundred and thirteen dollars and fifty cents.

To complete the road from Point Douglass to Fort Gaines, now Fort Ripley, thirteen thousand four hundred and ninety-four dollars and nine cents.

To complete the road from Swan river to Winnebago agency, two thousand five hundred and thirty-five dollars and thirty-nine cents.

To complete the road from Wabashaw to Mendota, thirteen thousand eight hundred and seventy-one dollars and seventy-six cents. The said road to be completed under the direction of the Secretary of War.

To complete the road from Mendota to the Big Sioux river, twenty-seven thousand four hundred and seventy-five dollars and sixty-eight cents.

That the sum of thirty-two thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in the manner following, namely: Sixteen thousand dollars for the improvement of the road from Fort Union to Santa Fé; ten thousand dollars for the improvement of the road from Socalote to Albuquerque, via Canon Blanco, and Canon Carnue; and six thousand dollars for the improvement of the road from Canada, to Albiquea, all the said roads being in the Territory of New Mexico.

SEC. 2. *And be it further enacted*, That the board of officers appointed under the sixth section of the act making appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and fifty-three, approved August thirty-first, eighteen hundred and fifty-two, is hereby abolished: *Provided*, That it shall be lawful for the President of the United States to appoint, during the recess of Congress, such of the commissioned officers authorized by this act below the grade of field officer as may not be appointed during the present session whose commission shall expire on the first day of May, eighteen hundred and fifty-six.

SEC. 3. *And be it further enacted*, That the provisions of an act entitled "An act for the payment of the civil officers employed in the Territory of New Mexico while under military government," approved July seventeenth, eighteen hundred and fifty-four, be, and the same are hereby, extended to embrace the case of Lieutenant Colonel J. M. Washington, deceased, late of the Army, for and during the period of his appointment and service as military Governor of New Mexico, *ex officio* superintendent of Indian affairs, and commander of the troops, prior to the formation of the civil government.

SEC. 4. *And be it further enacted*, That the sum of thirty thousand dollars be, and the same is hereby, appropriated, to be expended under the direction of the War Department, in the purchase and importation of camels and dromedaries to be employed for military purposes.

SEC. 5. *And be it further enacted*, That the provisions of the first section of the act entitled "An act making appropriations for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-one," approved September twenty-eight, eighteen hundred and fifty, granting extra pay to the officers and enlisted men of the Army serving in Oregon and California, be extended to the officers and men composing the garrison of the post of Fort Laramie, on the Oregon route, for the same period of time as was allowed by the sixth section of the act of third March, eighteen hundred and fifty-three, to the officers and men of the two companies of regiment of mounted riflemen that garrisoned Fort Laramie; and that the provisions of the same section of the same act be also extended to the officers and men composing the escort to the Mexican boundary commission while they were serving as such escort.

SEC. 6. *And be it further enacted*, That the laws granting extra pay to officers and soldiers who had served in California apply to chaplains who were attached to the army in California during the period embraced by such laws.

SEC. 7. *And be it further enacted*, That the annual distribution of arms to the several States, under the act approved April twenty-third, eighteen hundred and eight, entitled "An act making provision for arming and equipping the whole body of the militia of the United States," shall be hereafter made according to the number of their Representatives and Senators in Congress, respectively; and that arms be distributed to the Territories and the District of Columbia, in such quantities and under such regulations as the President, in his discretion, may prescribe: *Provided*, That the Secretary of War shall first equalize, as far as practicable, the number of arms heretofore distributed and now in possession of the several States, so that each State which has received less than its *pro rata* share shall receive a number sufficient to make an equal *pro rata* proportion for all the States according to the present number of their Representatives and Senators in Congress, respectively.

SEC. 8. *And be it further enacted*, That there shall be added to the Army two regiments of infantry and two regiments of cavalry, organized as in the existing force; and there shall be appointed by the President, by and with the advice and consent of the Senate, one brigadier general, and that the officers and men authorized by this act shall be entitled to the same provisions for wounds and

disabilities, and the same provisions for widows and children, and the same allowances and benefits, in every respect, as are allowed to other troops composing the Army of the United States. They shall be subject to the rules and articles of war, and the men shall be recruited in the same manner as other troops, and with the same conditions and limitations.

SEC. 9. *And be it further enacted*, That, to enable the President of the United States to carry into effect the provisions of so much of this act as relates to the employment of an additional military force, such sum of money, not exceeding two million five hundred thousand dollars, as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1855.

PUBLIC, LXXI.—*An Act to appropriate Money to remove Obstructions in the Savannah river, below the city of Savannah, in the State of Georgia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and sixty-one thousand dollars be, and the same is hereby, appropriated, out of any money not heretofore appropriated, to remove the obstructions in the Savannah river, below the city of Savannah, in the State of Georgia, placed there during the revolutionary war for the common defense.

APPROVED, March 3, 1855.

PUBLIC, LXXII.—*An Act making Appropriations for Fortifications and other Works of Defense, and for repairs of Barracks and Quarters, for the year ending the thirtieth of June, one thousand eight hundred and fifty six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated for the construction, preservation, and repairs of certain fortifications, barracks, and quarters, for the year ending the thirtieth of June, one thousand eight hundred and fifty-six:

For Fort Montgomery, at outlet of Lake Champlain, New York, fifteen thousand dollars.

For Fort Knox, at narrows of Penobscot river, Maine, sixty thousand dollars.

For preservation of the site of Fort Warren, at the narrows of Boston harbor, Massachusetts, ten thousand dollars.

For Fort Schuyler, entrance to Long Island sound, New York, twenty-five thousand dollars.

For Fort Richmond, at the Narrows, New York harbor, seventy-five thousand dollars.

For Fort Delaware, Delaware river, Delaware, one hundred and fifty thousand dollars.

For Fort Carroll, Baltimore harbor, Maryland, one hundred thousand dollars.

For Fort Monroe, entrance to Hampton roads, Virginia, fifty-five thousand dollars.

For Fort Calhoun, entrance to Hampton roads, Virginia, twenty thousand dollars.

For Fort Sumter, Charleston harbor, South Carolina, eighty thousand dollars.

For Fort Clinch, entrance to Cumberland sound, Florida, twenty-five thousand dollars.

For Fort Barrancas, Pensacola harbor, Florida, thirty thousand dollars.

For Fort McRee, and preservation of its site, Florida, twenty-five thousand dollars.

For Fort Gaines, Dauphin Island, Alabama, fifty thousand dollars.

For Fort Taylor, Key West, Florida, one hundred and fifty thousand dollars.

For Fort Jefferson, Tortugas, Florida, one hundred and fifty thousand dollars.

For forts on the western frontier of Texas, fifty thousand dollars.

For fortifications at Fort Point, entrance to San Francisco bay, California, three hundred thousand dollars.

For fortifications at Alcatraz Island, San Francisco bay, California, two hundred thousand dollars.

For repairs of Fort Niagara, New York, six thousand dollars.

For construction and repairs of quarters and barracks at Fort Columbus, New York harbor, twenty-six thousand five hundred dollars.

For construction of an additional magazine for batteries Hudson and Morton, Staten Island, New York, five thousand dollars.

For repairs of Fort Madison, Annapolis harbor, Maryland, ten thousand six hundred dollars.

For repairs of Fort Moultrie, Charleston harbor, South Carolina, five thousand dollars.

For repairs of Fort Jackson, Savannah river, Georgia, twenty thousand dollars.

For repairs of Fort Macomb, Chef Menteur Pass, Louisiana, nine thousand five hundred dollars.

For the extension of battery at Fort Jackson, Mississippi river, ten thousand dollars.

For repairs of Fort St. Philip, Mississippi river, Louisiana, thirty-five thousand dollars.

For contingent expenses of the fortifications not herein mentioned, the preservation of sites, the protection of titles, and repairs of sudden damages to forts, twenty thousand dollars.

APPROVED, March 3, 1855.

PUBLIC, LXXIII.—*An Act extending the provisions of the act of August fourth, eighteen hundred and fifty-two, entitled "An act to grant the right of way to all Rail and Plank Roads and Macadamized Turnpikes passing through the Public Lands belonging to the United States," to the Public Lands in the Territories of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act entitled "An act to grant the right of way to all rail and plank roads, and macadamized turnpikes passing through the public lands belonging to the United States," approved August fourth, eighteen hundred and fifty-two, be, and the same are hereby, extended to all of the public lands of the United States in the Territories of the United States.

APPROVED, March 3, 1855.

PUBLIC, LXXIV.—*An Act to establish Columbus, in the State of Mississippi, Chattanooga, in the State of Tennessee, and Hickman, in the State of Kentucky, Ports of Delivery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Columbus, in the State of Mississippi, and within the collection district of Mobile, Chattanooga, in the State of Tennessee, and Hickman, in the State of Kentucky, and within the collection district of Mississippi, be, and hereby are, declared to be ports of delivery within their respective collection districts. And there shall be appointed a surveyor of customs, to reside at each of said ports, who shall perform the duties, and receive the compensation and emoluments prescribed in the act of Congress, approved March the second, eighteen hundred and thirty-one, being "An act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places:" *Provided*, That whenever the amount of duties paid at any one of said ports shall be less than the sum of ten thousand dollars per year, the Secretary of the Treasury shall discontinue such port of delivery.

APPROVED, March 3, 1855.

PUBLIC, LXXV.—*An Act for the Construction of certain Military Roads in the Territory of Kansas.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifty thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the construction of a road from Fort Riley to such point on the Arkansas river as may, in the opinion of the Secretary of War, be most expedient for military purposes.

SEC. 2. *And be it further enacted*, That the further sum of fifty thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the construction of a road from Fort Riley to Bridger's Pass, in the Rocky mountains. The said sums to be expended under the direction of the Secretary of War, in pursuance of contracts to be made by him.

APPROVED, March 3, 1855.

PUBLIC, LXXVI.—*An Act to organize an Institution for the Insane of the Army and Navy and of the District of Columbia, in the said District.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title of the institution shall be the Government Hospital for the Insane; and its objects shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia.

SEC. 2. *And be it further enacted*, That nine citizens of the District of Columbia, to be appointed by the President of the United States, shall constitute a Board of Visiters of the said hospital. The term of office of three of the nine visiters shall expire the thirtieth day of June, eighteen hundred and fifty-seven, and biennially thereafter on the same day of the year, when they shall be reappointed or three other citizens appointed in their stead. The order in which the terms of office of the first nine appointees shall expire shall be determined by lot; and should any vacancy occur by death, resignation, or otherwise, such vacancy shall be filled by appointment for the unexpired term of such visiter. The Board of Visitors, subject to the approval of the Secretary of the Interior, may make any needful by-laws for the government of themselves and of the superintendent and his employees, and of the patients, not inconsistent with this act nor with the Constitution and laws of the United States; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management; they shall make annually, to the Secretary of the Interior, a report for the preceding year ending June thirtieth, setting forth the condition and wants of the institution. The board shall elect one of their number president, who shall preside at their meetings for one year, or till a successor is elected. The office of visiter shall be honorary and without compensation.

SEC. 3. *And be it further enacted*, That the chief executive officer of the institution shall be a superintendent, to be appointed by the Secretary of the Interior, and to receive a salary of two thousand five hundred dollars per annum. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the visiters, engage and discharge all needful and usual employees in the care of the insane, and all laborers on the farm, and determine their wages and duties; he shall be the responsible disbursing agent of the institution, and shall be ex-officio secretary of the Board of Visiters; and he shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of the Interior.

SEC. 4. *And be it further enacted*, That the order of the Secretary of War and that of the Secretary of the Navy shall authorize the superintendent to receive insane persons belonging to the Army and Navy respectively, and keep them in custody till they are cured or removed by the same authority which ordered their reception.

SEC. 5. *And be it further enacted*, That all indigent insane persons residing in the District of Columbia at the time they became insane shall be entitled to the benefits of the institution, and shall be admitted on the authority of the Secretary of the Interior, which he may grant after due process of law showing the person to be insane and unable to support himself (or herself) and family (or themselves, if they have no family) under the visitation of insanity.

SEC. 6. *And be it further enacted*, That whenever there are vacancies, private patients from the District may be received at a rate of board to be determined by the visiters, but to be in no case less than the actual cost of their support.

SEC. 7. *And be it further enacted*, That all appro-

priations of money by Congress for the support of the institution shall be drawn from the Treasury on the requisition of the Secretary of the Interior, and shall be disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money.

SEC. 8. *And be it further enacted*, That this act shall take effect from and after the first day of July, one thousand eight hundred and fifty-five.

APPROVED, March 3, 1855.

PUBLIC, LXXVII.—*An Act further to amend the act entitled "An act to reduce and modify the Rates of Postages in the United States, and for other purposes," passed March three, eighteen hundred and fifty-one.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit:

For every single letter in manuscript, or paper of any kind in which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, three cents; and for any distance exceeding three thousand miles, ten cents.

And for a double letter there shall be charged double the rate above specified; and for a treble letter, treble those rates; and for a quadruple letter, quadruple those rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter, and every additional weight of half an ounce, or additional weight of less than half an ounce, shall be charged with an additional single postage; and upon all letters passing through or in the mail of the United States, except such as are to or from a foreign country, the postages as above specified shall be prepaid, except upon letters and packages addressed to officers of the Government on official business, which shall be so marked on the envelop. And from and after the first day of January, eighteen hundred and fifty-six, the Postmaster General may require postmasters to place postage stamps upon all prepaid letters upon which such stamps may not have been placed by the writers.

And all drop-letters or letters placed in any post office not for transmission through the mail, but for delivery only, shall be charged with postage at the rate of one cent each; and all letters which shall hereafter be advertised as remaining over, or uncalled for, in any post office, shall be charged with one cent each, in addition to the regular postage, both to be accounted for as other postages now are.

SEC. 2. *And be it further enacted*, That it shall not be lawful for any postmaster or other person to sell any postage stamp or stamped envelop for any larger sum than that indicated upon the face of such postage stamp, or for a larger sum than that charged therefor by the Post Office Department; and any person who shall violate this provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than ten, nor more than five hundred dollars. This act to take effect and be in force from and after the commencement of the next fiscal quarter after its passage: *Provided*, That nothing herein contained shall be so construed as to alter the laws in relation to the franking privilege.

SEC. 3. *And be it further enacted*, That for the greater security of valuable letters posted for transmission in the mails of the United States, the Postmaster General be, and hereby is, authorized to establish a uniform plan for the registration of such letters on application of parties posting the same, and to require the prepayment of the postage, as well as a registration fee of five cents on every such letter or packet, to be accounted for by postmasters receiving the same in such manner as the Postmaster General shall direct: *Provided, however*, That such registration shall not be compulsory; and it shall not render the Post Office Department or its revenue liable for the loss of such letters or packets, or the contents thereof.

APPROVED, March 3, 1855.

PUBLIC, LXXVIII.—*An Act to Improve the Laws of the District of Columbia and to Codify the same.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint two persons, learned in the law, to revise, simplify, digest, and codify the laws of said District, and also the rules and principles of practice, of pleadings, of evidence, and conveyancing, and also to add thereto and codify such laws of the State of Maryland as may be, or become in force during the preparation of said code, and applicable to the circumstances and condition of said District; and the said code shall be constructed according to a simple method, and be expressed in language concise and plain, and, as far as possible, be made level to the understanding of a person of ordinary intelligence and education; and it shall contain a full and particular index to all its contents; and the preparation of the said code shall be made under the superintendence and revision of the Attorney General of the United States, and as the same progresses shall be printed, under his direction; and the said codifiers shall each be paid for their services, out of the Treasury of the United States, at the rate of three thousand dollars a year. And the Board of Aldermen and Common Council of the city of Washington may together elect five competent persons, and the Board of Aldermen and Council of Georgetown may elect two competent persons, and the levy court of the county of Washington may elect one competent person, which persons together shall compose a board, to consider, at convenient seasons, the provisions of said code, as it may be prepared; and any three of said persons shall constitute a quorum of said board; and the said code, or such provisions thereof as may be approved by a majority of said board, shall be adopted, and become the law of said District, as hereinafter provided. And it shall be the duty of the said persons who may be appointed to codify the said laws, to attend, and also the said Attorney General may attend the meetings of said board, to explain the several provisions of the said code. And when the said code and the provisions thereof shall have been adopted by the said board, or by a majority thereof, they shall certify the same to the President of the United States, who shall thereupon cause it to be published in a neat and convenient form, and to be substantially bound; and he shall cause a sufficient number of volumes of said code to be printed and bound as may be necessary for the amplest distribution of the same among the people of said District and for the preservation of said code; and a copy thereof shall be furnished to every justice of the peace, and every judge, to each court, to each clerk of said court, to each coroner, to said levy court, to each public school, to each public library, to each public department of Government, and to the Mayors and each of the Councils of Washington and Georgetown, to be by them kept and carefully preserved and transferred to their several successors in office. And the said code so deposited with said clerks of courts and justices of the peace, shall at all times be open in their several offices for the inspection and information of the people of said District and others who may desire to consult the same. And when the said code shall be printed and distributed, the President of the United States shall, by his proclamation, appoint a time and places in the said district for taking the sense of the citizens thereof, for or against the adoption of the said code, and he shall cause judges to be selected who shall preside at such election, and he shall provide and proclaim the mode and rules of conducting the same, provided every free white male citizen of the United States, above the age of twenty-one years, who has resided in the said District for one year next preceding said election, shall be permitted to vote thereat; and the result of said election shall be reported to the said President, and the same, with the said code, be by him reported to Congress, and when ratified and approved by the same, he shall, by his proclamation, declare it to be in force, from the day of the date thereof, as the law of the said District of Columbia; and the same, when so proclaimed, shall thereafter be and remain as such, without any further act or proceedings to that effect, until altered or repealed by the Congress of the United States. And the persons who may compose said board, or such of them as may act on the same, shall be paid out of the Treasury of the United States a reasonable compensation for their services, according to the time employed by them, respectively, upon the same: *Provided*, That the said code shall be reported to Congress on or before the first Monday in December, in the year eighteen hundred and fifty-seven.

APPROVED, March 3, 1855.

PUBLIC, LXXIX.—*An Act to Remodel the Diplomatic and Consular Systems of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next the President of the United States shall, by and with the advice and consent of the Senate, appoint representatives of the grade of envoys extraordinary and ministers plenipotentiary to the following countries, who shall receive an annual compensation for their services not exceeding the amount specified herein for each:

Great Britain, seventeen thousand five hundred dollars.
France, fifteen thousand dollars.
Spain, twelve thousand dollars.
Russia, twelve thousand dollars.
Austria, twelve thousand dollars.
Prussia, twelve thousand dollars.
Switzerland, seven thousand five hundred dollars.
Rome, seven thousand five hundred dollars.
Naples, seven thousand five hundred dollars.
Sardinia, seven thousand five hundred dollars.
Belgium, seven thousand five hundred dollars.
Holland, seven thousand five hundred dollars.
Portugal, seven thousand five hundred dollars.
Denmark, seven thousand five hundred dollars.
Sweden, seven thousand five hundred dollars.
Turkey, nine thousand dollars.
China, fifteen thousand dollars.
Brazil, twelve thousand dollars.
Peru, ten thousand dollars.
Chili, nine thousand dollars.
Argentine Republic, seven thousand five hundred dollars.
New Granada, seven thousand five hundred dollars.
Bolivia, seven thousand five hundred dollars.
Ecuador, seven thousand five hundred dollars.
Venezuela, seven thousand five hundred dollars.
Guatemala, seven thousand five hundred dollars.
Nicaragua, seven thousand five hundred dollars.
Mexico, twelve thousand dollars.

SEC. 2. *And be it further enacted*, That from and after the thirtieth day of June next, the President of the United States shall, by and with the advice and consent of the Senate, appoint secretaries of legation to the following countries, who shall receive an annual compensation for their services not exceeding the amount specified herein for each:

Great Britain, twenty-five hundred dollars.
France, twenty-two hundred and fifty dollars.
Spain, twenty-two hundred and fifty dollars.
Russia, two thousand dollars.
Austria, two thousand dollars.
Prussia, two thousand dollars.
Switzerland, fifteen hundred dollars.
Rome, fifteen hundred dollars.
Naples, fifteen hundred dollars.
Sardinia, fifteen hundred dollars.
Belgium, fifteen hundred dollars.
Holland, fifteen hundred dollars.
Portugal, fifteen hundred dollars.
Denmark, fifteen hundred dollars.
Sweden, fifteen hundred dollars.
Brazil, two thousand dollars.
Peru, two thousand dollars.
Chili, fifteen hundred dollars.
Argentine Republic, fifteen hundred dollars.
New Granada, fifteen hundred dollars.
Bolivia, fifteen hundred dollars.
Ecuador, fifteen hundred dollars.
Venezuela, fifteen hundred dollars.
Guatemala, fifteen hundred dollars.
Nicaragua, fifteen hundred dollars.
Mexico, two thousand dollars.

SEC. 3. *And be it further enacted*, That from

and after the thirtieth day of June next, the President of the United States shall, by and with the advice and consent of the Senate, appoint a commissioner to the Sandwich Islands, who shall receive an annual compensation for his services of six thousand dollars; an interpreter to the mission in China, who shall receive for his services two thousand five hundred dollars per annum; and a dragoman to the mission to Turkey, who shall receive for his services twenty-five hundred dollars per annum.

SEC. 4. *And be it further enacted*, That from and after the thirtieth day of June next, the President of the United States shall, by and with the advice and consent of the Senate, appoint consuls for the United States, to reside at the following places, who shall receive, during their continuance in office, an annual compensation for their services not exceeding the amount specified herein for each, and who shall not be permitted to transact, under the penalty of being recalled and fined in a sum not less than two thousand dollars, business, either in their own name or through the agency of others:

GREAT BRITAIN.

London, seven thousand five hundred dollars.
Liverpool, seven thousand five hundred dollars.
Glasgow, four thousand dollars.
Dundee, two thousand dollars.
Newcastle, fifteen hundred dollars.
Leeds, fifteen hundred dollars.
Belfast, two thousand dollars.
Hong-Kong, three thousand dollars.
Calcutta, three thousand five hundred dollars.
Halifax, two thousand dollars.
Melbourne, four thousand dollars.
Nassau, two thousand dollars.
Kingston, (Jamaica,) two thousand dollars.

HOLLAND.

Rotterdam, two thousand dollars.
Amsterdam, one thousand dollars.

PRUSSIA.

Aix-la-Chapelle, twenty-five hundred dollars.

FRANCE.

Paris, five thousand dollars.
Havre, five thousand dollars.
Marseilles, two thousand five hundred dollars.
Bordeaux, two thousand dollars.
Lyons, one thousand dollars.
La Rochelle, one thousand dollars.
Nantes, one thousand dollars.

SPAIN.

Cadiz, fifteen hundred dollars.
Malaga, fifteen hundred dollars.
St. Jago de Cuba, two thousand dollars.
Matanzas, three thousand dollars.
St. John's, (P. R.,) two thousand dollars.
Trinidad de Cuba, three thousand dollars.
Ponce, (P. R.,) fifteen hundred dollars.
Havana, six thousand dollars.

PORTUGAL.

Lisbon, fifteen hundred dollars.
Funchal, fifteen hundred dollars.

BELGIUM.

Antwerp, two thousand five hundred dollars.

RUSSIA.

St. Petersburgh, two thousand five hundred dollars.

DENMARK.

St. Thomas, four thousand dollars.
Elsineur, fifteen hundred dollars.

AUSTRIA.

Trieste, two thousand dollars.
Vienna, one thousand dollars.

SAXONY.

Leipsic, fifteen hundred dollars.

BAVARIA.

Munich, one thousand dollars.

HANSEATIC AND FREE CITIES.

Bremen, two thousand dollars.
Hamburg, two thousand dollars.

FRANKFORT-ON-THE-MAINE.

Including the Grand Duchy of Hesse-Darmstadt, the Electorate of Hesse-Cassel, the Duchy of Nassau, and the Landgraviate of Hesse-Hombourg, two thousand dollars.

WURTEMBURG.

Stuttgardt, one thousand dollars.

BADEN.

Carlsrue, one thousand dollars.

SWITZERLAND.

Basle, fifteen hundred dollars.
Zurich, fifteen hundred dollars.
Geneva, fifteen hundred dollars.

SARDINIA.

Genoa, one thousand five hundred dollars.

TUSCANY.

Leghorn, fifteen hundred dollars.

KINGDOM OF THE TWO SICILIES.

Naples, fifteen hundred dollars.
Palermo, fifteen hundred dollars.
Messina, one thousand dollars.

TURKISH DOMINIONS.

Constantinople, two thousand five hundred dollars.
Smyrna, two thousand dollars.
Beirut, two thousand dollars.
Jerusalem, one thousand dollars.
Alexandria, three thousand five hundred dollars.

BARBARY STATES.

Tangiers, two thousand five hundred dollars.
Tripoli, two thousand five hundred dollars.
Tunis, two thousand five hundred dollars.

CHINA.

Canton, three thousand dollars.
Shanghai, three thousand dollars.
Amoy, twenty-five hundred dollars.
Fouchow, two thousand five hundred dollars.
Ningpo, two thousand five hundred dollars.

JAPAN.

Simoda.
Hakodadi.

BORNEO.

Bruni.

SANDWICH ISLANDS.

Honolulu, four thousand dollars.

HAYTI.

Port-au-Prince, two thousand dollars.
City of St. Domingo, fifteen hundred dollars.

MEXICO.

Vera Cruz, three thousand five hundred dollars.
Acapulco, two thousand dollars.

CENTRAL AMERICA.

San Juan del Norte, two thousand dollars.
San Juan del Sur, two thousand dollars.

NEW GRANADA.

Panama, three thousand five hundred dollars.
Aspinwall, two thousand five hundred dollars.

VENEZUELA.

Laguayra, fifteen hundred dollars.

BRAZIL.

Rio de Janeiro, six thousand dollars.
Pernambuco, two thousand dollars.

ARGENTINE REPUBLIC.

Buenos Ayres, two thousand dollars.

PERU.

Callao, three thousand five hundred dollars.

CHILI.

Valparaiso, three thousand dollars.

SEC. 5. *And be it further enacted*, That from and after the thirtieth day of June next, the President of the United States shall, by and with the advice and consent of the Senate, appoint consuls and commercial agents for the United States to reside at the following places, who shall receive, during their continuance in office, an annual compensation for their services, not exceeding the amount specified herein for each, and who shall be at liberty to transact business:

GREAT BRITAIN.

Southampton, one thousand dollars.
Bristol, one thousand dollars.
Leith, one thousand dollars.
Dublin, one thousand dollars.
Cork, one thousand dollars.
Galway, one thousand dollars.
Bombay, one thousand dollars.
Singapore, one thousand dollars.
Gibraltar, seven hundred and fifty dollars.
Island of Malta, one thousand dollars.
Cape Town, one thousand dollars.
Port Louis, one thousand dollars.
St. John's, (N. B.,) one thousand dollars.
Pictou, one thousand dollars.
Demarara, one thousand dollars.
Sidney, one thousand dollars.
Falkland Islands, one thousand dollars.
Hobart Town, one thousand dollars.
Bermuda, one thousand dollars.
Turk's Island, one thousand dollars.
Barbadoes, one thousand dollars.
Island of Trinidad, one thousand dollars.
St. Helena, one thousand dollars.
St. Christopher, one thousand dollars.
Antigua, one thousand dollars.
Ceylon, one thousand dollars.

RUSSIA.

Odessa, fifteen hundred dollars.
Galatza, one thousand dollars.

FRANCE.

Martinique, seven hundred and fifty dollars.
Miquelon, seven hundred and fifty dollars.

SPAIN.

Barcelona, seven hundred and fifty dollars.
Manilla, seven hundred and fifty dollars.

PORTUGAL.

Macao, one thousand dollars.
Mozambique, seven hundred and fifty dollars.
Fayal, seven hundred and fifty dollars.
St. Jago Cape Verd, seven hundred and fifty dollars.

HANOVER AND NEW BRUNSWICK.

Hanover, five hundred dollars.

MECKLENBERG-SCHWERIN AND MECKLENBERG-STRELITZ.

Schwerin, five hundred dollars.

OLDENBURG.

Oldenburg, five hundred dollars.

DANISH DOMINIONS.

Santa Cruz, seven hundred and fifty dollars.

SWEDEN AND NORWAY.

Gothenburg, seven hundred and fifty dollars.

AUSTRIA.

Venice, seven hundred and fifty dollars.

SARDINIA.

Spezzia, seven hundred and fifty dollars.

GREECE.

Athens, one thousand dollars.

TURKEY.

Candia, one thousand dollars.
Cyprus, one thousand dollars.

IONIAN ISLANDS.

Zante, one thousand dollars.

AFRICA.

Monrovia, one thousand dollars.
Zanzibar, one thousand dollars.

NEW ZEALAND.

Bay Islands, one thousand dollars.

HAYTI.

Cape Haytien, one thousand dollars.
Aux Cayes, five hundred dollars.

MEXICO.

Mexico, one thousand dollars.
Paso del Norte, five hundred dollars.
Tampico, one thousand dollars.
Matamoras, one thousand dollars.
Tabasco, five hundred dollars.
Mazatlan, five hundred dollars.
Tehuantepec, one thousand dollars.
Manatitlan, one thousand dollars.

CENTRAL AMERICA.

Omoa and Truxillo, one thousand dollars.
San José, five hundred dollars.

NEW GRANADA.

Carthagena, five hundred dollars.
Sabanillo, five hundred dollars.

VENEZUELA.

Ciudad Bolivar, seven hundred and fifty dollars.

Puerto Cabello, seven hundred and fifty dollars.
Maracaibo, seven hundred and fifty dollars.

ECUADOR.

Guayaquil, seven hundred and fifty dollars.

BRAZIL.

Maranham Island, seven hundred and fifty dollars.
Rio Grande, one thousand dollars.
Bahia, one thousand dollars.
Para, one thousand dollars.

URUGUAY.

Montevideo, one thousand dollars.

CHILI.

Talcahuano, one thousand dollars.

PERU.

Paita, five hundred dollars.
Tumbez, five hundred dollars.

SANDWICH ISLANDS.

Lahaina, one thousand dollars.
Hilo, one thousand dollars.

NAVIGATOR'S ISLAND.

Apia, one thousand dollars.

SOCIETY ISLANDS.

Tahiti, one thousand dollars.

FEJEE ISLANDS.

Lanthala, one thousand dollars.

HOLLAND.

Batavia, one thousand dollars. (Commercial agent.)
Paramaribo, five hundred dollars. (Commercial agent.)
Padang, five hundred dollars. (Commercial agent.)
St. Martin, five hundred dollars. (Commercial agent.)
Curacoa, five hundred dollars. (Commercial agent.)

SEC. 6. *And be it further enacted*, That no envoy extraordinary and minister plenipotentiary, commissioner, secretary of legation, dragoman, interpreter, consul, or commercial agent, who shall, after the thirtieth day of June next, be appointed to any of the countries or places herein named, shall be entitled to compensation until he shall have reached his post and entered upon his official duties.

SEC. 7. *And be it further enacted*, That the compensation of every envoy extraordinary and minister plenipotentiary, commissioner, secretary of legation, dragoman, interpreter, consul, and commercial agent, who shall, after the thirtieth day of June next, be appointed to any of the countries or places herein named, shall cease on the day that his successor shall enter upon the duties of his office.

SEC. 8. *And be it further enacted*, That no envoy extraordinary and minister plenipotentiary, commissioner, secretary of legation, dragoman, interpreter, consul, or commercial agent, shall absent himself from the country to which he is accredited, or from his consular district, for a longer period than ten days, without having previously obtained leave from the President of the United States, and that during his absence for any period longer than that time, either with or without leave, his salary shall not be allowed him.

SEC. 9. *And be it further enacted*, That the President shall appoint no other than citizens of the United States, who are residents thereof, or who shall be abroad in the employment of the Government at the time of their appointment, as envoys extraordinary and ministers plenipotentiary, commissioners, secretaries of legation, dragomans, interpreters, consuls, or commercial agents, nor shall other than citizens of the United States be employed either as vice consul, or consular agents, or as clerks in the offices of either, and have access to the archives therein deposited.

SEC. 10. *And be it further enacted*, That envoys extraordinary and ministers plenipotentiary and consuls shall be required to locate their legations and consulates, in the places in which they are established, in as central a position as can be conveniently procured, and keep them open daily from ten o'clock in the morning until four o'clock in the afternoon; Sundays, other holidays, and anniversaries excepted.

SEC. 11. *And be it further enacted*, That as soon as a consul or commercial agent shall be officially notified of his appointment, he shall execute a bond with two sureties, in a sum of not less than one thousand nor more than ten thousand dollars, for the faithful discharge of every duty relating to his office; which bond shall be satisfactory to the United States district attorney for the district in which the appointed consul resides, and be transmitted to the Secretary of State for his approval. If the consul is not in the United States at the time he is commissioned, as soon as he is apprised of the fact he shall sign, and transmit by the most expeditious conveyance, a bond like the aforesaid, which shall afterwards be undersigned by two sureties who are permanent residents of the United States, and approved by the State Department. Where there is a United States legation in a country to which a consul shall be appointed, application shall be made through it to the Government for an exequatur; but where there is none the application shall be made direct to the proper Department.

SEC. 12. *And be it further enacted*, That it shall be the duty of consuls and commercial agents to charge the following fees for performing the services specified, for which, under the penalty of being removed from office, they shall account to the Government at the expiration of every three months, and hold the proceeds subject to its drafts:

For receiving and delivering ships' papers, half cent. on every ton, registered measurement, of the vessel for which the service is performed.

For every seaman who may be discharged or shipped at the consulate or commercial agency, or in the port in which they are located, one dollar; which shall be paid by the master of the vessel.

For every other certificate, except passports, the signing and verification of which shall be free, two dollars.

SEC. 13. *And be it further enacted*, That in capitals where a legation of the United States is established consuls and commercial agents shall only be permitted to grant and verify passports in the absence of the United States diplomatic representative.

SEC. 14. *And be it further enacted*, That no commission shall in future be charged by consuls or commercial agents for receiving or disbursing the wages or extra wages to which seamen may be entitled who are discharged by the masters of vessels in foreign countries, or for moneys advanced to such as may be found in distress, seeking relief from the consulate or commercial agency; nor shall any consul or commercial agent be directly or indirectly interested in any profits derived from clothing, boarding, or sending home such seamen.

SEC. 15. *And be it further enacted*, That no consul or commercial agent of the United States shall discharge any mariner, being a citizen of the United States, in a foreign port, without requiring the payment of the two months' wages to which said mariner is entitled under the provisions of the act of February twenty-eight, eighteen hundred and three, unless, upon due investigation into the circumstances under which the master and mariner have jointly applied for such discharge, and on a private examination of such mariner by the consul or commercial agent, separate and apart from all officers of the vessel, the consul or commercial agent shall be satisfied that it is for the interest and welfare of such mariner to be so discharged; nor shall any consul or commercial agent discharge any mariner as aforesaid without requiring the full amount of three months' wages, as provided by the above named act, unless under such circumstances as will, in his judgment, secure the United States from all liability to expense on account of such mariner: *Provided*, That in the cases of stranded vessels, or vessels condemned as unfit for service, no payment of extra wages shall be required; and where any mariner, after his discharge, shall have incurred expense at the port of discharge before shipping again, such expense shall be paid out of the two months' wages aforesaid, and the balance only delivered to him.

SEC. 16. *And be it further enacted*, That every consul and commercial agent of the United States shall keep a detailed list of all mariners discharged by them, respectively, specifying their names and the names of the vessels from which they were discharged, and the payments, if any, afterwards made on account of each, and shall make official returns of said lists half yearly to the Treasury Department.

SEC. 17. *And be it further enacted*, That every consul and commercial agent of the United States shall make an official entry of every discharge which they may grant, respectively, on the list of the crew and shipping articles of the vessel from which such discharge shall be made, specifying the payment, if any, which has been required in each case, and if they shall have remitted the payment of the two months' wages to which the mariner is entitled, they shall also certify on said shipping list and articles that they have allowed the remission upon the joint application of the master and mariner therefor, after a separate examination of the mariner, after a due investigation of all the circumstances, and after being satisfied that the discharge so allowed, without said payment, is for the interest and welfare of the mariner; and if they shall have remitted the payment of the one month's wages to which the United States is entitled, they shall certify that they have allowed the remission after a due investigation of all the circumstances, and after being satisfied that they are such as will, in their judgment, secure the United States from all liability to expense on account of such mariner; and a copy of all such entries and certificates shall be annually transmitted to the Treasury Department by the proper officers of the customs in the several ports of the United States.

SEC. 18. *And be it further enacted*, That if any consul or commercial agent of the United States, upon discharging a mariner without requiring the payment of the one month's wages to which the United States is entitled, shall neglect to certify in the manner required in such case by the preceding section of this act, he shall be accountable to the Treasury Department for the sum so remitted. And in any action brought by a mariner to recover the extra wages to which he is entitled under the act of February twenty-eight, eighteen hundred and three, the defense that the payment of such wages was duly remitted shall not be sustained without the production of the certificate in such case required by this act, or, when its non-production is accounted for, by the production of a certified copy thereof, and the truth of the facts certified to, and the propriety of the remission shall be still open to investigation.

SEC. 19. *And be it further enacted*, That if, upon the application of any mariner, it shall appear to the consul or commercial agent that he is entitled to his discharge under any act of Congress, or according to the general principles of the maritime law as recognized in the United States, he shall discharge such mariner, and shall require of the master the payment of three months' wages, as provided in the act of February twenty-eighth, eighteen hundred and three, and shall not remit the same, or any part thereof, except in the cases mentioned in the proviso of the ninth clause of the first section of the act of July twentieth, eighteen hundred and forty, to the following effect: "If the consul or other commercial agent shall be satisfied the contract has expired, or the voyage been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay."

SEC. 20. *And be it further enacted*, That every consul or commercial agent, for any neglect to perform the duties enjoined upon him by this act, shall be liable to any injured person for all damages occasioned thereby; and for any violation of the provisions of the fifteenth and nineteenth sections of this act shall also be liable to indictment and to a penalty, in the manner provided by the eighteenth clause of the first section of the act of July twentieth, eighteen hundred and forty.

SEC. 21. *And be it further enacted*, That the act of April fourteenth, seventeen hundred and ninety-two, concerning consuls, &c., is hereby so amended that if any American citizen dying abroad shall, by will or any other writing, leave special directions for the management and settlement by the consul of the personal or other property which he may die possessed of in the country where he

may die, it shall be the duty of the consul, where the laws of the country permit, strictly to observe the directions so given by the deceased; or if such citizen so dying shall, by will or any other writing, have appointed any other person than the consul to take charge of and settle his affairs, in that case it shall be the duty of the consul, when and so often as required by the so-appointed agent or trustee of the deceased, to give his official aid in whatever way may be necessary to facilitate the operations of such trustee or agent, and, where the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country in which he may have died; and to this end it shall also be the duty of the consul to place his official seal on all or any portions of the property of the deceased as may be required by the said agent or trustee, and to break and remove the same seal when required by the agent or trustee, and not otherwise; he, the said consul or commercial agent, receiving therefor two dollars for each seal, which, like all other fees for consular service, including all charges for extension of protest, as also such commissions as are allowed by existing laws on settlement of estates of American citizens by consuls and commercial agents, shall be reported to the Treasury Department, and held subject to its order.

SEC. 22. *And be it further enacted*, That the following record-books shall be provided for and kept in each consulate and commercial agency: A letter-book, into which shall be copied, in the English language, all official letters and notes, in the order of their dates, which are written by the consul or commercial agent; a book for the entry of protests, and in which all other official consular acts likewise shall be recorded; and at sea-ports a book wherein shall be recorded the list of crew, and the age, tonnage, owner or owners, name and place to which she belongs, of every American vessel which arrives. Consuls and commercial agents shall make quarterly returns to their Government, specifying the amount of fees received, the number of vessels, and the amount of their tonnage, which have arrived and departed; the number of seamen, and what portion of them are protected; and, as nearly as possible, the nature and value of their cargoes, and where produced.

SEC. 23. *And be it further enacted*, That as soon as a consul or commercial agent shall have received his exequatur; or been provisionally recognized, he shall apply to his predecessor for the archives of the consulate or commercial agency, and make an inventory of the papers, and such other articles as they may contain, for which he shall pass a receipt and transmit a copy thereof to the State Department.

SEC. 24. *And be it further enacted*, That the Secretary of State be, and he is hereby, authorized to prescribe such additional regulations for the keeping of consular books and records, and insuring proper returns, as the public interest may require.

SEC. 25. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to bestow the title of consul general upon any United States consul in Asia or Africa, when, in his opinion, such title will promote the public interest.

SEC. 26. *And be it further enacted*, That all acts and parts of acts authorizing attachés to any of our legations, or the payments to ministers and consuls of the United States of outfits or infits, or salaries for clerk hire and office rent, be, and the same are hereby, repealed.

SEC. 27. *And be it further enacted*, That the provisions of this act take effect from and after the thirtieth of June next, any law or laws of the United States to the contrary notwithstanding.

APPROVED, March 1, 1855.

PUBLIC, LXXX.—*An Act for the Relief of Purchasers and Locators of Swamp and Overflowed Lands.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause patents to be issued as soon as practicable to the purchaser or purchasers, locator or locators, who have made entries of the public lands, claimed as swamp lands, either with cash or with land warrants, or with scrip, prior to the issue of patents to the State or States, as provided for by the second section of the act approved September twenty-eight, eighteen hundred and fifty, entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," any decision of the Secretary of the Interior or other officer of the Government of the United States to the contrary notwithstanding: *Provided*, That in all cases where any State, through its constituted authorities, may have sold or disposed of any tract or tracts of said land to any individual or individuals prior to the entry, sale, or location of the same under the preëmption or other laws of the United States, no patent shall be issued by the President for such tract or tracts of land until such State, through its constituted authorities, shall release its claim thereto in such form as shall be prescribed by the Secretary of the Interior: *And provided further*, That if such State shall not, within ninety days from the passage of this act, through its constituted authorities, return to the General Land Office of the United States a list of all the lands sold as aforesaid, together with the dates of such sale and the names of the purchasers, the patents shall be issued immediately thereafter, as directed in the foregoing section.

SEC. 2. *And be it further enacted*, That upon due proof by the authorized agent of the State or States before the Commissioner of the General Land Office, that any of the lands purchased or located were swamp lands, within the true intent and meaning of the act aforesaid, the purchase money shall be paid over to the said State or States; and where the lands have been located by warrants or scrip, the said State or States shall be authorized to locate a quantity of like amount upon any of the public lands subject to entry at one dollar and a quarter per acre, or less, and patents shall issue therefor, upon the terms and conditions enumerated in the act aforesaid: *Provided, however*, That the said decisions of the Commissioner of the General Land Office shall be approved by the Secretary of the Interior.

APPROVED, March 2, 1855.

PUBLIC, LXXXI.—*An Act allowing the further time of two years to those holding Lands by entries in the Virginia Military District in Ohio, which were made prior to the first of January, eighteen hundred and fifty-two, to have the same Surveyed and Patented.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers and soldiers of the Virginia line on Continental establishment, their heirs or assigns, entitled to bounty lands, which have, prior to the first day of January, anno Domini eighteen hundred and fifty-two, been entered within the tract reserved by Virginia, between Little Miami and Sciota rivers, for satisfying the legal bounties to her officers and soldiers upon Continental establishment, shall be allowed the further time of two years from and after the passage of this act to make and return their surveys and warrants, or certified copies of warrants, to the General Land Office.

SEC. 2. *And be it further enacted*, That the act entitled "An act allowing the further time of two years to those holding lands by entries in the Virginia military district in Ohio, which were made prior to first January, eighteen hundred and fifty-two, to have the same surveyed and patented," approved December nineteeth, eighteen hundred and fifty-four, be, and the same is hereby, repealed.

APPROVED, March 3, 1855.

PUBLIC, LXXXII.—*An Act in addition to certain acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the surviving commissioned and non-commissioned officers, musicians, and privates, whether of regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States, and every officer, commissioned and non-commissioned, seaman, ordinary seaman, marine, flotilla-man, clerk, and landsman in the Navy, in any of the wars in which this country has been engaged since seventeen hundred and ninety, and each of the survivors of the militia, or volunteers, or State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States, shall be entitled to receive a certificate or warrant from the Department of the Interior for one hundred and sixty acres of land; and where any of those who have been so mustered into service and paid shall have received a certificate or warrant, he shall be entitled to a certificate or warrant for such quantity of land as will make, in the whole, with what he may have heretofore received, one hundred and sixty acres to each such person having served as aforesaid: *Provided*, The person so having been in service shall not receive said land warrant if it shall appear by the muster-rolls of his regiment or corps that he deserted, or was dishonorably discharged from service: *Provided further*, That the benefits of this section shall be held to extend to wagon-masters and teamsters who may have been employed, under the direction of competent authority in time of war, in the transportation of military stores and supplies.

SEC. 2. *And be it further enacted*, That in case of the death of any person who, if living, would be entitled to a certificate or warrant as aforesaid under this act, leaving a widow, or, if no widow, a minor child or children, such widow, or, if no widow, such minor child or children, shall be entitled to receive a certificate or warrant for the same quantity of land that such deceased person would be entitled to receive under the provisions of this act if now living: *Provided*, That a subsequent marriage shall not impair the right of any such widow to such warrant if she be a widow at the time of making her application: *And provided further*, That those shall be considered minors who are so at the time this act shall take effect.

SEC. 3. *And be it further enacted*, That in no case shall any such certificate or warrant be issued for any service less than fourteen days, except where the person shall actually have been engaged in battle, and unless the party claiming such certificate or warrant shall establish his or her right thereto by recorded evidence of said service.

SEC. 4. *And be it further enacted*, That said certificates or warrants may be assigned, transferred, and located by the warrantees, their assignees, or their heirs-at-law, according to the provisions of existing laws regulating the assignment, transfer, and location of bounty-land warrants.

SEC. 5. *And be it further enacted*, That no warrant issued under the provisions of this act shall be located on any public lands, except such as shall at the time be subject to sale at either the minimum or lower graduated prices.

SEC. 6. *And be it further enacted*, That the registers and receivers of the several land offices shall be severally authorized to charge and receive for their services in locating all warrants under the provisions of this act the same compensation or percentage to which they are entitled by law for sales of the public lands, for cash, at the rate of one dollar and twenty-five cents per acre. The said compensation to be paid by the assignees or holders of such warrants.

SEC. 7. *And be it further enacted*, That the provisions of this act, and all the bounty-land laws heretofore passed by Congress, shall be extended to Indians, in the same manner and to the same extent as if the said Indians had been white men.

SEC. 8. *And be it further enacted*, That the officers and soldiers of the revolutionary war, or their widows or minor children, shall be entitled to the benefits of this act.

SEC. 9. *And be it further enacted*, That the benefits of this act shall be applied to and embrace those who served as volunteers at the invasion of Plattsburg, in September, eighteen hundred and fourteen; also at the battle of King's Mountain, in the revolutionary war, and the battle of Nickojock, against the confederated savages of the South.

SEC. 10. *And be it further enacted*, That the provisions of this act shall apply to the chaplains who served with the Army in the several wars of the country.

SEC. 11. *And be it further enacted*, That the provisions of this act be applied to those who served as volunteers at the attack on Lewistown, in

Delaware, by the British fleet, in the war of eighteen hundred and twelve—fifteen.

APPROVED, March 3, 1855.

PUBLIC, LXXXIII.—*An Act to change the Boundaries of the Land Districts in the State of Iowa, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the public lands in the State of Iowa lying north of township line dividing townships ninety-three and ninety-four, and east of the range line dividing ranges twenty-four and twenty-five, shall constitute a new land district to be called the Turkey River district. That all that portion of the public lands in said State now situated in the northern land district which lies north of the township line dividing townships eighty-five and eighty-six, and not included in the Turkey River and Dubuque districts, shall constitute a new land district to be called the Fort Dodge district, and the name of the northern district is hereby changed to, and shall be hereafter called, the Fort Des Moines district. That all that portion of the public lands in said State now lying in Kanesville district, and situated north of the township line dividing townships eighty-five and eighty-six, shall constitute a new land district to be called the Sioux River district, and the name of the Kanesville district is hereby changed to, and shall be hereafter called, the Council Bluffs district. That townships eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, and ninety-three, of ranges seventeen and eighteen, are hereby attached to, and made a part of, the Dubuque land district, and townships sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, and seventy-five, of ranges thirty-two and thirty-three, are hereby attached to, and made a part of, the Charitan land district.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver of the public moneys for each of the districts respectively hereby created, who shall each be required to reside at the site of the respective office to which he may be appointed, and who shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to other land officers of the United States.

SEC. 3. *And be it further enacted*, That the President of the United States is authorized to cause the public lands in said districts respectively (with the exception of sections numbered sixteen in each township, reserved for the use of schools, or such lands as may be selected by law in lieu thereof, and such other tracts as may be selected for military or other purposes) to be exposed to sale in the same manner and upon the same terms and conditions as the other public lands of the United States.

SEC. 4. *And be it further enacted*, That the President of the United States is hereby authorized to designate the sites at which such of the several offices shall be established, and to remove the same to any other places within said districts respectively whenever, in his opinion, it may be deemed expedient.

SEC. 5. *And be it further enacted*, That any locations or sales of land in either of the districts of land now subject to sale at Dubuque, Fort Des Moines, or Kanesville, after the passage of this act and before the receipt by the land officers respectively thereat, of instructions from Commissioner of the General Land Office under this act shall be as good and valid in law as if this act had not been passed.

APPROVED, March 3, 1855.

PUBLIC, LXXXIV.—*An Act to Regulate the Carriage of Passengers in Steamships and other Vessels.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no master of any vessel, owned in whole or in part by a citizen of the United States, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place, other than foreign contiguous territory of the United States, a greater number of passengers than in proportion of one to every two tons of such vessel, not including children under the age of one year in the computation, and computing two children over one and under eight years of age as one passenger. That the spaces appropriated for the use of such passengers, and which shall not be occupied by stores or other goods not the personal baggage of such passengers, shall be in the following proportions, viz: On the main and poop decks or platforms and in the deck houses, if there be any, one passenger for each sixteen clear superficial feet of deck, if the height or distance between the decks or platform shall not be less than six feet; and on the lower deck, (not being an orlop deck,) if any, one passenger for eighteen such clear superficial feet, if the height or distance between the decks or platforms shall not be less than six feet, but so as that no passenger shall be carried on any other deck or platform, nor upon any deck where the height or distance between decks is less than six feet, with intent to bring such passenger to the United States, and shall leave such port or place and bring the same, or any number thereof, within the jurisdiction of the United States; or if any such master of any vessel shall take on board his vessel, at any port or place within the jurisdiction of the United States, any greater number of passengers than in the proportion aforesaid to the space aforesaid, or to the tonnage aforesaid, with intent to carry the same to any foreign port or place other than foreign contiguous territory as aforesaid, every such master shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any circuit or district court of the United States, shall, for each passenger taken on board beyond the limit aforesaid, or the space aforesaid, be fined in the sum of fifty dollars, and may also be imprisoned, at the discretion of the judge before whom the penalty shall be recovered, not exceeding six months; but should it be necessary for the safety or convenience of the vessel, that any portion of her cargo or any other articles, or article, should be placed on, or stored in, any of the decks, cabins, or other places appropriated to the use of passengers, the same may be placed in lockers or inclosures prepared for the purpose, on an exterior surface impervious to the wave, capable of being cleansed in like manner as the decks or platforms of the vessel. In no case, however, shall the places thus provided be deemed to be a part of the space allowable for the use of passengers, but the same shall be deducted therefrom; and in all cases where prepared or used, the upper surface of said lockers on inclosed spaces shall be deemed and taken to be the deck or platform from which measurement shall be made for all the purposes of this act. It is also provided that one hospital in the spaces appropriated to passengers, and separate therefrom by an appropriate partition, and furnished as its purposes require, may be prepared, and, when used, may be included in the space allowable for passengers, but the same shall not occupy more than one hundred superficial feet of deck or platform: *Provided*, That on board two-deck ships, where the height between the decks is seven and one half feet or more, fourteen clear superficial feet of deck shall be the proportion required for each passenger.

SEC. 2. *And be it further enacted*, That no such vessel shall have more than two tiers of berths, and the interval between the lowest part thereof and the deck or platform beneath shall not be less than nine inches, and the berths shall be well constructed, parallel with the sides of the vessel, and separated from each other by partitions, as berths ordinarily are separated, and shall be at least six feet in length and at least two feet in width, and each berth shall be occupied by no more than one passenger; but double berths, of twice the above width, may be constructed, each berth to be occupied by no more, and by no other, than two women, or by one woman, and two children under the age of eight years, or by husband and wife, or by a man, and two of his own children under the age of eight years, or by two men, members of the same family; and if there shall be any violation of this section in any of its provisions, then the master of the vessel and the owners thereof shall severally forfeit and pay the sum of five dollars for each passenger on board of said vessel on such voyage, to be recovered by the United States in any port where such vessel may arrive or depart.

SEC. 3. *And be it further enacted*, That all vessels, whether of the United States or any foreign country, having sufficient capacity or space according to law for fifty or more passengers (other than cabin passengers) shall, when employed in transporting such passengers between the United States and Europe, have, on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartments allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may at all times be left open for ventilation; and all vessels so employed, and having the capacity to carry one hundred and fifty such passengers or more, shall have two such houses; and the stairs or ladder leading down to the aforesaid apartment shall be furnished with a hand-rail of wood or strong rope; but booby hatches may be substituted for such houses.

SEC. 4. *And be it further enacted*, That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers; one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the forward portion of the apartment or apartments, and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air; which said ventilators shall have a capacity proportioned to the size of the apartment or apartments to be purified, namely: if the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall each be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments; and all said ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction; but if it shall appear, from the report to be made and approved, as hereinafter provided, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed and held to be a compliance with the provisions of this section.

SEC. 5. *And be it further enacted*, That every vessel carrying more than fifty such passengers shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provision shall be made in the manner aforesaid, in this ratio, for a greater or less number of passengers; but nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 6. *And be it further enacted*, That all vessels employed as aforesaid shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessels shall sail, well secured under deck, for each passenger, at least twenty pounds of good navy bread, fifteen pounds of rice, fifteen pounds of oat-meal, ten pounds of wheat flour, fifteen pounds of peas and beans, twenty pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salt beef, free of bone, all to be of good quality; but at places where either rice, oat-meal, wheat flour, or peas and beans cannot be procured of good quality and on reasonable terms, the quantity of either or any of the last named articles may be increased and substituted therefor; and, in case potatoes cannot be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes; and the captains of such vessels shall deliver to each passenger at least one tenth part of the aforesaid provisions weekly, commencing on the day of sailing, and at least three quarts of water daily; and if the passengers on board of any such vessel in which the provisions and water herein required shall not have been provided as aforesaid, shall at any time be put on short allowance during any voyage, the master or owner of any such vessel shall pay to each and every passenger who shall have been put

on short allowance, the sum of three dollars for each and every day they may have been put on short allowance, to be recovered in the circuit or district court of the United States; and it shall be the duty of the captains or master of every such ship or vessel to cause the food and provisions of all the passengers to be well and properly cooked daily, and to be served out and distributed to them at regular and stated hours by messes, or in such other manner as shall be deemed best and most conducive to the health and comfort of such passengers, of which hours and manner of distribution due and sufficient notice shall be given. If the captain or master of any such ship or vessel shall willfully fail to furnish and distribute such provisions, cooked as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any circuit or district court of the United States, shall be fined not more than one thousand dollars, and shall be imprisoned for a term not exceeding one year: *Provided*, That the enforcement of this penalty shall not affect the civil responsibility of the captain, or master and owners, to such passengers as may have suffered from said default.

SEC. 7. *And be it further enacted*, That the captain of any such vessel so employed is hereby authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage; and it is hereby made the duty of said captain to cause the apartments occupied by such passengers to be kept at all times in a clean, healthy state; and the owners of every such vessel so employed are required to construct the decks, and all parts of said apartment, so that it can be thoroughly cleansed; and they shall also provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. And when the weather is such that said passengers cannot be mustered on deck with their bedding, it shall be the duty of the captain of every such vessel to cause the deck occupied by such passengers to be cleansed with chloride of lime, or some other equally efficient disinfecting agent, and also at such other times as said captain may deem necessary.

SEC. 8. *And be it further enacted*, That the master and owner or owners of any such vessel so employed, which shall not be provided with the house or houses over the passage ways as prescribed in the third section of this chapter, or with ventilators, as prescribed in the fourth section of this chapter, or with the cambooses or cooking ranges, with the houses over them, as prescribed in the fifth section of this chapter, shall severally forfeit and pay to the United States the sum of two hundred dollars for each and every violation of, or neglect to conform to, the provisions of each of said sections; and fifty dollars for each and every neglect or violation of any of the provisions of the seventh section of this chapter, to be recovered by suit in any circuit or district court of the United States, within the jurisdiction of which the said vessel may arrive, or from which she may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or owners, or captain, of such vessel may be found.

SEC. 9. *And be it further enacted*, That the collector of the customs at any port of the United States at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one or more of the inspectors of the customs for such port to examine such vessel, and report, in writing, to such collector whether the requirements of law have been complied with in respect to such vessel; and if such report shall state such compliance, and shall be approved by such collector, it shall be deemed and held as *prima facie* evidence thereof.

SEC. 10. *And be it further enacted*, That the provisions, requisitions, penalties, and liens of this act, relating to the space in vessels appropriated to the use of passengers, are hereby extended and made applicable to all spaces appropriated to the use of steerage passengers in vessels propelled in whole or in part by steam, and navigating from, to, and between the ports, and in manner as in this act named, and to such vessels and to the masters thereof; and so much of the act entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes,'" approved August thirtieth, eighteen hundred and fifty-two, as conflicts with this act, is hereby repealed; and the space appropriated to the use of steerage passengers in vessels so as above propelled and navigated, is hereby subject to the supervision and inspection of the collector of the customs at any port of the United States at which any such vessel shall arrive, or from which she shall be about to depart; and the same shall be examined and reported in the same manner, and by the same officers by the next preceding section directed to examine and report.

SEC. 11. *And be it further enacted*, That the vessels bound from any port in the United States to any port or place in the Pacific ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic or its tributaries, shall be subject to the foregoing provisions regulating the carriage of passengers in merchant vessels, except so much as relates to provisions and water; but the owners and masters of all such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned; and they shall furnish a sufficient supply of good and wholesome food, properly cooked; and in case they shall fail so to do, or shall provide unwholesome or unsuitable provisions, they shall be subject to the penalty provided in the sixth section of this chapter, in case the passengers are put on short allowance of water or provisions.

SEC. 12. *And be it further enacted*, That the captain or master of any ship or vessel arriving in the United States, or any of the Territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report or entry of the ship or vessel, pursuant to law, shall also deliver and report to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate, particularly, the age, sex, and occupation of the said passengers, respectively, the part of the vessel occupied by each during the voyage, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any, and what number, have died on the voyage; which list or manifest shall be sworn to by the said master, in the same manner as directed by law in relation to the manifest of the cargo, and the refusal or neglect of the master aforesaid to comply with the provisions of this section, or any part thereof, shall incur the same penalties, disabilities, and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo aforesaid.

SEC. 13. *And be it further enacted*, That each and every collector of the customs to whom such manifest, or list of passengers as aforesaid, shall be delivered, shall quarter-yearly return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress at each and every session.

SEC. 14. *And be it further enacted*, That in case there shall have occurred, on board any ship or vessel arriving at any port or place within the United States or its Territories, any death or deaths among the passengers, (other than cabin passengers,) the master, or captain, or owner, or consignee of such ship or vessel, shall, within twenty-four hours after the time within which the report and list or manifest of passengers mentioned in section twelve of this act, is required to be delivered to the collector of the customs, pay to the said collector the sum of ten dollars for each and every passenger above the age of eight years who shall have died on the voyage by natural disease; and the said collector shall pay the money thus received at such times and in such manner as the Secretary of the Treasury, by general rules, shall direct, to any board or commission appointed by and acting under the authority of the State within which the port where such ship or vessel arrived is situated, for the care and protection of sick, indigent, or destitute emigrants, to be applied to the objects of their appointment; and if there be more than one board or commission who shall claim such payment, the Secretary of the Treasury, for the time being, shall determine which is entitled to receive the same, and his decision in the premises shall be final and without appeal: *Provided*, That the payment shall, in no case, be awarded or made to any board or commission, or association formed for the protection or advancement of any particular class of immigrants, or emigrants of any particular nation or creed; and if the master, captain, owner, or consignee of any ship or vessel refuse or neglect to pay to the collector the sum and sums of money required, and within the time prescribed by this section, he or they shall severally forfeit and pay the sum of fifty dollars in addition to such sum of ten dollars for each and every passenger upon whose death the same has become payable, to be recovered by the United States in any circuit or district court of the United States where such vessel may arrive, or such master, captain, owner, or consignee may reside; and when recovered the said money shall be disposed of in the same manner as is directed with respect to the sum and sums required to be paid to the collector of customs.

SEC. 15. *And be it further enacted*, That the amount of the several penalties imposed by the foregoing provisions regulating the carriage of passengers in merchant vessels, shall be liens on the vessel or vessels violating those provisions, and such vessel or vessels shall be libeled therefor in any circuit or district court of the United States where such vessel or vessels shall arrive.

SEC. 16. *And be it further enacted*, That all and every vessel or vessels which shall or may be employed by the American Colonization Society, or the Colonization Society of any State to transport, and which shall actually transport, from any port or ports of the United States to any colony or colonies on the west coast of Africa, colored emigrants to reside there, shall be, and the same are hereby, subjected to the operation of the foregoing provisions regulating the carriage of passengers in merchant vessels.

SEC. 17. *And be it further enacted*, That the collector of the customs shall examine each emigrant ship or vessel on its arrival at his port, and ascertain and report to the Secretary of the Treasury at the time of sailing, the length of the voyage, the ventilation, the number of passengers, their space on board, their food, the native country of the emigrants, the number of deaths, the age and sex of those who died during the voyage, together with his opinion of the cause of the mortality, if any, on board, and if none, what precautionary measures, arrangements, or habits, are supposed to have had any, and what, agency in causing the exemption.

SEC. 18. *And be it further enacted*, That this act shall take effect, with respect to vessels sailing from ports in the United States on the eastern side of the continent, within thirty days from the time of its approval; and with respect to vessels sailing from ports in the United States on the western side of the continent, and from ports in Europe, within sixty days from the time of its approval; and with respect to vessels sailing from ports in other parts of the world, within six months from the time of its approval. And it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe and elsewhere, of this act, in such manner as he shall deem proper.

SEC. 19. *And be it further enacted*, That from and after the time that this act shall take effect with respect to any vessels, then in respect to such vessels, the act of second March, eighteen hundred and nineteen, entitled "An act regulating passenger ships and vessels," the act of twenty-second of February, eighteen hundred and forty-seven, entitled "An act to regulate the carriage of passengers in merchant vessels," the act of second March, eighteen hundred and forty-seven, entitled "An act to amend an act entitled 'An act to regulate the carriage of passengers in merchant vessels,' and to determine the time when said act shall take effect," the act of thirty-first January, eigh-

teen hundred and forty-eight, entitled "An act exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa from the provisions of the acts of the twenty-second February and second of March, eighteen hundred and forty-seven, regulating the carriage of passengers in merchant vessels," the act of seventeenth May, eighteen hundred and forty-eight, entitled "An act to provide for the ventilation of passenger vessels, and for other purposes," and the act of third March, eighteen hundred and forty-nine, entitled "An act to extend the provisions of all laws now in force relating to the carriage of passengers in merchant vessels, and the regulation thereof," are hereby repealed. But nothing in this act contained shall in any wise obstruct or prevent the prosecution, recovery, distribution, or remission of any fines, penalties, or forfeitures which may have been incurred in respect to any vessels prior to the day this act goes into effect, in respect to such vessels, under the laws hereby repealed, for which purpose the said laws shall continue in force. But the Secretary of the Treasury may, in his discretion, and upon such conditions as he shall think proper, discontinue any such prosecutions, or remit or modify such penalties.

APPROVED, March 3, 1855.

PUBLIC, LXXXV.—*An Act to establish certain Post Roads.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post roads:

Maine.—From the city of Gardiner, via West Gardiner, Litchfield, South Monmouth, and Wales, to Sabbattisville, in the town of Webster, there to connect with the existing route to Lewiston.

From Liberty, in Clay county, via Gilead Meeting-house and William Atchison's, to Plattsburg, Clinton county, there to connect with a mail route to Lewiston.

From Bangor, in the county of Penobscot, via Hermon, to North Carmel.

From West Trenton, in the county of Hancock, via the Shone Road, Eden, Salsbury's Cove, and Hull's Cove, to East Eden.

From Bangor, in the county of Penobscot, via Bremer village, East Orrington, the house of Ephraim Goodale, jr., the Herney Settlement, and Buck's Mills to Buckport village, in the county of Hancock.

From Bangor, via Brown Village Post Office, East Orrington Post Office, the house of Ephraim Goodale, jr., Shelena Harriman, Herney Settlement, and Buck's Mills, to Buckport village.

From West Lebanon, York county, to Great Falls, New Hampshire.

From Alfred, via Waterboro' Centre, to Bar Mills, (Hollis.)

From East Newport, Penobscot county, via Stetson, to Exeter, in said county.

From East Machias, via Plantation No. 14, to Cooper.

New Hampshire.—From West Rumney, via a corner of Groton, Cheever's Corner, in Dorchester, and the River Road, to East Canaan.

From West Rumney, via the southeasterly part of Wentworth, North Dorchester, and Dorchester Centre, to East Canaan.

From Winchester, through Richmond, to Fitzwilliam, in the county of Cheshire.

New York.—From Redford, via Harris's Mills, Union Falls, and Bloomingdale, to Saranac Lakes.

From Lewiston, via Dickensonville, to Cambria.

From Groton, in Tompkins county, to Cortland village, Cortland county.

From Lisle, Broome county, via East Berkshire and Wilson Creek, to Newark Valley, Tioga county.

From Ketchamville, Tioga county, to Newark Valley, being an extension of the present route from Maine to Ketchamville.

From Prattsburgh, in the county of Steuben, via Riken's Hollow, to North Cohocton.

From Dryden, via Hanford, to Killaway, and from Dryden to Marathon.

From the village of Woodhull, via East Troupsburg, to Troupsburg Centre.

From Frontier P. O., Clinton county, to Churubusco P. O., on the line of the northern railroad.

From Randolph, in Cattaraugus county, by way of Connewango P. O., (Rutledge,) to Cattaraugus P. O., (station,) on N. Y. & E. R. R.

New Jersey.—From Freehold, via Colt's Neck, Tinton Falls, and Eatontown, to Long Branch, Monmouth county.

Pennsylvania.—From East Berlin, via King's Tavern and Farmer's Post Office, to York.

From Lancaster, via Neffsville, Liliz, Durlack, Scheoneck, Reinholdsville, and Sinking Springs, to Reading.

From Selingsgrove, via Middle Creek Hotel, to Middleburg, in Union county.

From Marehand to Newman's Mills, Indiana county.

From Mitchell's Mills to Newman's Mills, Indiana county.

From Kengua, Warren county, Pennsylvania, to East Randolph, in Cattaraugus county, New York.

From Clearfield Bridge, on the Erie turnpike, via Ansonville, to New Washington.

From Warren, Warren county, via the Jackson Run and Chandler's Valley, to Sugar Grove.

From Eden, in the county of McKean, to Littleton.

From Clearfield Borough, via Bold Hills, Frankville, Karthause, Salt Lick, and Buck Island, to the mouth of the Sinnamahoning creek.

From Shrewsburg Station on the Northern Central railroad, via Plank Road, Shrewsburg, and Meedstown, to Mitzell Mill, thence via County Road and Strawbridge's Store, to Farm Grove Meeting House.

From Selinsgrove to Middleburg, Union county.

From Waynesburg, Greene county, via Hunter's Lane, Harvey's, Windridge, and Ryerson's Station, Pennsylvania, and Rock Lick, Virginia, to Cameron Station, Marshall county, Virginia.

From Spring Forge to Codorus.

From Prompton, Wayne county, via Aldenville, and Stevenson's Mills, to Pleasant Mount.

From Waynesburg, via Jefferson, Carmichaels, Mapleton, Greensboro', Dunkard, Davistown, Willow Tree, Whitely, to Waynesburg.

From Lewisburg, Union county, via Forest Hill, Wolf's Store, Rehrersburg, and Madisonburg, to Nittany Hall, in Centre county.

From Brownsville, Pa., via Carmichael's, Willow Tree, Davistown, Mount Morris, to New Brownsville, Va., thence to Blacksville and Warren, to Bunton Station, on the Baltimore and Ohio railroad.

From Lancaster to Henkletown, via Oregon, Brownstown, and Farmersville.

From Doylestown, via Cross Keys, Dyerstown, Danborough and Brownsville, to Point Pleasant, in Bucks county.

From the Borough of Oxford, in Chester county, to Oak Hill, in Lancaster county, via Hopewell Cotton Works, Glen Roy, and Kink's Bridge.

Maryland.—From Sandy Hill, via Lindreysville, to Oak Grove.

From Point of Rocks, Maryland, to Waterford, Virginia.

From Monkton Station, on the Northern Central railroad, via County road, to Shades Tavern, Taylor's Store, to Upper Crossroads, Hartford county.

From Harmony, via Still Pond and Rogers Store, to Rock Hall.

Virginia.—From Cameron, via Beeler's Station, to Wheeling.

From Prillaman's P. O., in the county of Franklin, via Greenville, to Rough and Ready Mills, in the county of Henry.

From Grayson C. H. to Scull Camp, N. C., to connect with the Route from Grayson C. H. to Wytheville.

From Wytheville, via Independence, to Salisbury, North Carolina.

From Claysville, in Taylor county, via Fairview, to Grassland, in Harrison county.

From Newbern Depot, via the town of Newbern, Draper's Valley, and Cedar Mount, to Maxmeadow Depot.

From Maxmeadow Depot, on the Virginia and Tennessee railroad, to Draper's Valley, in Pulaski county.

From New California to Ravenswood.

From Leadsville, via Job Triplett's and Thomas S. White's, to the mouth of Senica.

From Weston, via Keysville and J. W. Marple's, to Burnersville.

From New Milton, by River road, to Oxford.

From Arnoldsburg, via Knottsville to Davison Atkins, on Sandy Creek.

From Weston to Genley Bridge, via the Weston and Genley Bridge turnpike road.

From Parkersburg, via the Ohio river, to Portsmouth, Ohio.

From Winchester, via Gainesborough and Bloomery, to Paw Paw.

From Winchester to Mount Vernon Tannery.

From New Milton to Oxford, in Doddridge county.

From Weston, in the county of Lewis, to Burnersville, in Barbour county.

From Toll Gate No ——, on the North Western turnpike, in Doddridge county, to the town of Sistersville, in Tyler county.

From Lexington, via Kirkpatrick's shop, to Kerr's Creek store.

From Holloway's Cove, Hancock county, via Freeman's Landing and New Cumberland, to Fairview.

From Raccoon, in Preston County, to White Day Glades, in Taylor county.

From Wheeling, Virginia, via Mount Pleasant and Hopedale, Ohio, to Carrollton, Ohio.

From Jane Lew, in the county of Lewis, via White's Store on Freeman's Creek, Fink's Creek P. O., the John Husk Settlement on Fink's Creek, to Troy, on the Parkersburg and Stanton Turnpike.

From Lee C. H., Virginia, to Fayetteville, Tennessee.

From Jonesville, via the Cumberland Gap route, the widow Ewing's and Omittee, to Robert Hamblin's store, thence to Tazewell, Tennessee.

From Trout's Hill, Wayne county, to Warfield, Lawrence county, Kentucky, and thence to Logan C. H., via Pigeon Creek.

From Buchanan, in the county of Botetourt, to Buford's Depot, in the county of Bedford.

From the Upper Falls of Cole River to Peytona, in Boon county.

From Point Pleasant, crossing the Kanawha river and down through Mercer's Bottom on the Ohio river to Herford's Post Office, thence via Upland P. O. to Mud Bridge P. O., in Cabell county.

From Trout's Hill, in Wayne county, to Warfield, Lawrence county, Kentucky, and thence to Logan C. H., via Pigeon Creek.

North Carolina.—From Goldsboro' to Jericho.

From Hendersonville, North Carolina, via James Davis's, on Big Wilton, Thomas Asteen's, on Crab Creek, Minjah Thomas's, on Little river, and Caesar's Head, to Pumpkintown, South Carolina.

From Shelby, Clearenland county, via Mull's Store, to Morgantown, Burk county.

From Newton, Catawba county, via the Sulphur Springs, to Lenoir, in Caldwell county.

From Monroe, in Union county, via Morgan's Mills, to Salisbury.

From Clinton, in Sampson county, to George Robinson's.

From Sill's Creek, in New Hanover county, via Harold Stome, to Lisbon, Sampson county.

From Hookentown, via Snow Hill, to Kinston.

From Eagle Rock to Earpsboro.

South Carolina.—From Columbia to Sandy Run.

From Timmonsville, Darlington district, Rollinsville, Philadelphia, Swift Creek, Gully P. O., Andrew's Mills, and Sparrow Swamp, to Timmonsville.

From Anderson, South Carolina, via Harlwell, Georgia, to Athens, Georgia.

From Pickens C. H., via Clayton's Mills, Pickinsville, Davisville, and Eastatoe, to Pickens C. H.

Georgia.—From Dublin, via McLendon's Store, to Little York, in Montgomery county.

From Jacksonville to Douglass and Magnolia.

From Thomasville, via Tatesville and Greenfield, to Ocklocknee.

From Atlanta to Wanesville, Paulding county.

From Griffin, via Zebulon, Shoas or Jones's Mills, to Greenville.

From Columbus, Georgia, and Midway, in Barbour county, Alabama, via Oliphet and Enon.

From Buena Vista, in Marion county, to Geneva, in Talbot county.

From Griffin to the Indian Springs.

From Oriel, in Lowndes county, via Harris, in Irwin county, to Pennsborough.

Alabama.—From Godesden, via Hake's Bluff and Ball Flagg, to Goshen.

From Jacksonville, Benton county, via New Bethel, Hake's Bluff, and Ball Play, to Center, Cherokee county.

From Wesabulga, via John Powell's and Delta, to Chulafennee, Randolph county.

From Jasper, in Walker county, to Elyton, in Jefferson county.

Florida.—From Bayard, Duval county, on the St. John's river, via George's Lake and Danielsville, to Newnansville.

From Camp Izard, via Homasassa, to Bayport, in Hernando county.

Mississippi.—From Edinburgh, via Yorka, to Centreville, Kosciusko, to Carthage.

From Pittsboro,' via Sarepta Brachear's, to Oxford.

From Macon to Crawfordsville.

From Rolling Fork, Washington county, to Hermitage, in said county.

Louisiana.—From Bellevue, Louisiana, to Magnolia, in Arkansas.

From Vernon, in the Parish of Jackson, to Winfield, in the Parish of Winn.

From St. Martinsville, in the Parish of St. Martin, via Breaux's Bridge, Arnandville, Leonville, and Barry's Landing, to Opelousas, St. Lundry Parish.

From New Orleans, via the Isthmus of Tehuantepec, to the city of San Francisco, in the State of California.

Arkansas.—From Fort Smith, via Choctaw Agency, Perryville, Boggy Depot, to Fort Washita, in the Cherokee Nation.

From Rockport, in the county of Hot Springs, from thence to A. H. Henson's, in said county, and from thence to Montnoy, in the county of Dallas.

From Osceola, in Mississippi county, via A. F. Snody's, on the Maumell Prairie, thence to B. F. Freeman's, thence by John Pierce's, thence by Charles Garmon's, and to Jacksonport, in Jackson county.

From Huntsville, thence to Augusta Todd's, in Madison county, thence to M. D. Felford's, in said county, thence to Washburn's Prairie, in Missouri.

From Napoleon to Florence, in Desha county.

From Batesville, via Sullivan's Creek, to Evening Shade.

From Robinson's Cross-Roads, Arkansas, to Neosho, Missouri, via Enoch Trott's and Shell's Mill.

From Searcy, via Cedar Creek, Quitman P. O., and Greary Valley, to Clinton.

From Galley Rock, in the county of Pope, to Hurricane, Stephen Lewis's old stand.

From Huntsville, Madison county, via Kingston, Samuel Whiteley's, in Newton county, to Jasper, in Huston county.

From Little Rock, via Jericho and Chenault, to Hot Springs, in Hot Springs county.

From Hamburg, via Maria Saline Landing, on the Ouachita river, to Eldorado, in Union county.

From Richwood's, Izard county, via Turkey Creek, in Van Buren county, and Middletown, to Clinton.

Tennessee.—From Dover, Tennessee, to Pine Bluff, via Iron Mountain and Great Western Post Offices.

From Dover, Tennessee, to Eddyville, Kentucky.

From Dover, Tennessee, to Hopkinsville, Kentucky.

From Parris to Elm Tree.

From Centreville, via Madisonia and Lobbeville, to Britt's Landing.

Kentucky.—From Somerset, in Pulaski county, to Columbia, in Adair county.

From Elizabethtown to the Wolf Spring, in Harden county.

From New Haven to the Nelson Furnace, Nelson county.

From Bradfordsville, Marion county, to Liberty, Casey county.

From Mount Gilead, in Mason county, to Orangeburg.

Ohio.—From New Lisbon to Columbiana, in Columbiana county.

From Steubenville, via Hartford's Mill, to Bowlinggreen.

From Charloe, via Paulding, in Paulding county, to Dixon, in Van Wert county.

From Van Wert, via Paulding and Emerald, to Cranesville.

From Defiance, via Gilead, to Perrysburgh.

From Willshire to Van Wert, in Van Wert county.

From Middletown, in Butler county, Ohio, via Jacksonburgh, West Elkton, Grates, and Wheatville, to Eaton, in Preble county.

From Republic, Seneca county, to Bucyrus, Crawford county.

From Loganesville, in Logan county, via Hugh T. Kinhart's, in Auglay's county, Amherst, in Allen county, to Lima.

From Bourneville, Ross county, to Waverly, Pike county.

From South Rome, via Freeburgh, to Parris.

From Rome to Barryville.

From Louisville, on the O. & P. R. R., to Osnaburgh.

From Bethel, Clermont county, via Maple, Feesburgh, Lewis, to Higginsport.

Indiana.—From Cambridge, Wayne county, via Bentonville and Falmouth, in Fayette county, and Grokes, Melrose, and Smelser's Mills, to Rushville, in Rush county.

From Forest Grove, via Fish Lake, in Elkhart county, to Haw Patch, in La Grange county.

From Fort Wayne to Liberty Mills, via the Maning and Tracy Settlements.

From Washington, in Daviess county, to Piercesville, in Pike county, via Hudsonville and the Highlands, on the East Fork of White river.

From Mishawaka, St. Joseph county, to Bremen, Marshall county.

From South Bend, St. Joseph's county, to Edwardsburgh, in Cass county, Michigan.

From Morgantown, in Morgan county, via Gold Creek, to Unionville, in Monroe county.

Illinois.—From Palestine, in Crawford county, to Olney, in Richland county.

From Galena to Dunleith, by the Lower Road.

From Galena, by Guilford, Thompson's Mill, and Rush, to Nora.

From Marion, Williamson county, via Fredonia, to De Soto, Jackson county.

From Golconda, Polk county, via New Liberty, to Metropolis City, Massac county.

From Rock Island, via Pleasant Ridge, Holley, Buffalo Prairie, Copper Creek, Eliza, New Boston, Keithsburgh, Oquawka, Hopper's Mills, Shokakon, Dallas City, Pontoosac and Indianola, to Nauvoo.

From Palestine, via Robinson, to Newton, in Jasper county.

From the depot of the Central railroad, near Jonesboro', Union county, Illinois, to Cape Girardeau, Missouri.

From Apple River Station, Illinois, via Shutesburgh, New Diggings, and Benton, to Platteville, in the State of Wisconsin.

From Macomb, in McDonough county, to Plymouth, in Hancock county, via the State road leading from Peoria, on the Illinois river, to Quincy, on the Mississippi river.

From Oquawka, in Henderson county, to Macomb, in McDonough county, via Coloma, Olena, Terre Haute, and Blandinsville.

From New Bremen, via Palos and Summit, to Lyons.

From Lyons, via Summit, Yellow Springs, and Lamonte, to Lockport.

Missouri.—From Russellville, in Cole county, via Mount Pleasant, in Miller county, Blue Spring, in Morgan county, to mouth of Big Gravois, in Morgan county.

From Memphis, in Scotland county, via Wilmothville, to Kinksville.

From Canton, Missouri, to Marceline, in Adams county, Illinois.

From Franklin Depot to Little Prairie, in Crawford county.

From Warsaw, via Dunoe, Rainey Creek and Bolinger's Creek, to Linn Creek, Camden county.

From Curran to Ozark.

From Milan, in Sullivan county, via Unionville, Putnam county, to Centerville, Appanoos county, Iowa.

From Bloomfield, via Indian Ford, to Poplar Bluffs.

From Railroad depot near Jonesborough, Illinois, to Cape Girardeau, Mo.

From Prairie du Rochen, in Illinois, to the city of St. Genevieve, Missouri.

From Fredericktown to Dallas.

From Cape Girardeau to Bloomfield.

Michigan.—From Whitneyville, in the county of Kent, to the city of Grand Rapids.

From Albion, in the county of Calhoun, to Charlotte, Eaton county, via Sheridan and Clunem, Brookfield, and on the line between Brookfield and Walter, and on the township line between Charlotte and Carmel.

From Greenville, in the county of Montcalm, to Muskegon Rapids.

From the village of Ontonagon to Lacview Desert, and from thence to Big Bull Falls, in the State of Wisconsin.

From the village of Ontonagon to Gogeber Mine, to Norwick Mine.

From the village of Ontonagon to Isle Royal Mine, on Portage Lake, Houghton county, via Adventure Mine, and Douglass Houghton Mine.

From Eentonville, in the county of Genesee, to Flint, in said county.

Wisconsin.—From Waupara to section twenty-two, township twenty-three, in range eleven east.

From Fox Lake, in Dodge county, via Shoenaka, Kingston, and Long Lake, to Montello, in Marquette county.

From Plattville, via Montfort, Highland, Muscoday, to Onion, thence north on or near the meridian to R. J. Darnall's farm.

From Plattville, via Wingsville, Muscoda, Mill Creek, Fancy Creek, and Sinesville, to Quincy, in Adams county.

From Madison, via Black Earth, Arena, Richland City, Sextonville, Richland Centre, Fancy Creek, and Vinoqua, to Prairie La Crosse.

From Argyle, via Yellow Stone, to Mineral Point.

From Necedakin, Adams county, via Eagle Point and Black River Bridge, to intersect with the Prairie du Chien and Hudson Mail Route at the Eau Plain P. O.

From Onion, in the county of Richland, to Black River Falls.

From Portage City, via Semonair Valley, to La Crosse.

From Prairie du Chien, via Johnson's Landing, Bell's Mill, and Waterville, to Waukon, in Allamakee Co., Iowa.

Iowa.—From Quincy, in Adams county, to Hawleyville, in Page county.

From Lewis, in Cass county, via Mount Vernon, in Montgomery, to Clarinda, in Page county.

From Afton, in Union county, to Winterset.

From Afton, in Union county, to Avon, in Ringgold county.

From Quincy, in Adams county, to Adair, in Adair county.

From Cedar Rapids, via Vinton, Toledo, Marshall, Marietta, Nevada, and Boonsboro', to Jefferson, in Green county.

From De Witt, via Grand Mound and Toronto, to Tipton.

From Fort Des Moines, via Nevada, Minerva, Grove, Honey Grove, and Eldora, to Cedar Falls.

From Fort Des Moines, via Boone, Odel, McKay, Penora, and Bear Grove, to Council Bluffs.

From Fort Des Moines, via Leaning's Point, Hornbuckles' Point, Kinney's Mill, and Cousin's Point, to Fort Dodge.

From Fort Dodge, via Lizard Point, Ida Grove, and Sargeant's Bluffs, to Sioux City.

From Iowa City, through North Bend, via Henderson's Mills, Monroeville, Dutch Colony, Hick-

ory Grove, Toledo, and Bumen's Mills, to county seat of Hardin county.

From Independence, via Janesville, Waverley, Bradford, St. Charles, in Floyd county, to Osage, in Mitchell county.

From Independence, via Camp Creek and Nantville, to Janesville.

From Keokuk, via Charleston, Salem, Mount Pleasant, and Crawfordsville, to Iowa City.

From Newton, via Nevada, Smithville, and Homer, to Fort Dodge.

From Oskaloosa, via Wilson's Ferry, Hamilton, A. C. Wilson's Mill, thence in a direct line to Chariton, in Lucas county.

From Oskaloosa to Union Mills.

From Penora, in Guthrie county, via Caplin's Grove, in Carroll county, Garland's Grove, in Crawford county, and Sargeant's Bluffs, to Sioux City.

From Winterset, in Madison county, via Allen and Penora, in Guthrie county, to Jefferson, in Greene county.

From Winterset, via Peru, to Osceola, in Clarke county.

From Cedar Falls, in Black Hawk county, to Fort Dodge, and thence via Townsley's Grove, Austin Settlement, Purple Creek, Smith's Settlement, and Sioux City, to Sargeant's Bluffs City.

From Fort Dodge to Fort Ridgley.

From Davenport, via Tipton, in Cedar county, and Mount Vernon, and Marion, to Cedar Rapids.

From Cedar Rapids, via Vinton, in Benton county, to Fort Dodge.

From Iowa City, via Marietta, in Marshall county, to Fort Dodge.

From Fort Dodge to Council Bluffs.

From Fort Des Moines, via Adell, McKay, Panora, and the county seats of Audubon, Shelly, and Harrison counties, and Sargeant's Bluffs City, to Sioux City.

From Bear Grove, in Guthrie county, via Ballard Bridge, on the east Nishuabotong river, Indian Creek, in Cass county, Nooster, on the Nishuabotong, in Pottawatomie county, Allen's Mill, on Big Creek, to Council Bluffs.

From Fort Des Moines, via Winterset, Quincey, Clarinda, and Sidney, to Nebraska City.

From Fort Des Moines, via Nevada, Minerva Grove, and Eldora, to Cedar Falls.

From Marengo, via Legrand, Mashal, Marietta, Eldora, and Homer, to Fort Dodge.

From Burlington, Iowa, to Nauvoo, Illinois.

From Dubuque, via English's Mills, to Cascade, in Dubuque county.

From Dubuque, via Delhi, Harmick, and Fort Dodge, to Sargeant's Bluffs.

From Dubuque, via the Milwaukie and Mississippi railroad route, to Janesville, Wisconsin.

From Elkada, in Clayton county, via George S. Peck's, on Coxes Creek, Strawberry Point, Brown's Mill, in said county, Buffalo Grove, to Independence, in Buchanan county.

From Waukon, in Allamakee county, via Waterville, Bell's Mill, Johnson's Landing, to Prairie du Chien, in Wisconsin.

From Hardin, via the town of Franklin, to Waukon, the county seat of Allamakee county.

From Hartwick, in Delaware county, via Hazel Green, Nugent's Grove, Buckhorn Hill, Clarke's Grove, to Marion, in Lynn county.

From Bear Grove, in Guthrie county, via Ballard Bridge, on the East Nishuabotong river, Indian Creek, in Cass county, Wooster, in West Nishuabotong river, in Pottawatomie county, Allen's Mill, on Big Creek, to Council Bluffs, in said county.

From McGregor's Landing, in Clay county, via Elgin, Illyria, and New Albany, in Fayette county, to Independence, in Buchanan county.

Texas.—From Oyster Creek to Hodges Bend.

From Gonzales, via Zoar, Sulphur Springs, and Black Jack Springs, to La Grange.

From Huntsville and Centreville, thence to Fairfield, and on to Corsicana.

From Seguin, via Bonito, Sattlers, Clemens, Hinds's, Wabroops, and John S. Hodges, to Fredericksburg.

From Lynchburg, in Harris county, via Tarkington's Prairie, to Cold Spring, in Polk county.

From West Liberty, via Tarkington's Prairie, to Cold Springs.

From Bonham to Greenville.

From Bastrop, via Hopkinsville, and other intermediate points, at the discretion of the Postmaster General, to Gonzales, in Gonzales county.

Minnesota Territory.—From St. Anthony, via Fort Union, to Puget's Sound, in Washington Territory.

From St. Paul, Minnesota, to Leavenworth, in Kansas Territory.

From Brownsville to Elliota.

From Winona to Chatfield.

From Beaver Bay, Minnesota, to Superior, Wisconsin.

From the Falls of St. Louis River, Minnesota, to Superior, Wisconsin.

From Red Wing Shakopee.

From Winona to Maukato.

From Anoka to Taylor's Falls.

From Minneapolis to Arcadia.

From Anoka to Mille Lac.

From Fort Ripley, via Sandy Lake, to Pokegonia Falls.

From Sandy Lake to the Falls of the St. Louis River.

From Anoka to Henderson.

From Beaver Bay to the mouth of Pigeon river.

From Farreboult, Minnesota, via Medford and the valley of Straight river, to Bradford, in the State of Iowa.

From Brownsville, via Riceford, to Traverse des Sioux.

From Brownsville, via Hokah, Mound Prairie, and the Forks of Root river, to Chatfield.

From Traverse des Sioux to Eureka.

From Reed's Landing, Minnesota, via Chatfield and Richland, to Bur Oak, in Iowa.

Oregon Territory.—From Point Orford, via Kawes' Bay, to Scottsburg; and from Scottsburg to Winchester.

From Starr's Point, in Benton county, to Eugene City, in Lane county.

Washington Territory.—From Pacific City to Columbia City, by steamers.

From Chenook City to Pacific City.

From Fort Vancouver to Fort Steilacoom, on Puget's Sound.

Territory of Nebraska.—From Oregon, in Holt county, Missouri, to New Fort Kearney, on Platte river, via Stephen W. Story's, on the Missouri, between the two Nemahas, Mr. Purket's, on Muddy Creek, Jno. A. Singleton's, on the Great Nemaha, Mr. Bobet's, on the Great Nemaha, and Marysville, on Blue river.

From Nemaha Agency, in Kansas Territory, to the mouth of Nyorvay river, in the Territory of Nebraska, via Stephen W. Stary's, at Stary's Ferry, Brownville, Nebraska City, Weeping Water, Thompson's, at Thompson's Ferry, Plattsmouth, Belleview, Omaha City, Winter Quarters, Florence, and Black Bird Hills, and Black Bird City.

From Belleview City to Fort Laramie, via Omaha City, Fontinelle, Pawnees, on Loup Fork.

From Nebraska City to Fort Laramie, via New Fort Kearney and Ash Hollow.

From Lindun, in Atchison county, Missouri, to Nebraska City, via John Worland's and Bennett's Ferry, on the Missouri river.

From Glenwood, in Mills county, Iowa, to Belleview City, via St. Mary's, Iowa.

From Bluff City, Iowa, to Omaha City.

From Oregon, in Holt county, Missouri, to Brownville.

From Sidney, Iowa, to Nebraska City.

From St. Mary's, Iowa, to Plattsmouth.

From Sonora, Missouri, to Brownville.

From Sonora, Missouri, to Nebraska City.

From Bluff City, Iowa, to Winter Quarters.

From Florence to Fontinelle, by the way of Dodge City.

From Glenwood, Iowa, to Plattsmouth.

From Sidney, Iowa, to J. D. N. Thompson's, at Thompson's Ferry.

From Magnolia, Iowa, to Florence.

From Magnolia, Iowa, to Black Bird City.

From Sargeant's Bluff, Iowa, to Black Bird City.

From Leavenworth City, by Stanley's, Mooney, Grasshopper Falls, Rock Point, Vermillion, to Dyer's, on Big Blue.

From Atchison to Marysville.

From Sargeant's Bluff to Florence.

Kansas Territory.—From St. Joseph, in the State of Missouri, via Highland, to Marysville.

From Doniphan, via Wolf river, to Highland.

From Atchison, via Independence Spring, to Grasshopper Creek.

From Kickapoo, via Pensanolus, to Grasshopper Creek.

From Leavenworth City, via Stranger Creek, Hickory Point, Osawkee, Whitfield, St. Mary's Mission, Vermillion river, Big Blue, and Pawnee, to Fort Riley.

From Westport, Missouri, via Franklin, Lawrence City, Tokeska, Douglas City, Lacompton, and Tecumseh, to Whitfield.

From Westport, Missouri, via Bull Creek, Black Jack, One Hundred and Ten Mile Creek, and Council City, to Council Grove.

From Westport, Missouri, via Wea Mission, Osawattomie, Miami Agency, Sugar Creek, Mine Creek, and Little Osage, to Fort Scott.

From Osawattomie, via Henry Sherman's, to the Sac and Fox Agency.

From West Point, Missouri, via Thomas Polk's and Old Catholic Mission, to Dr. Stockton's, on Sugar Creek.

From Tecumseh, via Wakanusa, to the Sac and Fox Agency.

From Douglas, via Osawkee, to Highland.

From Fort Scott to Catholic Mission, in the Osage Nation.

From Fort Scott, via Thomas Polk's, to West Point, Missouri.

From Fort Scott to Neosho, Missouri.

From Leavenworth City, via Kickapoo, Atchison, Doniphan, and Bryant, to Whitehead's.

From Pawnee to Marysville.

From Council Grove, via Fort Riley, to Pawnee.

From Weston, Missouri, to Atchison.

From Tecumseh, via Baptist Mission, Union Town, and Waupansa, to Pawnee.

From Pawnee to Reeder.

From Westport, Missouri, via Powell's Store, and St. Barnard, to Sac and Fox Agency.

From Kansas, Missouri, via Wyandotte and Jacksonville, to Osauke.

From Independence, in the State of Missouri, to Stockton, in the State of California, via the settlement at the mouth of the Huerfano, on the Upper Arkansas, and the Little Salt Lake settlements on the head waters of the Nicollet river.

From St. Joseph, in Missouri, to the town of Marysville, in Kansas Territory, via Great Nemaha Agency and Urbana.

From the city of Weston, in Platte county, Missouri, via Jaton, Missouri, to Atchison, in Kansas Territory.

From Fort Leavenworth or Leavenworth City, up the north side of Kansas river to Fort Riley, via Stranger Creek, Crossing, Dawson Store, Hickory Point, Osauke, Whitfield, Soldier Creek, Silver Lake, Catholic Mission, Rock Creek, and Blue.

From Fort Leavenworth, via the settlements and towns of Lawrence, Wilson Springs, Pottawatomie, and Sugar Creek, to Fort Scott.

From Kansas, Missouri, to Lawrence, in Kansas Territory.

From Fort Scott, via Dr. Stockton's old Pottawatomie Mission, and Henry Sherman's, to Hibbard.

From Atchison to Marysville.

From Whiteheads, via Highland, Iowa Point, to Story's Landing.

From Oregon, Missouri, via Iowa Point, to Highland, Kansas.

APPROVED, March 3, 1855.

PUBLIC, LXXXVI.—*An Act to provide Accommodations for the United States Courts in the city of Jackson, Mississippi.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to contract with the public authorities of the city of Jackson, Mississippi, for the permanent use of rooms for the courts of the

United States, in the new city hall now in process of construction in that city. And when the said Secretary shall be satisfied that the apartments are suitable for the purpose, and have been properly secured to the Government, he shall pay out of the Treasury any sum of money, not exceeding twenty thousand dollars, which he shall deem to be the value of such apartments.

APPROVED, March 3, 1855.

PUBLIC, LXXXVII.—*An Act making Appropriations for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and fifty-six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-six:

For pay of officers, instructors, cadets, and musicians, ninety thousand one hundred and six dollars.

For commutation of subsistence, two thousand and forty-four dollars.

For forage for officers' horses, eight hundred and sixty-four dollars.

For general repairs and improvements of academic buildings, barracks, mess-rooms, officers' quarters, stables, roads, fences, parade and drill grounds, miscellaneous and incidental expenses, fuel, forage, and departments of instruction, thirty-five thousand and seventy dollars.

For gradual increase and expense of library, one thousand dollars.

For expenses of the board of visitors, four thousand one hundred and sixty dollars.

For forage for artillery and cavalry horses, eight thousand six hundred and forty dollars.

For replacing dead and worn out cavalry and artillery horses, one thousand dollars.

For furnishing hospital for cadets, five hundred dollars.

For deficiency for expenses of the board of visitors for the year ending the thirtieth of June, eighteen hundred and fifty-five, six hundred and eighty-eight dollars and fifty-two cents.

For additional pay allowed to enlisted men employed on extra duty as mechanics and laborers, per act of fourth of August, eighteen hundred and fifty-four, for the year ending the thirtieth of June, eighteen hundred and fifty-five, two thousand eight hundred and sixty-eight dollars and forty cents.

SEC. 2. *And be it further enacted*, That hereafter the yearly allowance of the professor of French and Spanish, and the professor of drawing, shall be the same as is now allowed to the other professors.

APPROVED, March 3, 1855.

PUBLIC, LXXXVIII.—*An Act to amend an act approved the fourth of August, eighteen hundred and fifty-four, entitled "An act to graduate and reduce the price of the Public Lands to Actual Settlers and Cultivators."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act approved fourth August, eighteen hundred and fifty-four, "to graduate and reduce the price of the public lands to actual settlers and cultivators," shall be so construed that the affidavits required by the third section of that act may be made before any officer duly authorized by law to administer oaths, according to such forms, and pursuant to such regulations as shall be prescribed by the Secretary of the Interior.

APPROVED, March 3, 1855.

PUBLIC, LXXXIX.—*An Act making Appropriations for the Current and Contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian tribes for the year ending June thirtieth, one thousand eight hundred and fifty-six, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with the various Indian tribes.

For the current and contingent expenses of the Indian department, viz:

For the pay of superintendents of Indian affairs, per acts of fifth of June, eighteen hundred and fifty; twenty-seventh February, eighteen hundred and fifty-one; and third March, eighteen hundred and fifty-two, twelve thousand five hundred dollars.

For the pay of the several Indian agents, per acts of fifth June, eighteen hundred and fifty; twenty-seventh February, eighteen hundred and fifty-one; and thirty-first July, eighteen hundred and fifty-four, forty-three thousand seven hundred and fifty dollars.

For the pay of the several Indian agents, per act of thirty-first July, eighteen hundred and fifty-four, and for arrearages of pay to one in the State of New York, one at Green Bay, Wisconsin, one for the Seminoles west of Arkansas, and one for the Indian tribes in Utah, fifteen thousand three hundred and eighty-two dollars and seventy-nine cents, and the Secretary of the Interior is authorized hereafter to employ one agent for the Indians in the State of New York; one for those at Green Bay, Wisconsin; one for the Seminoles west of Arkansas; and one for the tribes in the Territory of Utah, at the rate of one thousand dollars per annum each.

For the pay of interpreters, per acts of thirtieth June, eighteen hundred and thirty-four, twenty-seventh February, eighteen hundred and fifty-one, and thirty-first July, eighteen hundred and fifty-four, thirty-two thousand seven hundred dollars.

For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six, one thousand two hundred dollars.

For the pay of clerk to superintendent in California, per act of third March, eighteen hundred and fifty-two, two thousand five hundred dollars.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

For buildings at agencies and repairs thereof, ten thousand dollars.

For contingencies of the Indian department, thirty-six thousand five hundred dollars.

Comanches, Kiowas, and Apaches, of Arkansas river.—For second of ten installments for the purchase of goods, provisions, and agricultural implements, per sixth article of treaty of twenty-seventh July, eighteen hundred and fifty-three, eighteen thousand dollars.

For expenses of transportation of the second of ten installments of goods, provisions, and agricultural implements, per sixth article of treaty of twenty-seventh July, eighteen hundred and fifty-three, five thousand dollars.

Cherokees.—For the payment of the sum due the Cherokees on account of interest between the first of May, eighteen hundred and forty-five, and first of May, eighteen hundred and forty-six, on stocks of the State of Michigan, held in trust by the Secretary of the Interior, under the treaty of eighteen hundred and thirty-five, and the supplement of March, eighteen hundred and thirty-six, twenty dollars and ninety-seven cents.

Chippewas of Mississippi and Lake Superior.—For nineteenth of twenty installments in money, per second article of treaty of twenty-ninth of July, eighteen hundred and thirty-seven, nine thousand five hundred dollars.

For nineteenth of twenty installments in goods, per second article of treaty of twenty-ninth July, eighteen hundred and thirty-seven, nineteen thousand dollars.

For nineteenth of twenty installments for the purchase of provisions, per second article treaty twenty-ninth of July, eighteen hundred and thirty-seven, two thousand dollars.

For nineteenth of twenty installments for the purchase of tobacco, per second article of treaty twenty-ninth of July, eighteen hundred and thirty-seven, five hundred dollars.

For fourteenth of twenty-five installments in money, per fourth article treaty of fourth of October, eighteen hundred and forty-two, twelve thousand five hundred dollars.

For fourteenth of twenty-five installments in goods, per fourth article of treaty of fourth October, eighteen hundred and forty-two, ten thousand five hundred dollars.

For fourteenth of twenty-five installments for the support of schools, per fourth article of treaty of fourth October, eighteen hundred and forty-two, two thousand dollars.

For fourteenth of twenty-five installments for the purchase of provisions and tobacco, per fourth article of treaty of fourth of October, eighteen hundred and forty-two, two thousand dollars.

For fulfilling treaties with the Chippewas of Lake Superior, so as to conform to the treaty concluded on thirtieth September, eighteen hundred and fifty-four:

For expenses (in part) of selecting reservations, and surveying and marking the boundaries thereof, per second, third, and twelfth articles of the treaty of September thirtieth, eighteen hundred and fifty-four, three thousand dollars.

For the payment of the first of twenty installments in coin, goods, etc., agricultural implements, etc., and education, etc., per fourth article of the treaty of September thirtieth, eighteen hundred and fifty-four, nineteen thousand dollars.

For the purchase of clothing and other articles, to be given to the young men at the next annuity payment, as per fourth article of the treaty of September thirtieth, eighteen hundred and fifty-four, four thousand eight hundred dollars.

For the purchase of agricultural implements and other articles, as presents for the mixed bloods, per fourth article of the treaty of September thirtieth, eighteen hundred and fifty-four, six thousand dollars.

For the payment of such debts as may be directed by the chiefs in open council, and found to be just and correct by the Secretary of the Interior, per fourth article of the treaty of September thirtieth, eighteen hundred and fifty-four, ninety thousand dollars.

For the payment of such debts of the Bois Forte bands as may be directed by their chiefs, and found to be just and correct by the Secretary of the Interior, per twelfth article of the treaty of September thirtieth, eighteen hundred and fifty-four, ten thousand dollars.

For the payment of the first of five installments in blankets, cloth, etc., to the Bois Forte band, per twelfth article of the treaty of September thirtieth, eighteen hundred and fifty-four, two thousand dollars.

For the first of twenty installments for the pay of six smiths and assistants, per fifth and second articles of the treaty of September thirtieth, eighteen hundred and fifty-four, five thousand and forty dollars.

For the first of twenty installments for the support of six smith shops, per fifth and second articles of the treaty of September thirtieth, eighteen hundred and fifty-four, one thousand three hundred and twenty dollars.

For defraying expenses incurred in negotiating treaty concluded on the thirtieth September, eighteen hundred and fifty-four, with the Chippewas of Lake Superior, fifteen thousand seven hundred and forty-four dollars and seventy-one cents.

Chippewas of Saginaw.—For permanent annuity, in goods or other useful articles, per fourth article treaty third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, in money or otherwise, per second article treaty seventeenth November, eighteen hundred and seven, eight hundred dollars.

For permanent annuity in silver, per fourth article treaty twenty-fourth September, eighteen hundred and nineteen, one thousand dollars.

For permanent provision for support of blacksmith, and for farming utensils and cattle, and the employment of persons to aid them in agriculture, per eighth article treaty twenty-fourth September, eighteen hundred and nineteen, and seventh article treaty fourteenth January, eighteen hundred and thirty-seven, two thousand dollars.

For education during the pleasure of Congress, per sixth article treaty fifth August, eighteen hundred and twenty-six, one thousand dollars.

Chickasaws.—For permanent annuity in goods,

per act of twenty-fifth February, seventeen hundred and ninety-nine, three thousand dollars.

Chippewas, Menomonies, Winnebagoes, and New York Indians.—For education, during the pleasure of Congress, per fifth article of the treaty of eleventh of August, eighteen hundred and twenty-seven, one thousand five hundred dollars.

Choctaws.—For permanent annuity, per second article treaty sixteenth November, eighteen hundred and five, three thousand dollars.

For permanent annuity for support of light-horsemen, per thirteenth article treaty eighteenth October, eighteen hundred and twenty, six hundred dollars.

For permanent provision for education, per second article treaty twentieth January, eighteen hundred and twenty-five, six thousand dollars.

For permanent provision for blacksmith, per sixth article treaty eighteenth October, eighteen hundred and twenty, and ninth article treaty twentieth January, eighteen hundred and twenty-five, six hundred dollars.

For permanent provision for iron and steel, per sixth article treaty eighteenth October, eighteen hundred and twenty, and ninth article treaty twentieth January, eighteen hundred and twenty-five, three hundred and twenty dollars.

Christian Indians.—For permanent annuity in money, per acts twenty-sixth May, eighteen hundred and twenty-four, and twentieth May, eighteen hundred and twenty-six, four hundred dollars.

Creeks.—For permanent annuity in money, per fourth article treaty seventh August, seventeen hundred and ninety, one thousand five hundred dollars.

For permanent annuity in money, per second article treaty sixteenth June, eighteen hundred and two, three thousand dollars.

For permanent annuity in money, per fourth article treaty twenty-fourth January, eighteen hundred and twenty-six, twenty thousand dollars.

For permanent provision for blacksmith and assistant, and for shop and tools, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, eight hundred and forty dollars.

For permanent provision for iron and steel for shop, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, two hundred and seventy dollars.

For nineteenth of twenty installments for two blacksmiths and assistants, and shops and tools, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two, one thousand six hundred and eighty dollars.

For nineteenth of twenty installments for iron and steel for shops, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two, five hundred and forty dollars.

For permanent provision for the pay of a wheelwright, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, six hundred dollars.

For twenty-fifth of thirty-three installments for education, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two, and fourth article treaty fourth January, eighteen hundred and forty-five, three thousand dollars.

For twelfth of twenty installments for education, per fourth article treaty fourth January, eighteen hundred and forty-five, three thousand dollars.

For blacksmith and assistant, and shop and tools, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, eight hundred and forty dollars.

For iron and steel for shop, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, two hundred and seventy dollars.

For wagon-maker, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, six hundred dollars.

For assistance in agricultural operations, during the pleasure of the President, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, two thousand dollars.

For education, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, one thousand dollars.

Delawares.—For life annuity to chief, per private article to supplemental treaty twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen, one hundred dollars.

For life annuities to chiefs, per supplemental article to treaty twenty-sixth October, eighteen hundred and thirty-two, one hundred dollars.

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, per resolution of Senate nineteenth January, eighteen hundred and thirty-eight, two thousand three hundred and four dollars.

For second of eight equal installments for payment of five chiefs, per sixth article treaty sixth May, eighteen hundred and fifty-four, one thousand two hundred and fifty dollars.

For second of two installments in lieu of permanent annuities, per fourth article of treaty sixth May, eighteen hundred and fifty-four, seventy-four thousand dollars.

Florida Indians, or Seminoles.—For twelfth of fifteen installments in goods, per sixth article treaty fourth January, eighteen hundred and forty-five, two thousand dollars.

For twelfth of fifteen installments in money, per sixth article treaty fourth January, eighteen hundred and forty-five, and fourth article treaty ninth May, eighteen hundred and thirty-two, three thousand dollars.

Iowas.—For arrears of interest in lieu of investment on one hundred and fifty-seven thousand five hundred dollars, being for four months, from the first March to the thirtieth June, eighteen hundred and fifty-four, and on fifty thousand dollars of the same to the thirtieth September, eighteen hundred and fifty-four, per second article treaty nineteenth October, eighteen hundred and thirty-eight, three thousand two hundred and fifty-seven dollars and nineteen cents.

For interest in lieu of investment on one hundred and seven thousand five hundred dollars to the first October, eighteen hundred and fifty-five, and on fifty-seven thousand five hundred dollars for the balance of the fiscal year ending thirtieth June, eighteen hundred and fifty-six, at five per centum, per second article treaty nineteenth October, eighteen hundred and thirty-eight, and ninth article treaty seventeenth May, eighteen hundred and fifty-four, three thousand five hundred dollars.

For payment of second installment of fifty thousand dollars, to be applied, under the direction of the President, to agricultural purposes, per ninth article treaty seventeenth May, eighteen hundred and fifty-four, fifty thousand dollars.

Kansas.—For interest in lieu of investment on two hundred thousand dollars, at five per centum, per second article treaty fourteenth January, eighteen hundred and forty-six, ten thousand dollars.

Kaskaskias, Peorias, Weas, and Piankeshaws.—For payment of second of three installments in money, of thirteen thousand dollars each, for purchase of former permanent annuities, and relinquishment of claims and damages, per sixth article treaty thirtieth May, eighteen hundred and fifty-four, thirteen thousand dollars.

For the second of five installments for support of blacksmith and assistant, per sixth article treaty thirtieth May, eighteen hundred and fifty-four, seven hundred and twenty dollars.

For the second of five installments for purchase of iron and steel, per sixth article treaty thirtieth May, eighteen hundred and fifty-four, two hundred and twenty dollars.

Kickapoos.—For second installment of interest at five per centum on one hundred thousand dollars, for education, per second article treaty eighteenth May, eighteen hundred and fifty-four, five thousand dollars.

For the payment of this sum as second installment upon two hundred thousand dollars, per second article treaty eighteenth May, eighteen hundred and fifty-four, twenty thousand dollars.

Menomonees.—For the last of twenty installments as annuity, in money, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six, twenty thousand dollars.

For the last of twenty installments for two blacksmiths and assistants, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six, one thousand four hundred and forty dollars.

For the last of twenty installments for iron and steel for shops, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six, four hundred and forty dollars.

For the last of twenty installments for the purchase of provisions, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six, three thousand dollars.

For the last of twenty installments for two thousand pounds of tobacco, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six, four hundred dollars.

For the last of twenty installments for farming utensils and cattle, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six, five hundred dollars.

For the last of twenty installments for thirty barrels of salt, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six, one hundred and fifty dollars.

For fourth of fifteen installments for pay of miller, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, six hundred dollars.

Miamies.—For permanent provision for blacksmith and assistant, per fifth article treaty sixth October, eighteen hundred and eighteen, and fourth article treaty fifth June, eighteen hundred and fifty-four, seven hundred and twenty dollars.

For permanent provision for miller, in lieu of gunsmith, per fifth article treaty sixth October, eighteen hundred and eighteen, fifth article treaty twenty-third October, eighteen hundred and thirty-four, and fourth article treaty fifth June, eighteen hundred and fifty-four, six hundred dollars.

For fifteenth of twenty installments in money, per second article treaty twenty-eighth October, eighteen hundred and forty, and fourth article treaty fifth June, eighteen hundred and fifty-four, twelve thousand five hundred dollars.

For arrears of nine thousand seven hundred and forty-six dollars and fourteen cents, for payment in full to Jane T. Griggs and her husband, John Griggs, and Sash-o-quash, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four, fifty-six dollars and ninety-two cents.

For interest on investment of two hundred and twenty-one thousand two hundred and fifty-seven dollars and eighty-six cents, at five per centum, for Miami Indians of Indiana, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four, eleven thousand and sixty-two dollars and eighty-nine cents.

For interest on fifty thousand dollars, at five per centum, for educational purposes, per third article treaty fifth June, eighteen hundred and fifty-four, two thousand five hundred dollars.

For second of six equal annual installments to Miamies residing on ceded lands, for purchase of former perpetual and other annuities, and relinquishment of claims, per fourth article treaty fifth June, eighteen hundred and fifty-four, thirty-one thousand seven hundred and thirty-nine dollars and eleven cents.

Miamies, Eel River.—For permanent annuity, in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five, five hundred dollars.

For permanent annuity, in goods or otherwise, per third article treaty twenty-first August, eighteen hundred and five, two hundred and fifty dollars.

For permanent annuity, in goods or otherwise, per third and separate article to treaty thirtieth September, eighteen hundred and nine, three hundred and fifty dollars.

Navajoes.—For fulfilling treaty stipulations with the Navajoes, pursuant to the requirements of the tenth article treaty ninth September, eighteen hundred and forty-nine, five thousand dollars.

Omahas.—For first of three installments, in

money or otherwise, of forty thousand dollars each per annum, per fourth article treaty sixteenth March, eighteen hundred and fifty-four, forty thousand dollars.

For first of ten installments for support of a miller, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six hundred dollars.

For first of ten installments for support of blacksmith and assistant, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, seven hundred and twenty dollars.

For first of ten installments for support of farmer, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six hundred dollars.

For the erection of a grist and saw-mill, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six thousand dollars.

For the erection of a smith's shop, and purchase of tools therefor, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, two hundred dollars.

For payment of Lewis Sounsosee (a half-breed) in full for services, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, one thousand dollars.

Osages.—For eighteenth of twenty installments as annuity, in money or otherwise, per second article treaty eleventh January, eighteen hundred and thirty-nine, twenty thousand dollars.

For eighteenth of twenty installments for two smiths' establishments, per second article treaty eleventh January, eighteen hundred and thirty-nine, two thousand dollars.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the value of fifty-four sections of land, set apart second January, eighteen hundred and twenty-five, for educational purposes, per Senate resolution nineteenth January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Ottoes and Missourias.—For first of three installments as annuity, in money or otherwise, per fourth article treaty fifteenth March, eighteen hundred and fifty-four, twenty thousand dollars.

For first of ten installments for pay of miller, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six hundred dollars.

For first of ten installments for blacksmith and assistant, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, seven hundred and twenty dollars.

For first of ten installments for farmer, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six hundred dollars.

For the erection of a grist and saw-mill, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six thousand dollars.

For the erection of a smith's shop and purchase of tools therefor, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, two hundred dollars.

For payment of Lewis Barnard for services rendered the tribe, per twelfth article treaty fifteenth March, eighteen hundred and fifty-four, three hundred dollars.

Ottowas.—For permanent annuity, in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, in money or otherwise, per second article treaty seventeenth November, eighteen hundred and seven, eight hundred dollars.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, one thousand five hundred dollars.

For permanent annuity in specie, per fourth article treaty twenty ninth August, eighteen hundred and twenty-one, one thousand dollars.

Ottowas and Chippewas.—For interest on two hundred thousand dollars, at six per centum, to be paid as annuity, per resolution of Senate seventeenth May, eighteen hundred and thirty-six, twelve thousand dollars.

For education for twenty years, and during the pleasure of Congress, per fourth article treaty twenty-eighth March, eighteen hundred and thirty-six, five thousand dollars.

For missions for twenty-years, and during the pleasure of Congress, per fourth article treaty twenty-eighth March, eighteen hundred and thirty-six, three thousand dollars.

For vaccine matter, medicines, and pay of physicians, so long as the Indians remain on their reservations, per fourth article treaty twenty-eighth March, eighteen hundred and thirty-six, three hundred dollars.

For three blacksmiths and assistants for twenty years, and during the pleasure of Congress, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six, two thousand one hundred and sixty dollars.

For iron and steel for shop for twenty years, and during the pleasure of Congress, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six, six hundred and sixty dollars.

For gunsmith for twenty years, and during the pleasure of Congress, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six, six hundred dollars.

For iron and steel for shop for twenty years, and during the pleasure of Congress, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six, two hundred and twenty dollars.

For two farmers and assistants for ten years, and during the pleasure of the President, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six, one thousand six hundred dollars.

For two mechanics for ten years, and during the pleasure of the President, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six, one thousand two hundred dollars.

Pawnees.—For agricultural implements, during the pleasure of the President, per fourth article treaty ninth October, eighteen hundred and thirty-three, one thousand dollars.

Pottawatomies.—For permanent annuity in silver, per fourth article treaty third August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity in silver, per third article treaty thirtieth September, eighteen hundred and nine, five hundred dollars.

For permanent annuity in silver, per third article treaty second October, eighteen hundred and eighteen, two thousand five hundred dollars.

For permanent annuity in money, per second article treaty twentieth September, eighteen hundred and twenty-eight, two thousand dollars.

For life annuity to chief, in goods, per second article treaty twentieth September, eighteen hundred and twenty-eight, one hundred dollars.

For permanent annuity in specie, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, sixteen thousand dollars.

For life annuity to chiefs, per third article treaty twentieth October, eighteen hundred and thirty-two, four hundred dollars.

For life annuity to chiefs, per third article treaty twenty-sixth September, eighteen hundred and thirty-three, seven hundred dollars.

For education during the pleasure of Congress, per third article treaty sixteenth October, eighteen hundred and twenty-six, two thousand dollars.

For permanent provision for blacksmith and assistant, per third article treaty sixteenth October, eighteen hundred and twenty-six, seven hundred and twenty dollars.

For permanent provision for iron and steel for shop, per third article treaty sixteenth October, eighteen hundred and twenty-six, two hundred and twenty dollars.

For education during the pleasure of Congress, per second article treaty twentieth September, eighteen hundred and twenty-eight, one thousand dollars.

For permanent provision for the payment of money in lieu of tobacco, iron, and steel, per second article treaty twentieth September, eighteen hundred and twenty-eight, and tenth article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, three hundred dollars.

For permanent provision for blacksmith and assistant, per second article treaty twentieth September, eighteen hundred and twenty-eight, seven hundred and twenty dollars.

For permanent provision for iron and steel for shop, per second article treaty twentieth September, eighteen hundred and twenty-eight, two hundred and twenty dollars.

For permanent provision for blacksmith and assistant, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, seven hundred and twenty dollars.

For permanent provision for iron and steel for shop, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, two hundred and twenty dollars.

For permanent provision for fifty barrels of salt, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For education, during the pleasure of Congress, per fourth article treaty twenty-seventh October, eighteen hundred and thirty-two, two thousand dollars.

For interest on six hundred and forty-three thousand dollars at five per centum, per seventh article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

Pottawatomies of Huron.—For permanent annuity, in money, or otherwise, per second article of treaty of seventeenth November, eighteen hundred and seven, four hundred dollars.

Quapaws.—For education, during the pleasure of the President, per third article of treaty of thirteenth May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, shop and tools, during the pleasure of the President, per third article of treaty of thirteenth May, eighteen hundred and thirty-three, eight hundred and forty dollars.

For iron and steel for shop, during the pleasure of the President, per third article of treaty of thirteenth May, eighteen hundred and thirty-three, two hundred and twenty dollars.

For farmer, during the pleasure of the President, per third article of treaty of thirteenth of May, eighteen hundred and thirty-three, six hundred dollars.

Rogue Rivers.—For second of sixteen installments in blankets, clothing, farming utensils, and stock, per third article of treaty of tenth September, eighteen hundred and fifty-three, two thousand five hundred dollars.

Sacs and Foxes of Mississippi.—For permanent annuity in goods, or otherwise, per third article treaty third November, eighteen hundred and four, one thousand dollars.

For twenty-fourth of thirty installments, as annuity in specie, per third article treaty twenty-first September, eighteen hundred and thirty-two, twenty thousand dollars.

For twenty-fourth of thirty installments for gunsmith, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, six hundred dollars.

For twenty-fourth of thirty installments for iron and steel for shop, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-fourth of thirty installments for blacksmith and assistant, shop and tools, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, eight hundred and forty dollars.

For twenty-fourth of thirty installments for iron and steel for shop, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-fourth of thirty installments for forty barrels of salt and forty kegs of tobacco, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, one thousand dollars.

For interest on two hundred thousand dollars, at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven, ten thousand dollars.

For interest on eight hundred thousand dollars, at five per centum, per second article treaty eleventh October, eighteen hundred and forty-two, forty thousand dollars.

Sacs and Foxes of Missouri.—For the second

installment upon forty-eight thousand dollars, per second article treaty eighteenth May, eighteen hundred and fifty-four, fifteen thousand dollars.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars.

Senecas.—For permanent annuity in specie, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, five hundred dollars.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, five hundred dollars.

For blacksmith and assistant, shop and tools, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron and steel for shop, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, two hundred and twenty dollars.

For miller, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, six hundred dollars.

Senecas of New York.—For permanent annuity, in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty-one, six thousand dollars.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars.

Senecas and Shawnees.—For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, one thousand dollars.

For blacksmith and assistant, shop and tools, during the pleasure of the President, per fourth article treaty twentieth July, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron and steel for shop, per fourth article treaty twentieth July, eighteen hundred and thirty-one, two hundred and twenty dollars.

Shawnees.—For permanent annuity for educational purposes, per fourth article treaty third August, seventeen hundred and ninety-five, and third article treaty tenth May, eighteen hundred and fifty-four, one thousand dollars.

For second installment of interest, at five per centum, on forty thousand dollars, for education, per third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

For second of eight annual installments of money, in payment for lands, per third article treaty tenth May, eighteen hundred and fifty-four, one hundred thousand dollars.

For permanent annuity for educational purposes, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, and third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

Six Nations of New York.—For permanent annuity, in clothing and other useful articles, per sixth article treaty eleventh November, seventeen hundred and ninety-four, four thousand five hundred dollars.

Sioux of Mississippi.—For interest on three hundred thousand dollars, at five per centum, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven, fifteen thousand dollars.

For nineteenth of twenty installments in goods, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven, ten thousand dollars.

For nineteenth of twenty installments for the purchase of medicines, agricultural implements, and stock, and for the support of a physician, farmers, and blacksmiths, and for other beneficial objects, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven, eight thousand two hundred and fifty dollars.

For nineteenth of twenty installments for provisions, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven, five thousand five hundred dollars.

For fifth of fifty installments of interest, at five per centum, on one million three hundred and sixty thousand dollars, per fourth article treaty twenty-third July, eighteen hundred and fifty-one, sixty-eight thousand dollars.

For fifth of fifty installments of interest, at five per centum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservations set apart in the third article per Senate's amendment to treaty twenty-third July, eighteen hundred and fifty-one, five thousand six hundred dollars.

For fifth of fifty installments of interest, at five per centum, on one million one hundred and sixty thousand dollars, per fourth article treaty fifth August, eighteen hundred and fifty-one, fifty-eight thousand dollars.

For fifth of fifty installments of interest, at five per centum, on sixty-nine thousand dollars, being the amount allowed in lieu of the reservation of lands set apart by the third article per Senate's amendment to treaty fifth August, eighteen hundred and fifty-one, three thousand four hundred and fifty dollars.

For expenses of transportation of annuity, goods, and provisions to the Sioux of Mississippi, during the fiscal years ending the thirtieth of June, eighteen hundred and fifty-five, and the thirtieth of June, eighteen hundred and fifty-six, thirty-two thousand dollars.

Stockbridges.—For interest on sixteen thousand five hundred dollars, at five per centum, per ninth article treaty twenty-fourth November, eighteen hundred and forty-eight, eight hundred and twenty-five dollars.

Treaty of Fort Laramie.—For fifth of ten installments in provisions and merchandise, for payment of annuities and transportation of the same to certain tribes of Indians, per seventh article treaty seventeenth September, eighteen hundred and fifty-one, and Senate's amendment thereto, seventy-two thousand dollars.

Umpquas, (Cow Creek Band.)—For second of twenty installments in blankets, clothing, provisions, and stock, per third article treaty tenth September, eighteen hundred and fifty-three, five hundred and fifty dollars.

Utahs.—For fulfilling treaty stipulations with the Utahs, pursuant to the requirements of eighth article treaty thirtieth December, eighteen hundred and forty-nine, five thousand dollars.

Winnebagoes.—For twenty-seventh of thirty installments as annuity in specie, per second article treaty first August, eighteen hundred and twenty-nine, eighteen thousand dollars.

For twenty-fourth of twenty-seven installments as annuity in specie, per third article treaty fifteenth September, eighteen hundred and thirty-two, ten thousand dollars.

For twenty-seventh of thirty installments for fifty barrels of salt, per second article treaty first August, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For twenty-seventh of thirty installments for three thousand pounds of tobacco, per second article treaty first August, eighteen hundred and twenty-nine, six hundred dollars.

For twenty-fourth of twenty-seven installments for one thousand five hundred pounds of tobacco, per fifth article treaty fifteenth September, eighteen hundred and thirty-two, three hundred dollars.

For twenty-seventh of thirty installments for three blacksmiths and assistants, per third article treaty first August, eighteen hundred and twenty-nine, two thousand one hundred and sixty dollars.

For twenty-seventh of thirty installments for iron and steel for shop, per third article treaty first August, eighteen hundred and twenty-nine, six hundred and sixty dollars.

For twenty-seventh of thirty installments for laborer and oxen, per third article treaty first August, eighteen hundred and twenty-nine, three hundred and sixty-five dollars.

For twenty-fourth of twenty-seven installments for education, per fourth article treaty fifteenth September, eighteen hundred and thirty-two, three thousand dollars.

For twenty-fourth of twenty-seven installments for six agriculturists, purchase of oxen, plows, and other implements, per fifth article treaty fifteenth September, eighteen hundred and thirty-two, two thousand five hundred dollars.

For twenty-fourth of twenty-seven installments for the pay of two physicians, per fifth article treaty fifteenth September, eighteen hundred and thirty-two, four hundred dollars.

For interest on one million one hundred thousand dollars, at five per centum, per fourth article treaty first November, eighteen hundred and thirty-seven, fifty-five thousand dollars.

For ninth of thirty installments of interest on eighty-five thousand dollars, at five per centum, per fourth article treaty thirteenth October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

Wyandots.—For permanent annuity in specie, per third article of treaty of seventeenth March, eighteen hundred and forty-two, seventeen thousand five hundred dollars.

For permanent provision for blacksmith and assistant, shop and tools, per eighth article of treaty of seventeenth March, eighteen hundred and forty-two, eight hundred and forty dollars.

For permanent provision for iron and steel for shop, per eighth article of treaty of seventeenth March, eighteen hundred and forty-two, two hundred and seventy dollars.

For permanent provision for education, per fourth article of treaty of seventeenth March, eighteen hundred and forty-two, five hundred dollars.

For the general incidental expenses of the Indian service in Washington Territory, thirty thousand dollars.

For the expenses of adjusting difficulties and preventing outbreaks among the Indians in Washington Territory prior to and during the fiscal year ending thirtieth June, one thousand eight hundred and fifty-six, ten thousand dollars.

For the general incidental expenses of the Indian service in California, embracing expenses of travel of the superintendent and agents, twenty-eight thousand eight hundred and fifty dollars.

For the pay of physicians, smiths, carpenters, and agricultural and mechanical laborers on the reservations in California, fifty-four thousand three hundred dollars.

For defraying the expenses of the removal and subsistence of Indians in California to three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State and approved by the President, one hundred and twenty-five thousand dollars: *Provided*, That the superintendent of Indian affairs in that State be authorized, should he deem it expedient, to expend an amount not exceeding twenty thousand dollars of the sum herein appropriated, to relieve the temporary wants of the Indians outside of the reservations.

For the general incidental expenses of the Indian service in Oregon Territory, ten thousand dollars.

For adjusting difficulties and preventing outbreaks among the Indians in Oregon Territory, ten thousand dollars.

For expenses of insurance and transportation of annuities, payable to Indian tribes in the Territory of Oregon, three thousand dollars.

For payment of the liabilities incurred for the Indian service in Oregon, under the supervision of the late superintendent, ten thousand dollars.

For the general incidental expenses of the Indian service in the Territory of New Mexico, twenty-five thousand dollars.

For the general incidental expenses of the Indian service in the Territory of Utah, twenty thousand dollars.

For compensation of three special agents and four interpreters for the Indian tribes of Texas, and for purchase of presents, fifteen thousand dollars.

For actual necessary expenses incurred, and that may hereafter be incurred, by officers of the Indian Department in the rescue of prisoners from Indian tribes and returning them to their homes, and for expenses incident to the arrest and confinement within the territory of the United States, by order of these officers, of persons charged with crimes against Indians, five thousand dollars.

To meet the necessary expenses of colonizing, supporting, and furnishing agricultural implements for the Indians in Texas, eighty-six thousand four hundred and thirty dollars.

For the purpose of enabling the proper department to adopt such measures as may be necessary for opening communications with the Texas Comanches and Apaches who have not heretofore been parties to any treaties with the United States, ten thousand dollars.

For reimbursing to John W. Whitfield, late agent for the Indians on the Upper Platte, the amount expended by him for ransom for the Cheyennes, and clothing, and transportation to the States of one white and ten Mexican prisoners, one hundred and seventy dollars.

For pay of an additional clerk of the Indian office, under the appropriation per act of August five, eighteen hundred and fifty-four, for one year, fourteen hundred dollars.

For paying the expenses of one commissioner and two clerks employed by the Attorney General in the investigation directed by the resolution of the Senate of fourth August, eighteen hundred and fifty-four, two thousand dollars: *Provided*, That said resolution, and any other since adopted, relating to the same object, be, and the same are hereby, repealed.

For collecting, removing, and subsisting the Indians of California (as provided by law) on two additional military reservations, to be selected as heretofore, and not to contain exceeding twenty-five thousand acres each, in or near the State of California, the sum of one hundred and fifty thousand dollars: *Provided*, That the President may enlarge the quantity of reservations heretofore selected, equal to those hereby provided for, and shall not expend the amount herein appropriated unless, in his opinion, the same shall be expedient, and the last proviso to the authority for five military reservations in California, per act of third of March, eighteen hundred and fifty-three, be, and the same is hereby, repealed: *Provided*, That so much of the act approved on the thirty-first of July last as requires that no more than twenty thousand dollars shall be drawn by the superintendent of Indian affairs, or be in his hands unexpended at one and the same time, be, and the same is hereby, repealed.

For the purpose of enabling the President to treat with and arrange the difficulties existing among the Stockbridge and Munsee Indians of Lake Winnebago, in the State of Wisconsin, arising out of the acts of Congress of third of March, eighteen hundred and forty-three, and August sixth, eighteen hundred and forty-six, and the treaty of twenty-fourth of November, eighteen hundred and forty-eight, in such manner as may be just to the Indians, and with their assent, and not inconsistent with the legal rights of white persons who may reside on the Stockbridge reserve, of the claim of the United States under the treaty of eighteen hundred and forty-eight, the sum of fifteen hundred dollars.

For the completion of the collection of the sixth and last volume of the statistics and other information of Indian tribes, authorized by the act of third of March, eighteen hundred and forty-seven, and subsequent act, the sum of seventeen thousand two hundred dollars: *Provided*, That said volume shall be so condensed as to embrace all the material now or to be collected, and not inferior in any respect to the preceding volumes, and to be completed within two years from the passage of this act: *And provided further*, That said compilation shall be subjected, before publication, to revision by the Secretary of the Interior, with a view to the curtailment in the work of all matters useless, irrelevant, or inconsistent with the objects of the work.

SEC. 2. *And be it further enacted*, That section four of the "act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, one thousand eight hundred and fifty-five, and for other purposes," approved thirty-first July eighteen hundred and fifty-four, shall not be so construed as to interfere with an act entitled "An act to authorize the President of the United States to cause to be surveyed the tract of land in the Territory of Minnesota belonging to the half-breeds or mixed bloods of the Dacotah or Sioux nation of Indians, and for other purposes," approved July seventeen, eighteen hundred and fifty-four: *Provided*, That so much of the money appropriated by the first named act as may be necessary to carry out the last named act shall be applicable thereto.

SEC. 3. *And be it further enacted*, That the Secretary of the Interior is hereby authorized and required to cause to be paid to the North Carolina Cherokees, embraced in the roll of John C. Mullay, or the legal representatives of such of them as have died since their enrollment, the sum of fifty-three dollars and thirty-three cents, respectively, for the expenses of their removal and subsistence, now held in trust by the United States, according to the terms of the fourth section of the act of twenty-ninth July, anno Domini eighteen hundred and forty-eight; for which purpose there is hereby appropriated the sum of forty-two thousand two hundred and ninety dollars and sixty-nine cents: *Provided*, That each and every Indian so receiving such payment in full shall give his assent thereto: *And provided further*, That said Secretary shall be first satisfied that the State of North Carolina has, before such payment, by some appropriate act, agreed that said Cherokees may remain permanently in that State, anything in the treaty of eighteen hundred and thirty-five and six to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That the eighth section of the act approved thirty-first July, eighteen hundred and fifty-four, authorizing the payment of *per capita* allowance to Cherokees east of the Mississippi, be so amended as to authorize the payment of all such Cherokees as, being properly entitled, were omitted on the roll of D. W. Siler, from any cause whatever.

SEC. 5. *And be it further enacted*, That to enable the President of the United States to carry out in good faith the recent treaties with the Ottoes and Missourias, Omahas, Delawares, Ioways, Sacs and Foxes of Missouri, Kickapoos, and the united tribes of Kaskaskias and Peorias, Piankeshaws and Weas, Shawnees and Miamies, there shall be, and hereby is, appropriated the sum of twenty thousand dollars in addition to the appropriations heretofore made for the execution of the surveys required by said treaties; and when the net proceeds of the lands ceded by either of said treaties are required to be paid over to the Indians, the President shall cause said lands, or such parts thereof as he may deem proper, to be classified and valued, and when such classification and valuation have been made to his satisfaction, he shall cause said lands to be offered at public sale, by legal subdivisions or town lots, at such times and places, and in such manner and quantity as to him shall appear proper and necessary to carry out faithfully the stipulations in said treaties; and said lands shall not be sold at public or private sale for a less price than that fixed by the valuation aforesaid, nor shall any land be sold at a less price than one dollar and twenty-five cents per acre for three years and thereafter, as may be directed by law, pursuant to the treaty.

SEC. 6. *And be it further enacted*, That there shall be appointed, as now provided by law, an additional agent, at the annual salary of one thousand dollars, to reside among the Kansas Indians, as required by the sixth article of the treaty of January fourteenth, eighteen hundred and forty-six, and to be charged with the duties therein specified, and to continue as long as the President may deem such agency to be advantageous to the said Indians; and also, one other agent for the Kickapoos, at the same salary and upon the same tenure.

SEC. 7. *And be it further enacted*, That there shall be appointed, as now provided by law, an additional Indian agent, whose salary shall be fifteen hundred dollars per annum, and who shall be assigned for such time as the President may deem necessary to the Delaware Indians; and the agents for the Kansas, Great Nehama, and Osage river agencies shall hereafter receive the annual salary of fifteen hundred dollars in lieu of the salary now allowed by law.

SEC. 8. *And be it further enacted*, That the laws of the United States punishing the crimes of perjury or of depredations upon the mails of the United States be, and the same are hereby, extended to, and declared to be in full force in, the Indian country.

SEC. 9. *And be it further enacted*, That the sum of twelve thousand dollars is hereby appropriated to enable the Secretary of War to execute the contract entered into by Joel R. Poinsett, late Secretary of War, on the twelfth day of March, eighteen hundred and thirty-nine, with Jean B. Faribault, and Pelagio, his wife, pursuant to a joint resolution of Congress, approved the thirteenth February, eighteen hundred and thirty-nine: *Provided*, That the Secretary of War shall be satisfied with the validity of their title to the lands mentioned in said contract, and that the conveyance to the United States be made sufficient to pass the said title.

SEC. 10. *And be it further enacted*, That Indian agents be, and they are hereby, authorized to take acknowledgments of deeds and other instruments of writing, and to administer oaths in investigations committed to them in the Indian country, pursuant to such rules and regulations as may be prescribed for that purpose by the Secretary of the Interior, and that acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

APPROVED, March 3, 1855.

PUBLIC, XC.—*An Act for Carrying into Effect the Convention upon the subject of Claims between the United States and Her Britannic Majesty of the eighth of February, one thousand eight hundred and fifty-three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to the convention aforesaid, the sum of two hundred and seventy-seven thousand one hundred and two dollars and eighty-eight cents having been awarded by the commission to British subjects, claimants under the convention, that sum shall be paid to the duly authorized agent of her Britannic Majesty's Government, out of any money in the Treasury not otherwise appropriated, deducting therefrom, pursuant to the sixth article of the said convention, on account of the expenses of the said commission, such ratable proportion, not exceeding five per cent. of the whole amount awarded to both citizens of the United States and British subjects, as may be sufficient to defray the said expenses.

APPROVED, March 3, 1855.

PUBLIC RESOLUTIONS.

No. 1.—Joint Resolution to modify or change the original Plan of the Custom-House at New Orleans.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso attached to the appropriations for the New Orleans custom-house of March third, eighteen hundred and fifty-one, August thirty-first, eighteen hundred and fifty-two, and March third, eighteen hundred and fifty-three, be so modified as to allow the substitution of wrought-iron beams with light segmental brick arches, instead of the present heavy groined ones in the upper story; and also that, instead of the marble roof contemplated by the original plan, authority be given to substitute such other suitable fire-proof roof as shall be found best calculated to relieve the walls from superfluous weight.

APPROVED, December 19, 1854.

No. 2.—Joint Resolution for the Appointment of Regents in the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," be filled by the reappointment of the late incumbents, viz: Rufus Choate, of Massachusetts, and Gideon Hawley, of New York.

APPROVED, December 27, 1854.

No. 3.—A Resolution providing for the Engraving, Lithographing, and Publishing of Drawings, Maps, Charts, or other papers for Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress

assembled, That hereafter, when any charts, maps, diagrams, views, or other engravings, shall be required to illustrate any document ordered to be printed by either House of Congress, such engravings shall be procured by the Superintendent of the Public Printing, under the supervision and direction of such committee as the House ordering the printing of any such document shall direct.

SEC. 2. *And be it further resolved*, That the paper necessary for the execution of all such engraving shall be obtained in the same manner, and under the same regulations and restrictions, as are now provided by the act of August twenty-six, eighteen hundred and fifty-two, for the obtainment of other printing paper.

SEC. 3. *And be it further resolved*, That all plates which have been engraved for any document ordered by either House of Congress, and now under the charge of the Secretary of the Senate or Clerk of the House of Representatives, shall be placed in charge of the Superintendent of Public Printing.

APPROVED, January 18, 1855.

No. 4.—A Resolution relative to the Construction of the Laws for the allowance of Additional Compensation to the Clerks in the Census Bureau.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, one thousand eight hundred and fifty-five, and for other purposes;" approved August fourth, eighteen hundred and fifty-four, be so construed as to extend to the clerks employed in the Census Office the same additional compensation granted by the act of April twenty-second, eighteen hundred and fifty-four.

APPROVED, February 3, 1855.

No. 5.—A Resolution respecting the Arctic Expedition commanded by Passed Assistant Surgeon E. K. Kane.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to dispatch a suitable naval or other steamer, and, if necessary, a tender, to the Arctic seas, for the purpose of rescuing or affording relief to Passed Assistant Surgeon E. K. Kane, of the United States Navy, and the officers and men under his command: *Provided*, That such steamer and tender shall be officered and manned by volunteers from the Navy, and others who may declare their willingness to be so engaged.

APPROVED, February 3, 1855.

No. 6.—A Resolution authorizing the President of the United States to confer the title of Lieutenant General by Brevet for eminent services.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the grade of lieutenant general be, and the same is hereby, revived in the Army of the United States, in order that when, in the opinion of the President and Senate, it shall be deemed proper to acknowledge eminent services of a major general of the Army in the late war with Mexico in the mode already provided for in subordinate grades, the grade of lieutenant general may be specially conferred by brevet, and by brevet only, to take rank from the date of such service or services: *Provided, however*, That when the said grade of lieutenant general by brevet shall have once been filled, and have become vacant, this joint resolution shall thereafter expire and be of no effect.

APPROVED, February 15, 1855.

No. 7.—Joint Resolution explanatory of the Act giving Compensation to Judges Woodbridge and Chipman.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter one hundred and eighty of the private acts of the first session of the Thirty-Third Congress, entitled "An Act to provide compensation for the services of George Morell in adjusting titles to land in Michigan," approved August one, eighteen hundred and fifty-four, be construed so as to give to Judges Woodbridge and Chipman, named in said act, the compensation therein provided, only from the date of the termination of their appointments as such judges.

APPROVED, February 17, 1855.

No. 8.—A Resolution accepting the Sword of General Andrew Jackson, and returning the Thanks of Congress to the Family of the late General Robert Armstrong.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of this Congress be presented to the family of the late General Robert Armstrong, for the present of the sword worn by General Andrew Jackson while in the military service of his country; and that this precious relic be hereby accepted in the name of the nation, and be deposited for safe-keeping in the Department of State; and that a copy of this resolution be transmitted to the family of the late General Robert Armstrong.

APPROVED, February 28, 1855.

No. 9.—A Resolution in relation to the New Orleans Custom-House.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That authority be given to the Secretary of the Treasury to make such change in the mode of constructing the New Orleans custom-house as will best, in his judgment, lighten the foundations from the great weight of the superstructure.

APPROVED, March 2, 1855.

No. 10.—Joint Resolution making an Appropriation for the purchase of Territorial Libraries.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That five thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purchase of territorial libraries for each of the Territories of Kansas and Nebraska.

APPROVED, March 3, 1855.

No. 11.—A Resolution explanatory of an Act passed August third, eighteen hundred and fifty-four.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it was the intention of the act of Congress approved August third, eighteen hundred and fifty-four, and the same shall be construed to give to Wisconsin, in aid of the improvement of the navigation of the Fox and Wisconsin rivers, a quantity of land equal, mile for mile of its improvement, to that granted to Indiana, under the provisions of the act of Congress approved May the ninth, eighteen hundred and forty-eight.

APPROVED, March 3, 1855.

No. 12.—Joint Resolution making Appropriation for the Payment of those entitled to the Benefits of the Resolution of the House of Representatives of the United States, passed March third, eighteen hundred and fifty-five, voting Extra Compensation to Pages, Folders, and others.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum voted by the House of Representatives, March third, eighteen hundred and fifty-five, for the payment of pages, folders, and other employees, be paid out of any moneys in the Treasury not otherwise appropriated.

APPROVED, March 3, 1855.

PRIVATE ACTS.

No. 1.—An Act for the Relief of Jacob McLellan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury cause to be paid to Jacob McLellan, his heirs or assigns, out of any money in the Treasury not otherwise appropriated, the sum of four hundred and fifty dollars, it being part of a penalty imposed upon the ship George Turner, and paid by the said McLellan, in December, eighteen hundred and fifty-one, for an alleged violation of the laws of the United States restricting the number of passengers in merchant vessels.

APPROVED, December 14, 1854.

No. 2.—An Act for the Relief of Isaac M. Sigler, of Putnam county, Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, directed to place the name of Isaac M. Sigler, of Putnam county, Indiana, on the list of invalid pensioners, at the rate of eight dollars per month, from the first day of April, eighteen hundred and fifty-four.

APPROVED, December 14, 1854.

No. 3.—An Act for the Relief of Enoch S. More.

Whereas the rolls of Captain Abraham Matteson, of the New York militia, show that Enoch S. More deserted in eighteen hundred and twelve, and satisfactory evidence has been filed in the Pension Office that said Enoch S. More, instead of having deserted, as shown by said roll, was absent on furlough, and sick at the time aforesaid; and whereas, on an investigation of the said evidence, by the Commissioner of Pensions, it was deemed sufficient to grant him an invalid pension: Now, therefore, in order to enable him to get a bounty of land under the act of September twenty-eighth, eighteen hundred and fifty, and to correct said roll—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Pensions be, and he is hereby, directed to correct the said roll, by erasing the words thereon which imply that the said Enoch S. More deserted, and insert in lieu thereof the words "sick and absent on furlough."

SEC. 2. *And be it further enacted*, That this act shall vest in the said Enoch S. More all the rights he would have had if he had continued in good health and served in said company according to the terms of his enlistment.

APPROVED, December 15, 1854.

No. 4.—An Act for the Relief of Thomas Ellis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of Thomas Ellis, of Platte county, in the State of Missouri, upon the roll of invalid pensioners, at the rate of eight dollars per month, from the eleventh day of May, eighteen hundred and fifty-two, during his life.

APPROVED, December 19, 1854.

No. 5.—An Act for the Relief of James S. Graham and Walter H. Finnall.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to pay to James S. Graham and Walter H. Finnall the sum of three thousand dollars, as compensation in full for the losses sustained by said Graham and Finnall by reason of the abandonment by the Postmaster General of two contracts made by that officer with them, for the transportation of the mail from Washington to Fredericksburg, and from Fredericksburg to Richmond, which contracts bear date the third day of December, anno Domini, eighteen hundred and forty-seven.

APPROVED, December 21, 1854.

No. 6.—An Act for the Relief of Brigadier General John E. Wool.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and required to allow to Brigadier General John E. Wool, Inspector General of the United States Army, double rations, from the twenty-first of July, eighteen hundred and twenty-one, to the third of March, eighteen hundred and thirty-

three, being the same as have been allowed by the War Department to other officers of the staff; and when the amount is ascertained, to pay the same out of any money in the Treasury not otherwise appropriated.

APPROVED, December 22, 1854.

No. 7.—An Act to change the name of the American-built Brig Como to that of Jehossee, and to grant her a new Register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the customs of the port of Charleston, in the State of South Carolina, be, and he is hereby, authorized, under the direction of the Secretary of the Treasury, to admit to register, under the name and title of the Jehossee, the American-built brig now owned by Hugh E. Vincent and Daniel B. Vincent, of said Charleston, and known as the Como.

APPROVED, December 22, 1854.

No. 8.—An Act supplemental to an Act therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Second Auditor of the Treasury, under the provisions of the act of Congress for the relief of the legal representatives of George Fisher, deceased, approved April twelfth, eighteen hundred and forty-eight, to reëxamine the said case, and to allow the claimants the benefit of the testimony heretofore marked "rejected for the want of authentication," provided the same is now legally authenticated by the Executive of Alabama, the adjustment to be made in strict accordance with the act herein above referred to, and to which this act is barely supplemental.

APPROVED, December 22, 1854.

No. 9.—An Act to authorize the Secretary of the Treasury to issue a Register to the Schooner Sarah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, authorized to issue a register to the British-built schooner Sarah, of fifty tons burden, wrecked near the District of Passamaquoddy: *Provided*, It shall be made to appear satisfactorily to the Secretary that the owners of said schooner have expended upon said vessel three fourths of her value in repairs.

APPROVED, December 22, 1854.

No. 10.—An Act for the Relief of Mary Rutherford, widow of Samuel Rutherford.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be instructed to place the name of Mary Rutherford, widow of Samuel Rutherford, upon the roll of invalid pensions, and to pay her a pension, at the rate of four dollars per month, for the period of five years, commencing on the first day of January, eighteen hundred and fifty-four.

APPROVED, December 27, 1854.

No. 11.—An Act for the Relief of James Butler.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of James Butler upon the roll of invalid pensions, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and fifty-four.

APPROVED, December 27, 1854.

No. 12.—An Act for the Relief of Herman Chittenden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, required to place the name of Herman Chittenden upon the pension roll, and cause to be paid to him the sum of eight dollars per month so long as he shall live, commencing March first, eighteen hundred and fifty-four.

APPROVED, January 3, 1855.

No. 13.—An Act authorizing the Legal Representatives of Antoine Vasquez, Hypolite Vasquez, Joseph Vasquez, and John Colligan, to enter certain Lands in Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal representatives of Antoine Vasquez, Hypolite Vasquez, Joseph Vasquez, and John Colligan, be, and they are hereby, authorized to enter, without payment, at any land office in the State of Missouri, in such quantities, agreeably to the United States surveys, as the claimants may desire, a quantity of land subject to private entry, not exceeding eight hundred arpens for each of the three persons first above named, and twelve hundred arpens for said Colligan, in lieu of, and in compensation for, a claim of that quantity allowed to them by the board of commissioners appointed for the final adjustment of private land claims in the State of Missouri, and confirmed to them by "An act confirming claims to land in the State of Missouri, and for other purposes," approved July fourth, eighteen hundred and thirty-six; and the register or registers of the land offices aforesaid shall receive the proper applications and proofs, and shall issue the necessary certificate or certificates, on return of which to the General Land Office, with proofs sufficient, in the opinion of the Secretary of the Interior, to establish the right of the claimants as such legal representatives, a patent or patents shall issue, as in other cases.

APPROVED, January 12, 1855.

No. 14.—An Act for the Relief of the Heirs and Representatives of Uriah Prewit, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs and legal representatives of Uriah Prewit, deceased, be, and they are, authorized to locate on any unappropriated public lands in the State of Louisiana, the quantity of four hundred and twenty-four acres; and on obtaining a proper certificate of such location from the local land office, under the instructions of the Commissioner of the General Land Office a patent shall issue to them.

APPROVED, January 12, 1855.

No. 15.—An Act for the Relief of the Heirs and Legal Representatives of William Weeks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs and legal representatives of William Weeks be, and they are hereby, confirmed in their claim to a tract of land, containing two thousand and thirty arpens, situated in the parish of West Feliciana, State of Louisiana, being the same granted to said William Weeks, by an order of survey of Grand Pre, then Governor of West Florida, on the thirty-first day of May, one thousand eight hundred and six, according to the survey made by Ira C. Kneeland, deputy surveyor, under commission from said Governor on the twenty-second day of September, one thousand eight hundred and six, of record in the office of the register of the land office at Greensburg, Louisiana, and a patent shall issue therefor: *Provided*, That this act shall be held and taken only as a relinquishment on the part of the United States.

APPROVED, January 12, 1855.

No. 16.—An Act for the Relief of Purser Francis B. Stockton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to Francis B. Stockton, a purser in the United States Navy, out of any money in the Treasury not otherwise appropriated, the sum of sixty-seven dollars and fifty-seven cents, being the amount of loss sustained by him by reason of making his deposits of public money in the Phœnix Bank, Charlestown, Massachusetts: *Provided*, That the said sum shall be received in full of all demands against the Government on this account.

APPROVED, January 12, 1855.

No. 17.—An Act for the Relief of C. E. Greneaux.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to examine into the claim of the United States against C. E. Greneaux, one of the sureties of Benoist Laurents, late a receiver of public moneys at the land office at Natchitoches, in Louisiana, and the circumstances of said Greneaux, and to settle and discharge said claim upon such terms as he shall judge most for the interest of the United States, the same relief having been allowed in behalf of his co-sureties, by an act entitled "An act for the relief of the estates of Benjamin Metoyer and François Garienne, deceased," passed March third, eighteen hundred and forty-seven.

APPROVED, January 12, 1855.

No. 18.—An Act for the Relief of Mrs. Ann W. Angus.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to continue to Ann W. Angus, for a further term of five years from the fourth of March, one thousand eight hundred and fifty-four, the pension heretofore paid her, and which expired on the fourth of March, one thousand eight hundred and fifty-four, as aforesaid: *Provided*, That nothing herein shall be construed to entitle her to a greater amount than half the pay of her said husband in any one year.

APPROVED, January 12, 1855.

No. 19.—An Act for the Relief of Thomas B. Parsons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas B. Parsons, who was disabled while in the naval service of the United States, in the successful effort to save the lives of seven persons, the sum of three dollars per month from the first day of September, eighteen hundred and eight, to the first day of June, eighteen hundred and thirty-five, the same being the difference between the rate of pension of a seaman and that of a coxswain, which grade he filled at the time of the injury.

APPROVED, January 12, 1855.

No. 20.—An Act for the relief of Thomas Butler.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Thomas Butler, of the city of New York, the sum of two thousand nine hundred and twenty-two dollars, being the cost of extra work performed and materials furnished in the construction of a light-house on Execution Rocks, in Long Island Sound, by order of the engineer in charge, and not within the terms of a contract executed by said Thomas Butler for the construction of said light-house, on the fourth day of August, eighteen hundred and forty-seven.

APPROVED, January 12, 1855.

No. 21.—An Act for the Benefit of Charles J. Porcher, Acting Purser of the Sloop-of-War Falmouth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer be, and he is hereby, authorized and directed to pay to Charles J. Porcher, out of any money in the Treasury not otherwise appropriated, the amount properly payable to a purser of the rank assigned to a sloop of war, for his services as acting purser of the United States sloop of war Falmouth, whilst on service in the Pacific ocean, from the date of the death of Purser William B. Hartwell until the appointment of John Y. Mason, junior, in his stead, to wit: from the twelfth day of July, eighteen hundred and forty-nine, to the fourteenth day of March, eighteen hundred and fifty, deducting

therefrom the amount paid to the said Porcher for the same period as commander's clerk.

APPROVED, January 12, 1855.

No. 22.—An Act for the Relief of William Duer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby, directed to audit, settle, and adjust an account of the necessary expenses incurred by William Duer, while consul of the United States at the port of Valparaiso, in Chili, during the year eighteen hundred and fifty-two, in the support and defense of William N. Stuart, an American citizen, arrested and arraigned before the courts of Chili upon a charge of murder, and for the transportation of said Stuart to the United States after his release, together with an equitable advance upon the amount thus ascertained, for the use of the money during the interval, and pay the same to said William Duer, his heirs or assigns, out of any money in the Treasury not otherwise appropriated.

APPROVED, January 12, 1855.

No. 23.—An Act for the Relief of François Cousin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That François Cousin be, and he is hereby, confirmed in his title to all those parts of sections twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-five, and thirty-six, in township eight south, of range twelve east, which are included within the limits of the original claim of the said François Cousin, filed before the commissioner to adjust private land claims in Louisiana; also, all that parcel of land described as section forty, in township eight south, of range twelve east, and section thirty-seven, in township eight south, of range thirteen east, all being in the parish of St. Tammany, and State of Louisiana.

SEC. 2. *And be it further enacted*, That the Commissioner of the General Land Office shall issue a patent or patents to the said François Cousin for the lands above confirmed.

APPROVED, January 12, 1855.

No. 24.—An Act for the Relief of the Legal Representatives of James Erwin, of Arkansas, and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, directed to investigate, audit, allow, and pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of James Erwin, of Arkansas, a fair and full remuneration for the actual losses he sustained in consequence of a contract he made with the United States in September, eighteen hundred and thirty-four, to supply provisions and transportation for the use of the Creek Indians expected to emigrate from the eastern to the western side of the Mississippi river, but who did not emigrate.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, directed to investigate, audit, allow, and pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of James Erwin, and to the heirs or legal representatives of Daniel Greathouse, deceased, a full and fair remuneration for the actual losses sustained in consequence of a contract made by said Erwin and said Daniel Greathouse, in his lifetime, and the United States, in December, eighteen hundred and thirty-five, to supply provisions and transportation for the use of the Seminole Indians expected to emigrate from the eastern to the western side of the Mississippi river, but who failed to emigrate: *Provided*, That in estimating the loss in either case, the Secretary of War shall first ascertain the actual cost of delivering the several articles named in the contract at the places appointed for their delivery, and then what they could have been sold for at auction or otherwise, in the hands of a prudent agent, and the difference, if any, shall be considered the sum actually lost.

APPROVED, January 12, 1855.

No. 25.—An Act for the Relief of Susan Coody, and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of nineteen hundred and ninety-two dollars and sixty-two cents be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Susan Coody and others, of the Cherokee tribe of Indians, for property destroyed near Fort Gibson by United States soldiers, on the twelfth of March, eighteen hundred and forty-five, in the proportion and sums respectively due them according to the report of the Committee of Indian Affairs of the Senate of date June twenty-four, eighteen hundred and fifty: *Provided*, That the same shall be received in full of all demands against the Government on this account.

APPROVED, January 12, 1855.

No. 26.—An Act for the Relief of the Representatives of Thomas D. Anderson, deceased, late Consul of the United States at Tripoli.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they hereby are, directed to settle an account with the proper personal representatives of Thomas D. Anderson, deceased, late consul of the United States at Tripoli, for contingent expenditures of said consulate, from the thirty-first December, in the year eighteen hundred and twenty-one, up to the period when he ceased acting as such consul; and in full for all claims for such expenditures and other demands arising out of said consulate, after said thirty-first December, eighteen hundred and twenty-one, to allow them at the rate of seven hundred and fifty dollars per annum during the same period, which sum shall be paid to said personal representatives out of any money in the Treasury not otherwise appropriated.

APPROVED, January 12, 1855.

No. 27.—An Act for the Relief of the Administrator of Thomas Wishart.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, required to pay, out of any money in the Treasury not otherwise appropriated, to the legal representative or representatives of Thomas Wishart, late a lieutenant in the Continental line of the Army of the United States in the war of the Revolution, five years' full pay of a lieutenant of infantry.

APPROVED, January 18, 1855.

No. 28.—An Act for Indemnifying Moses D. Hogan, for Cattle destroyed by the Indians in eighteen hundred and forty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Moses D. Hogan, or to his legal representatives, the sum of five hundred dollars, out of any money in the Treasury not otherwise appropriated, in full satisfaction of his claim against the United States for cattle taken or destroyed, in the year one thousand eight hundred and forty-two, by a band of Indians, supposed to be a portion of the Sioux, while the said Hogan was conveying said cattle to a post of the United States, at or near Fort Snelling, in pursuance of a contract entered into by Amos J. Bruce, sub-agent on the part of the United States for the Sioux Indians.

APPROVED, January 18, 1855.

No. 29.—An Act for the Relief of the Legal Representatives of Colonel John H. Stone.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of Colonel John H. Stone, the half-pay of a colonel in the Continental line of the Army of the United States; the said half-pay to commence on the first day of August, seventeen hundred and seventy-nine, and to terminate on the fifth day of October, eighteen hundred and four, the day of his death. The same being then due and unpaid to the said Colonel John H. Stone, in virtue of the resolution of Congress of the twenty-sixth of August, seventeen hundred and seventy-six, which engaged to allow half-pay for life to such officers and soldiers as should lose a limb in any engagement, or be so disabled in the service of the United States of America as to render them incapable afterwards of getting a livelihood, the said pay to commence from and after the time that their pay as an officer or soldier ceased.

APPROVED, January 18, 1855.

No. 30.—An Act for the Relief of David B. Sears.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That David B. Sears be, and he is hereby, authorized to enter the fractional quarter sections of land on Rock Island, in the Mississippi river and State of Illinois, necessary to secure to him the full and complete use of the water-power as now improved and used by him on the north side of said island; they being the east half of the southwest fractional quarter of fractional section twenty-nine, containing twenty-eight acres and ten hundredths, the southeast fractional quarter of the same fractional section, containing four acres and nine hundredths, and the northeast fractional quarter of fractional section thirty-two, containing three acres and twenty-six hundredths, all of which are situated in township eighteen north of the base line, range one west of the fourth principal meridian, upon his paying to the receiver of public moneys at Dixon, the minimum price of one dollar and twenty-five cents per acre for the same, upon which a final certificate and patent shall issue as in other cases.

APPROVED, January 24, 1855.

No. 31.—An Act for the Relief of the Children and Heirs of Major General Baron DeKalb.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of the claims, services, and sacrifices of the late Major General Baron DeKalb, in the war of the Revolution, the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the children and heirs of Baron DeKalb, named in the petition, the sum of sixty-six thousand and ninety-nine dollars and seventy-six cents, out of any money in the Treasury not otherwise appropriated.

APPROVED, January 25, 1855.

No. 32.—An Act for the Relief of Sylvester Humphrey and the Heirs of Alexander Humphrey, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sylvester Humphrey and the heirs of Alexander Humphrey, deceased, the sum of twenty-five hundred dollars, one moiety thereof to Sylvester Humphrey, and the other moiety to the heirs of Alexander Humphrey, deceased, for rebuilding the wharf at Staten Island after it had been destroyed by the storm of the third of September, eighteen hundred and twenty-one.

APPROVED, January 25, 1855.

No. 33.—An Act for the Relief of Joseph Webb.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pension of Joseph Webb be increased so that he shall be entitled to receive, from and after the first day of January, eighteen hundred and fifty-two, the sum of eight dollars per month during his natural life, in lieu of the pension which he now receives under the act of the twenty-fifth June, eighteen hundred and fifty-four.

APPROVED, January 31, 1855.

No. 34.—An Act to repeal "An act for the Relief of the Legal Representatives of Samuel Prioleau, deceased."

Be it enacted by the Senate and House of Repre-

sentatives of the United States of America in Congress assembled, That the act entitled "An act for the relief of the legal representatives of Samuel Prioleau, deceased," approved July twenty-seventh, eighteen hundred and fifty-four, be, and the same is hereby, repealed.

APPROVED, January 31, 1855.

No. 35.—An Act for the Relief of Zebina Rawson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be instructed to place the name of Zebina Rawson upon the pension roll, and to pay him eight dollars per month, from March the first, eighteen hundred and fifty-two, during his natural life.

APPROVED, January 31, 1855.

No. 36.—An Act for the Relief of James Wright, Jr., of the State of Tennessee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pension of James Wright, jr., of the State of Tennessee, be increased from five dollars and thirty-three cents to eight dollars per month, from the first day of May, in the year eighteen hundred and fifty-four; and that the Secretary of the Interior be directed to cause him to [be] paid the pension of eight dollars per month from said first day of May, in the year eighteen hundred and fifty-four, during his life, instead and in lieu of his pension of five dollars and thirty-three cents per month heretofore paid him.

APPROVED, January 31, 1855.

No. 37.—An Act for the Relief of William Hankins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to pay to William Hankins the sum of two hundred and forty-four dollars and eighty cents; which sum is to be received in full discharge of all claim against the United States growing out of a contract made on the fifteenth of August, one thousand eight hundred and thirty-five, for the delivery of wood at Fort Johnson, in the State of North Carolina.

APPROVED, January 31, 1855.

No. 38.—An Act for the Relief of Thomas Marston Taylor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, directed to allow to Thomas Marston Taylor, a purser in the United States Navy, in the settlement of his accounts, for such deficiency as he shall show to exist by reason of his making deposits of Treasury notes in the Phœnix Bank, at Charlestown, Massachusetts, subsequent to the month of April, eighteen hundred and forty-two: *Provided*, That the said sum shall be received in full of all demands against the Government on this account.

APPROVED, February 6, 1855.

No. 39.—An Act to increase the Pension of Patrick C. Miles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to increase the pension of Patrick C. Miles, (late a sergeant of company K, first regiment of infantry, United States Army, and who lost a leg, and was otherwise injured, while gallantly leading to the assault at the storming of Monterey,) to the rate of thirteen dollars per month, the amount of his duty pay; this increase to take effect from the first day of January, eighteen hundred and fifty-four, and continue during his natural life.

APPROVED, February 10, 1855.

No. 40.—An Act for the Relief of Samuel A. Belden and Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit and settle an account of the duties paid by Samuel A. Belden and Company, to the officers of the United States charged with their collection, in the city of Matamoras, in the Republic of Mexico, whilst that city was in the military possession of the United States, upon merchandise, except tobacco, imported by them into Matamoras during that period, which, after the restoration of peace between the two countries, they were deprived of, either in the form in which imported, or in the proceeds of sales, by illegal seizure, confiscation, sequestration, or their forced abandonment of the same by the judicial authorities of the Mexican Government, and pay the amount thus ascertained to the said Samuel A. Belden and Company, out of any money in the Treasury not otherwise appropriated, upon the execution by them of a proper and legal assignment to the United States of all their right to the amount so refunded when recovered from the Government of Mexico.

APPROVED, February 10, 1855.

No. 41.—An Act confirming a Land Claim to Elijah White, of the Territory of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of Doctor Elijah White, to six hundred and forty acres of land on Baker's Bay, near Cape Disappointment, formerly in Oregon, now in Washington Territory, under the act of Congress approved September twenty-seven, eighteen hundred and fifty, creating the office of surveyor general, and making donations in Oregon, shall not suffer any prejudice by reason of his absence from his settlement, as set forth in his petition; but the said claim, if in other respects within the provisions of the said act of September twenty-seven, eighteen hundred and fifty, shall be confirmed by the surveyor general to said Elijah White and his assignees, but not to interfere with any reservation that may be needed by the United States for light-house or other public uses, nor to the prejudice of any valid adverse right, if such exist.

APPROVED, February 10, 1855.

No. 42.—An Act for the Relief of the Administrators of Oliver Lee, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay to Charles H. Lee, administrator, and Eliza Lee, administratrix, of the estate of Oliver Lee, late of the city of Buffalo, deceased, out of any moneys in the Treasury not otherwise appropriated, the sum of five hundred and eighty dollars and thirty-two cents, it being for the amount of a judgment recovered by the said Oliver Lee against Pierre A. Barker, formerly collector of the port of Buffalo Creek, in the circuit court of the United States for the northern district of New York, in the second circuit, and which was docketed on the said thirtieth August, eighteen hundred and forty-four.

APPROVED, February 10, 1855.

No. 43.—An Act for the Relief of George Bush, of Thurston county, Washington Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of George Bush to six hundred and forty acres of land in Thurston county, Washington Territory, in virtue of his early settlement and continued residence and cultivation, as set forth in the memorial passed on the seventeenth March, eighteen hundred and fifty-four, by the Legislative Assembly of Washington Territory, be, and the same is hereby, confirmed —the one half to the said George Bush, and the other half to his wife; and it shall be the duty of the surveyor general of the said Territory of Washington to designate and set apart the quantity of land aforesaid, to embrace the residence and settlement of the said George Bush, according to the lines of the public surveys, and for the claim hereby confirmed, but not in such a manner as to interfere with any reserve or valid adverse right, if any such exist, to any part of the land claimed as aforesaid; and upon the presentation of a certificate from the surveyor general, designating the land which may be officially set apart under this act, a patent shall issue, if the proceedings are found regular by the Commissioner of the General Land Office.

APPROVED, February 10, 1855.

No. 44.—An Act for the Relief of John Steene.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be instructed to place the name of John Steene upon the roll of invalid pensions, and to pay him a pension, at the rate of eight dollars per month, during his natural life, commencing on the first day of January, eighteen hundred and fifty-three.

APPROVED, February 10, 1855.

No. 45.—An Act for the Relief of Catharine B. Arnold.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Catharine Bryant Arnold, widow of the late Major Ripley A. Arnold, upon the list of pensioners, and to pay to her a pension at the rate of one half the pay per month to which her said husband was entitled at the time of his death; said pension to commence on the sixth day of September, one thousand eight hundred and fifty-three, and continue during her natural life or widowhood.

APPROVED, February 10, 1855.

No. 46.—An Act for the Relief of the Heirs-at-Law of William Van Wart, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to pay to the children of William Van Wart, deceased, late a pensioner of the United States, a sum equal to forty dollars per annum, from the fourth day of March, eighteen hundred and thirty-one, to the date of the death of said deceased.

APPROVED, February 10, 1855.

No. 47.—An Act for the Relief of E. J. McLane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and required to pay to E. J. McLane, or his legal representative, the sum of one thousand six hundred and ninety-two dollars and forty-five cents, being compensation for his services and expenses as inspector of the customs in the collection district of Brazos de St. Jago, in the State of Texas, while seizing and detaining horses and mules smuggled into the United States from Mexico: *Provided*, He shall produce before the accounting officers satisfactory vouchers for the same, or to allow and pay such part as shall be so vouched.

APPROVED, February 10, 1855.

No. 48.—An Act for the Relief of the Heirs of Joseph Gerard.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Reese A. P. Gerard, William Gerard, and Rachel Blue, (formerly Rachel Gerard,) the only children and heirs of Joseph Gerard, a messenger of the United States to the Indians, who was killed in seventeen hundred and ninety-two, be, and they or their heirs are hereby, permitted to enter, each one of them severally, or his or their heirs, one section of the public lands, without the payment of any consideration for said three sections, being in full payment for the patriotic services of said Joseph Gerard, and in accordance with the spirit of the inducements authorized by President Washington to be held out to such persons as would consent to carry a message from Fort Washington, now Cincinnati, in seventeen hundred and ninety-two, to the hostile Indians of the then Northwest Territory.

APPROVED, February 10, 1855.

No. 49.—An Act for the Relief of Daniel Morse, of Essex, County of Chittenden, in the State of Vermont.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, directed to place the name of Daniel Morse, of Essex, county of Chittenden, and State of Vermont, on the list of invalid pensioners, at the rate of eight dollars per month, commencing from the first day of March, eighteen hundred and fifty-four.

APPROVED, February 10, 1855.

No. 50.—An Act for the Relief of Polly Carver, Widow and Executrix of Nathan Carver, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of three hundred and thirty-four dollars and seventy-nine cents be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, for the payment and full satisfaction of the claims against the Government of the said Polly Carver, as widow and executrix of the said Nathan Carver, deceased.

APPROVED, February 13, 1855.

No. 51.—An Act for the Relief of Samuel McKnight, of the State of Kentucky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Samuel McKnight, of the State of Kentucky, on the list of invalid pensioners of the United States, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and fifty-three, and to continue during his natural life.

APPROVED, February 13, 1855.

No. 52.—An Act for the Relief of George Lynch.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That George Lynch, of St. Charles county, Missouri, shall be paid a full pension of eight dollars per month, instead and in lieu of six dollars per month, the amount which he is now receiving under a special act of Congress heretofore passed for his benefit. Said pension of eight dollars a month to commence on the sixth day of June, anno Domini eighteen hundred and fifty-two, the time at which his proof of total disability was perfected.

APPROVED, February 13, 1855.

No. 53.—An Act for the Relief of Abraham Ausman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed to increase the pension of Abraham Ausman, whose name is now on the rolls at six dollars, to the rate of eight dollars per month, to commence on the first of January, eighteen hundred and fifty-four.

APPROVED, February 13, 1855.

No. 54.—An Act for the Relief of Lincoln Bates.

Be it enacted by the Senate and House of Representatives of the United States of America, That the Secretary of the Treasury be directed to pay to Lincoln Bates, out of moneys not otherwise appropriated, the sum of fifty-five dollars, in full of the damages sustained by him as a night watchman in the public stores at New York, in July, one thousand eight hundred and forty-nine, in suppressing a fire therein, being the amount of his account, as now on file in the Treasury Department.

APPROVED, February 13, 1855.

No. 55.—An Act for the Relief of John Cole.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to pay to John Cole, of Lake county, Ohio, now a pensioner of the United States, the sum of ninety-six dollars per annum, in lieu of any pension heretofore allowed to him; such pension to be computed from the day of the passage of this act, and to be continued during his natural life.

APPROVED, February 13, 1855.

No. 56.—An Act for the Relief of Eleanor Hoople, of the Province of Canada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized, from any money in the Treasury not otherwise appropriated, to pay to Eleanor Hoople, a widow, residing in the Province of Canada, the sum of three hundred dollars, for care, services, and attention rendered by herself and husband, in eighteen hundred and fourteen, to David Holden, an American soldier.

APPROVED, February 13, 1855.

No. 57.—An Act for the Relief of William Wallace, of Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be authorized and directed to place the name of William Wallace, of the State of Illinois, on the list of invalid pensioners of the United States, at the rate of six dollars per month, from the fourth day of March, in the year eighteen hundred and fifty-four, and to continue during his natural life.

APPROVED, February 13, 1855.

No. 58.—An Act for the Relief of the Legal Representatives of John Putnam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay out of any money in the Treasury not otherwise appropriated, to the legal representatives of John Putnam, the sum of seven hundred and ninety-five dollars and seventy-eight cents, in payment for his services and money paid for the United States at the port of Genesee, New York.

APPROVED, February 13, 1855.

No. 59.—An Act for the Relief of William Gove.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, directed to place the name of William Gove, of the State of Maine, upon the pension rolls, and cause him to be paid the sum of eight dollars per month, so long as he shall live, commencing January first, eighteen hundred and fifty-four.

APPROVED, February 13, 1855.

No. 60.—An Act granting Bounty Land to Cornelius Coffey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to issue to Cornelius Coffey, late a private in company G, eighth infantry, United States Army, a land warrant for one hundred and sixty acres of land.

APPROVED, February 13, 1855.

No. 61.—An Act for the Relief of John Brown, second, of New Hampshire.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be authorized and required to place the name of John Brown, second, of the State of New Hampshire, on the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the ninth day of February, eighteen hundred and fifty-two, to continue during his natural life.

APPROVED, February 13, 1855.

No. 62.—An Act for the Relief of William Parker.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior cause to be paid to William Parker, of New York, the sum of four dollars per month, so long as he shall live, commencing January first, anno Domini eighteen hundred and fifty-three. This sum to be in addition to the pension of four dollars per month granted him by act of May nineteenth, eighteen hundred and twenty-four.

APPROVED, February 13, 1855.

No. 63.—An Act for the Relief of Gilbert C. Russell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, or cause to be paid, out of any money in the Treasury not otherwise appropriated, to Gilbert C. Russell, of the State of Alabama, twenty thousand dollars: *Provided*, The same shall be received and receipted for by the said Gilbert C. Russell in full satisfaction of all balance of claims and demands of every description in his favor against the Government of the United States, growing out of, or in any manner connected with, the construction of the fort at Mobile Point, in the State of Alabama.

APPROVED, February 13, 1855.

No. 64 —An Act for the Relief of William Case.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William Case and his surety, Harrison Gould, be, and hereby are, released from a judgment for the sum of three hundred and twenty dollars rendered against them in favor of the United States, at the March term of the circuit court of the United States, held at Clarksburg, in the State of Virginia, in the year eighteen hundred and fifty-three: *Provided*, That before satisfaction of the same shall be entered, the said defendant shall pay all the costs accrued upon the said judgment.

APPROVED, February 13, 1855.

No. 65.—An Act for the Relief of Sidney P. Pool, of the State of Maine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, directed to place the name of Sidney P. Pool upon the roll of invalid pensioners, and that said Pool be paid a pension, at the rate of six dollars per month, from the first day of January, in the year one thousand eight hundred and fifty-four.

APPROVED, February 13, 1855.

No. 66.—An Act for the Relief of George Elliott.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That George Elliott, of Franklin county, Missouri, shall be allowed a pension of eight dollars a month, instead of the pension of six dollars a month which he is now receiving, under a special act of Congress, said increase of pension to commence and be calculated from the first day of January, anno Domini eighteen hundred and fifty-two, when his proof of total disability was perfected.

APPROVED, February 13, 1855.

No. 67.—An Act for the Relief of Lieutenant George H. Paige, of the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the United States Treasury be, and he is hereby, directed to allow and credit to Lieutenant George H. Paige the sum of sixty-two dollars and twenty-three cents, the amount paid by him to one Philips, a private in the United States Army, for services as an auctioneer, in June, eighteen hundred and forty-nine.

APPROVED, February 13, 1855.

No. 68.—An Act for the Relief of John H. Hicks, of Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, instructed to place the name of John H. Hicks, of Indiana, upon the list of invalid pensioners, at the rate of eight dollars per month, from the first day of January, eighteen

hundred and fifty-three, and to continue during his natural life.

APPROVED, February 13, 1855.

No. 69.—An Act to provide a Pension for Oliver Brown, of Chemung County, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Oliver Brown, of the county of Chemung, in the State of New York, be, and he is hereby, required to be placed upon the pension roll, at the rate of four dollars per month, from the first day of March, eighteen hundred and fifty-four.

APPROVED, February 13, 1855.

No. 70.—An Act to provide a Pension for Edmund Mitchell, of Carroll County, in the State of Kentucky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Edmund Mitchell, of Carroll county, in the State of Kentucky, be placed upon the pension roll, at the rate of eight dollars per month, to commence on the first day of March, eighteen hundred and fifty-four.

APPROVED, February 13, 1855.

No. 71.—An Act for the Relief of George J. Rallston.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be instructed to place the name of George J. Rallston upon the pension roll, and to pay him at the rate of eight dollars per month, from the first day of January, eighteen hundred and fifty-four, to continue during his life.

APPROVED, February 13, 1855.

No. 72.—An Act for the Relief of the Heirs of Larkin Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to the legal representatives of Larkin Smith, five years' full pay of a captain of cavalry, the same being due the said Larkin Smith for services as a captain of cavalry in the Army of the United States in the war of the Revolution.

APPROVED, February 13, 1855.

No. 73.—An Act for the Relief of the Widow and Children of Ezra Chapman, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, required to pay to the lawful administrators of Ezra Chapman, late of Tolland, Connecticut, deceased, for the benefit of his widow and children, the sum of eight hundred and forty dollars, the same being the aggregate amount of seven years' half-pay of Ezra Chapman, the father of the aforesaid Ezra Chapman, deceased, who was an ensign in the army of the Revolution, and died in the service of the United States, on the first day of September, seventeen hundred and seventy-eight, and which sum of money was due to the said Ezra Chapman, deceased, on account of the services of his said father, by the provisions of the resolution of Congress passed the twenty-fourth day of August, seventeen hundred and eighty.

APPROVED, February 14, 1855.

No. 74.—An Act for the Relief of Don B. Juan Domereq, a Spanish subject.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to examine and investigate the claim of Don B. Juan Domercq, a Spanish subject, for a quantity of tobacco belonging to him, and taken and used for purposes of defense, by order of Colonel Childs, at the siege of Puebla, in Mexico, in the year anno Domini eighteen hundred and forty-seven, and to allow and pay said Domercq for so much of said tobacco, not exceeding in quantity seven hundred and twenty-one bales, and at a price not exceeding twenty-four dollars the bale, as shall be proved, to the satisfaction of said Secretary, to have been destroyed or lost in consequence of said tobacco having been taken and used as aforesaid. And the said Secretary of War shall also allow and pay said Domercq damages for the injury done to eight hundred and twenty-three bales of tobacco returned to him after being used in barricading the streets, &c., of Puebla: *Provided*, Said damage shall be proved to the satisfaction of the said Secretary, and provided the amount allowed shall not exceed one dollar per bale.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury is hereby directed to pay to said Domercq such sum as shall be allowed him, upon such investigation, out of any money in the Treasury not otherwise appropriated, in full satisfaction of any claim upon the Government of the United States.

APPROVED, February 14, 1855.

No. 75.—An Act for the Relief of Medford Caffey, of the State of Tennessee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury cause to be paid to Medford Caffey, of the State of Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and six dollars, in full compensation for his horse and equipage lost in the Seminole campaign of eighteen hundred and eighteen.

APPROVED, February 17, 1855.

No. 76.—An Act for the Relief of Zachariah Lawrence, of Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to Zachariah Lawrence, of Morgan county, in the State of Ohio, out of any money in the Treasury not otherwise appropriated, the sum of twenty-six hundred and forty-five dollars and forty cents, his portion of the prize money for capturing and taking into the port of Passamaquoddy, in eighteen hundred and thirteen, the British sloop Venture. And there shall be paid to each of the other persons composing the boat's crew, severally, or to their legal representatives, the sum of thirteen hundred and twenty-two dollars and seventy cents, as the share of each in the capture of the said sloop Venture, on satisfactory proof being made to the Secretary of the Treasury of their being such persons or their legal representatives.

APPROVED, February 17, 1855.

No. 77.—An Act for the Relief of William Hagerty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay to William Hagerty, out of any money in the Treasury not otherwise appropriated, the sum of nine hundred and sixty-four dollars and eighty cents, in full payment of his claim for grading the street around the Capitol inclosure.

APPROVED, February 17, 1855.

No. 78.—An Act for the Relief of Henry H. Marsh.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry H. Marsh be, and he is hereby, authorized to relinquish to the United States the east half of the northeast quarter of section number four, of township number eight south, of range number thirteen west, in the district of lands subject to sale at Kalamazoo, in the State of Michigan, entered by him by mistake, on or about the twenty-first day of July, eighteen hundred and thirty-six, and to apply the money paid for said tract to the purchase of any other lands that may be subject to entry at private sale, at the minimum price of one dollar and twenty-five cents per acre.

APPROVED, February 21, 1855.

No. 79.—An Act for the Relief of Rebecca Winn, Widow and Executrix of the Last Will and Testament of Timothy Winn, deceased, late a Purser in the Navy of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and they are hereby, required to adjust the accounts of the late purser Timothy Winn so as to allow his legal representative the sum of six hundred dollars per annum, for clerk hire during his service as purser at the Washington navy-yard, deducting therefrom whatever payments on account of clerk hire have already been made, either by allowance of the Department or by judgment of the court of this district.

APPROVED, February 21, 1855.

No. 80.—An Act increasing the Pension of Anthony W. Bayard, of Bellefont, in the State of Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pension now received by Anthony W. Bayard, of Bellefont, in the State of Pennsylvania, be increased to twenty dollars per month, and that the said pension be paid him from the first day of January, in the year eighteen hundred and fifty-two, deducting the amount of the pension he has already received since that date; and that hereafter his pension shall be twenty dollars per month, during his life, instead of eight dollars per month, which he now receives.

APPROVED, February 24, 1855.

No. 81.—An Act for the Relief of Mrs. Helen Mackay, Administratrix of Lieutenant Colonel Æneas Mackay, late a deputy quartermaster in the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury, in settling the accounts of Lieutenant Colonel Æneas Mackay, deceased, deputy quartermaster general in the United States Army, be authorized and directed to allow, as a credit for twenty-five thousand dollars, the receipt of Captain William D. McKissack for that amount, dated the first day of May, eighteen hundred and forty-seven, as well as the receipt of the said Captain William D. McKissack for a similar amount, dated the fourteenth day of August, eighteen hundred and forty-seven.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury pay to Mrs. Helen Mackay, administratrix of Colonel Æneas Mackay, deceased, out of any money in the Treasury not otherwise appropriated, whatever balance may be found to be due to her late husband, upon a final settlement of his accounts, in the manner directed by the first section of this act.

APPROVED, February 28, 1855.

No. 82.—An Act granting Bounty Land to Susan Palmer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to issue unto Susan Palmer, widow of Lieutenant Innis B. Palmer, deceased, a land-warrant certificate for one hundred and sixty acres of land, in consideration of his services during the war of eighteen hundred and twelve, in the same manner as if the said Innis B. Palmer's name had been enrolled as a lieutenant, and not as a deputy wagon-master.

APPROVED, February 28, 1855.

No. 83.—An Act for the Relief of Lot Davis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior cause the name of Lot Davis to be placed upon the roll of invalid pensioners, at the rate of six dollars per month, during his life, to commence January first, eighteen hundred and fifty.

APPROVED, February 28, 1855.

No. 84.—An Act for the Relief of the Heirs of Brigadier General Richard B. Mason.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the provisions of the act, approved February third, eighteen hundred and fifty-three, entitled "An act for the relief of Brevet Brigadier General Riley, and to enable him to settle his accounts with the United States," be, and they are hereby, applied to the heirs of Brigadier General Richard B. Mason, in reference to all moneys raised and collected by him for contributions, penalties, internal assessments, duties, or other objects, in California, from June first, eighteen hundred and forty-seven, to April fifteenth, eighteen hundred and forty-nine, and that the proper accounting officers of the Treasury Department, in settling the accounts of the said Mason, be, and they are hereby, authorized and required to allow, as a credit, a commission of one and a half per cent. upon the moneys so raised, collected, and disbursed by the said Mason while he was Governor of California during the time stated above.

APPROVED, March 2, 1855.

No. 85.—An Act for the Relief of John R. Bowes, Agent in charge of the Property of the United States at Michigan City, in the State of Indiana, and of Isaac S. Smith, of the City of Buffalo, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and are hereby, authorized and directed to pay to John R. Bowes, of the State of Indiana, agent in charge of the property of the United States at Michigan City, in said State, the sum of four hundred and seventy dollars and thirty-three cents, in payment and in full discharge of all claims of said Bowes against the United States for services as said agent.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Isaac S. Smith, the sum of four hundred and fifty-two dollars and thirty-two cents, in full for his account for care and charge of the public property at the city of Buffalo, up to the thirtieth day of April, eighteen hundred and fifty-three, under the direction of the Topographical Bureau.

APPROVED, March 2, 1855.

No. 86.—An Act for the Relief of the Heirs and Legal Representatives of Joseph Savage, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, required to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of Joseph Savage, deceased, five years' full pay of a surgeon's mate in the Continental line of the army of the Revolution, being the full amount of the sum due to the said Joseph Savage, deceased, for commutation of half-pay as surgeon's mate in the Virginia Continental line of the revolutionary army: *Provided*, That the said sum shall be received in full of all demands against the Government on this account.

APPROVED, March 2, 1855.

No. 87.—An Act for the Relief of Daniel Searle and Company, for Extra Service rendered the Post Office Department of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Post Office Department be, and they are hereby, authorized and required to settle the account of Daniel Searle and Company, for extra services rendered under the order of the said Department during their contract, made in eighteen hundred and thirty-five, for carrying the mail on routes numbers nine hundred and fifty-six, nine hundred and seventy-nine, and eleven hundred and fifty-seven, from Jersey City to Owego, in the State of New York, and to allow him a *pro rata* compensation for said extra service; and that the amount found due be paid to said Searle, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 2, 1855.

No. 88.—An Act for the Relief of Charles W. Carroll.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and there is hereby, appropriated the sum of five thousand dollars, to be paid to Charles W. Carroll, out of any money in the Treasury not otherwise appropriated, as compensation and damages for injuries sustained by him by reason of his wrongful arrest and imprisonment as a deserter from the Army of the United States.

APPROVED, March 2, 1855.

No. 89.—An Act for the Relief of Henry S. Sanford.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Henry S. Sanford, late acting chargé d'affaires of the United States at Paris, the sum of six thousand two hundred and twenty-three dollars and eighty-two cents, it being the amount of the difference between the salary received by him as secretary of legation at Paris, from the fourteenth day of May, eighteen hundred and fifty-three, to the twenty-second day of January, eighteen hundred and fifty-four, and the salary of a chargé d'affaires for the same period, together with the usual outfit of a chargé d'affaires. And for necessary clerk hire paid by him while secretary of legation at Paris, the further sum of eleven hundred and seventy dollars and sixty-three cents.

APPROVED, March 2, 1855.

No. 90.—An Act for the Relief of the Children and Grandchildren of Thomas Morris.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and are hereby, required to pay to the children and grandchildren of Thomas Morris, who was a captain in the Georgia line on the Continental establishment in the revolutionary war, and who died in the service of the United States during said war, the full amount of the half-pay of a captain of artillery for seven years; to be paid out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, Said heirs, before the payment thereof, exhibit to the Secretary of the Treasury satisfactory proof that they are the only children and grandchildren of the said Thomas Morris.

APPROVED, March 2, 1855.

No. 91.—An Act for the Benefit of the Heirs of Philip R. Rice, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to the heirs of Philip R. Rice, deceased, out of any money in the Treasury not otherwise appropriated, the sum of three thousand four hundred and fifty dollars, in full payment for the loss of a vessel in the service of the United States, during the war of the Revolution.

APPROVED, March 2, 1855.

No. 92.—An Act for the Relief of Charles H. Pointer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Charles H. Pointer upon the roll of invalid pensioners of the United States, at the rate of eight dollars per month, and that the said pension commence on the first day of January, eighteen hundred and fifty-four, and continue during his life.

APPROVED, March 2, 1855.

No. 93.—An Act for the Relief of Parmelia Slavin, late the Wife of John Blue, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior cause the name of Parmelia Slavin, the widow of William Slavin, deceased, and lately the widow of John Blue, deceased, to be placed upon the roll of pensioners of the United States, at the rate of four dollars per month, for five years, from the first day of January, anno Domini one thousand eight hundred and forty-eight, in full satisfaction of her claim to pension as widow of the said John Blue.

APPROVED, March 2, 1855.

No. 94.—An Act for the Relief of Amos Knapp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to pay to Amos Knapp, out of any money in the Treasury not otherwise appropriated, a sum equal to eleven dollars per month from the first day of July, eighteen hundred and forty-eight, to the date of approval of this act; and that his pension, granted by act of July twelve, eighteen hundred and fifty-two, is hereby declared to be increased to the rate of eleven dollars per month, to continue during his natural life: *Provided*, That any sum which the said Knapp may have received under the act approved July twelve, eighteen hundred and fifty-two, shall be deducted from the amount required to be paid by the provisions of this act.

APPROVED, March 2, 1855.

No. 95.—An Act for the Relief of William G. Howison.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William G. Howison be allowed, by the proper accounting officers of the Treasury, the sum of one hundred and sixty-seven dollars, in full for all services as a member of the Auxiliary Guard of the city of Washington.

APPROVED, March 2, 1855.

No. 96.—An Act for the Relief of William G. Preston.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of three hundred and seventy-five dollars and twenty-five cents be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, and that the same be paid to William G. Preston, late a captain in the war with Mexico, to reimburse him for subsisting his command, and foraging the horses of his company, from Ozark to Washington, in Hempstead county, in the State of Arkansas.

APPROVED, March 2, 1855.

No. 97.—An Act for the Relief of Sarah Morriss, only Heir of Robert Mitchell, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay to Sarah Morriss, wife of Robert Morriss, and only heir of the late Robert Mitchell, who was one of the captors of the Algerine vessels taken by the American squadron under the command of Commodore Decatur, the sum of one hundred and twenty-three dollars and seventy-three cents, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 2, 1855.

No. 98.—An Act for the Relief of Mrs. J. Josephine McClellan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to pay to Mrs. J. Josephine McClellan, widow of Brevet Lieutenant Colonel John McClellan, late of the Corps of Topographical Engineers, half the monthly pay to which her said husband was entitled at the time of his death, for five years from the date of the death of her said husband; and in case of her death or intermarriage before the expiration of the said term of five years, then the benefits of this act shall inure, for the balance of said term, to his child or children under sixteen years of age.

APPROVED, March 2, 1855.

No. 99.—An Act for the Relief of Anna E. Cook.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed to place the name of Anna E. Cook on the pension rolls, at the rate of fifteen dollars per month, for five years, commencing January first, eighteen hundred and fifty-four.

APPROVED, March 2, 1855.

No. 100.—An Act for the Relief of Peter Amey, (colored man.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Peter Amey upon the list of invalid pensioners of the Navy, and pay to him the sum of ninety-six dollars per annum; the said pension to commence on the first day of January, eighteen hundred and fifty, and continue during his natural life.

APPROVED, March 2, 1855.

No. 101.—An Act for the Relief of George W. Torrence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to pay to George W. Torrence, out of any money in the Treasury not otherwise appropriated, the sum of one thousand five hundred and seventy-four dollars, in full compensation for his gallant military services at the National Bridge, Mexico, on the ninth of September, eighteen hundred and forty-seven, and for extraordinary expenses incurred by him in consequence of wounds received by him in the United States service.

APPROVED, March 2, 1855.

No. 102.—An Act for the Relief of Andrew H. Patterson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Andrew H. Patterson, out of any money in the Treasury not otherwise appropriated, the sum of six thousand eight hundred and two dollars, for mail bags manufactured by him under a contract with the Post Office Department entered into on the twenty-third of May, eighteen hundred and forty.

APPROVED, March 3, 1855.

No. 103.—An Act granting a Pension to Joseph McCormick.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Joseph McCormick, of the State of Virginia, upon the invalid pension roll, at the rate of four dollars per month, to commence on the first day of January, one thousand eight hundred and fifty-four, and to continue during his natural life.

APPROVED, March 3, 1855.

No. 104.—An Act for the Relief of Stephen Lutz, of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury do refund and pay to Stephen Lutz, of New York, out of any moneys in the Treasury not otherwise appropriated, the sum of five hundred dollars, with interest at the rate of six per centum per annum, from the tenth day of March, eighteen hundred and fifty-one, being the amount paid by him for thirty-one cases containing machinery and apparatus for the light or lantern of a light-house, imported into the port of New York, in the United States, and which were, through mistake or inadvertence, sold by public sale, made by the direction of the then collector of the port of New York, as being property liable to the payment of duties, and which had remained in public store for more than nine months without being claimed by any person, and on which no duties or expenses of storage had been paid. The said Lutz having been the highest bidder at the said sale of the said machinery and apparatus, and the amount of his bid having been paid into the public Treasury, the Secretary of the Treasury is authorized to refund to the said Stephen Lutz the costs and expenses to which he was put, and did pay, in and about the defense of his right and title to the said machinery and apparatus so offered for sale by the collector of the port of New York, and purchased by the said Lutz, as aforesaid.

APPROVED, March 3, 1855.

No. 105.—An Act for the Relief of Thomas C. Ramsey, and Ananias O. Richardson, and James McLaughlin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pensions now received by Thomas C. Ramsey and Ananias O. Richardson, of the State of Tennessee, and James McLaughlin, of Virginia, be each increased eight dollars per month, so that their pensions shall each be sixteen dollars per month instead of eight dollars each, and that the said increase shall commence on and be allowed from the nineteenth day of December, eighteen hundred and fifty-four.

APPROVED, March 3, 1855.

No. 106.—An Act to continue the Pension of Frances E. Baden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pension granted to Frances E. Baden, by the act of Congress entitled "An act for the relief of Frances E. Baden," approved March second, eighteen hundred and fifty-three, be, and the same is hereby, continued for five years from the first day of January, one thousand eight hundred and fifty-five.

APPROVED, March 3, 1855.

No. 107.—An Act for the Relief of the Heirs of Lieutenant Andrew Finly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Nancy Hough, formerly Nancy Finly, for herself and the heirs of Andrew Finly, late a lieutenant in the Pennsylvania line in the Continental establishment of the war of the Revolution, one year's extra pay of a lieutenant in said service as promised in the resolves of Congress, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1855.

No. 108.—An Act for the Relief of Ferdinand Clark.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties imposed by the act of June thirtieth, eighteen hundred and thirty-four, entitled "An act concerning tonnage upon Spanish vessels," on the Spanish brig Conde de Villanueva, Captain Carlos de Agao, and paid to the collector of the port of Charleston, in South Carolina, previous to the clearance of said vessel from that port for Cuba, on the eleventh of September, eighteen hundred and thirty-five, with a cargo of rice and lard, be, and the same are hereby, refunded to Ferdinand Clark, the owner of said brig, she having been wrecked on the coast of Florida, on the seventeenth of the same month, and lost, with the greater portion of her cargo.

SEC. 2. *And be it further enacted*, That the amount hereby refunded to the said Ferdinand Clark shall be paid out of any moneys in the Treasury not otherwise appropriated.

APPROVED, March 3, 1855.

No. 109.—An Act for the Relief of Thomas S. Johnson, of the Territory of New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury of the United States be required to cause to be paid to Thomas S. J. Johnson, out of any money in the Treasury not otherwise appropriated, the sum of four thousand and eight hundred dollars, in full compensation for thirty-two wagons, the property of the said Thomas S. J. Johnson, taken by the officers of the United States Army, and appropriated to necessary public use.

APPROVED, March 3, 1855.

No. 110.—An Act for the Relief of Titian R. Peale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of seventeen hundred and eighty-two dollars and twenty cents, to be paid to Titian R. Peale, of Philadelphia, or his legal representative, in full payment for the losses which he sustained of his private property when wrecked in the United States ship Peacock, at the mouth of the Columbia river.

APPROVED, March 3, 1855.

No. 111.—An Act for the Relief of the Heirs of Thomas Park, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay to the legal representatives of Thomas Park, deceased, out of any money in the Treasury not otherwise appropriated, the sum of eight hundred dollars, said sum of eight hundred dollars being the amount and value of certain sails and rigging sold by the said Thomas Park to Captain Harding, as agent of the United States during the revolutionary war: *Provided*, That the said sum shall be received in full of all demands against the Government on this account.

APPROVED, March 3, 1855.

No. 112.—An Act for the Relief of Jeptha L. Heminger.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior cause the name of Jeptha L. Heminger to be placed upon the roll of invalid pensioners, and to pay him at the rate of eight dollars per month during his natural life, commencing on the first of January, eighteen hundred and fifty-three.

APPROVED, March 3, 1855.

No. 113.—An Act for the Relief of Franklin Chase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized and directed to adjust and settle the claim of Franklin Chase, for a share of the proceeds of the sale of the schooner Oregon and cargo, seized and confiscated in the month of April, eighteen hundred and forty-eight, under the President's regulations of the first of March, eighteen hundred and forty-seven, at the port of Tampico, during the war with Mexico, and to pay the amount of said claim, out of any money in the Treasury, arising from military contributions collected in Mexico, in pursuance of the regulations of the President before referred to, not exceeding the collector's share: *Provided*, That before any money is paid in this case, any claim submitted by the owners of the vessel before mentioned, for the remission of the penalty and payment of the proceeds under the confiscation, shall first be duly examined and decided by the Secretary of the Treasury, under the direction of the President of the United States.

APPROVED, March 3, 1855.

No. 114.—An Act for the Relief of Paul S. Ridgway, of Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby required to place the name of Paul S. Ridgway, of Ohio, upon the pension roll, and cause to be paid to him the sum of eight dollars per month for and during the term of his natural life, commencing June first, one thousand eight hundred and fifty-four.

APPROVED, March 3, 1855.

No. 115.—An Act for the Relief of the Legal Representatives of William A. Christian.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury are hereby directed to allow to Purser William A. Christian, in the settlement of his accounts, the sum of two thousand six hundred and forty-three dollars and seventy-four cents, being the amount disallowed him in former settlements of his accounts for payments made to the warrant officers of the United States steamship Princeton.

APPROVED, March 3, 1855.

No. 116.—An Act for the Relief of Jesse French, of Braintree, Massachusetts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be hereby instructed to place the name of Jesse French on the pension roll, at the rate of four dollars per month, commencing on the first day of January, eighteen hundred and fifty-two, to be continued during his life.

APPROVED, March 3, 1855.

No. 117.—An Act to amend an act entitled "An act for the Relief of George M. Bentley, of the State of Indiana," approved August five, eighteen hundred and fifty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no payments shall be made to George M. Bentley after the fourth March, eighteen hundred and fifty-five, under an act entitled "An act for the relief of George M. Bentley, of the State of Indiana," approved August five, eighteen hundred and fifty-four, until the claim and the right to a pension of the said Bentley shall have been presented to the Commissioner of Pensions, supported by evidence, and by said commissioner approved and allowed under the rules and regulations governing the examination and allowance of invalid pension claims for disabilities contracted in the Mexican war.

APPROVED, March 3, 1855.

No. 118.—An Act for the Relief of Mrs. Irene G. Scarritt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Mrs. Irene G. Scarritt, widow of J. M. Scarritt, deceased, late an officer in the United States Army, upon the list of widows entitled to half-pay, and pay her the sum of twenty-five dollars per month, commencing on the first day of July, eighteen hundred and fifty-four, and continuing for five years: *Provided*, That in case of her death or intermarriage before the expiration of said term of five years, then the pension hereby granted shall inure to the benefit of the child or children of said J. M. Scarritt, deceased, under sixteen years of age, if such there be; and if there be none such, then the same shall cease.

APPROVED, March 3, 1855.

No. 119.—An Act for the Relief of Madalena Van Ness, widow of Cornelius P. Van Ness, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of nine thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby, appropriated, to be paid to Mrs. Madalena Van Ness, widow of Cornelius P. Van Ness, deceased, in consideration of services rendered by the said Cornelius P. Van Ness, in the seizure of goods imported into the district of Vermont, in violation of the laws of the United States, during the years eighteen hundred and thirteen, and eighteen hundred and fourteen, while he was collector of the customs for said district, and for which service he did not receive the award provided by law in such cases.

APPROVED, March 3, 1855.

No. 120.—An Act for the Relief of James Holstin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James Holstin, of Indiana, be, and he hereby is, authorized to enter, in legal subdivisions, free of cost, one hundred and sixty acres of any of the public lands of the United States subject to private entry at the rate of one dollar and twenty-five cents per acre; and upon the return of a certificate therefor by the legally constituted officers, the Commissioner of the General Land Office shall issue a patent in favor of said Holstin for the land so entered: *Provided*, That the same shall be in full satisfaction for losses sustained by said Holstin on account of the erroneous location made by him with military bounty land warrant number eight thousand seven hundred and eighty-two, at the Vincennes land office, on the first day of February, eighteen hundred and forty-eight.

APPROVED, March 3, 1855.

No. 121.—An Act for the Relief of the Widow of W. Irving, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed and paid, out of any money in the Treasury not otherwise appropriated, to Sarah Irving, the widow of William Irving, deceased, the sum of four hundred and sixty-six dollars and sixty-seven cents, in full for the services of said Irving as acting superintendent of the Census department, in addition to the amount which he has already received as clerk of the said department, for and during the same period that he discharged the duties of superintendent of said department.

APPROVED, March 3, 1855.

No. 122.—An Act for the Relief of Mrs. Nancy Weatherford, Widow of Colonel William Weatherford, of the First Regiment Illinois Volunteers in the Mexican War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Nancy Weatherford, widow of William Weatherford, colonel of the first regiment Illinois volunteers in the Mexican war, upon the roll of pensioners of the United States, and pay to her the sum of thirty dollars per month, to commence on the day of the death of the said Colonel William Weatherford, and continue for five years: *Provided*, That she shall be entitled to the benefit of any general act of Congress which may hereafter be passed, extending or continuing the half-pay of widows, as if she had been placed on the pension roll under the provisions of the act entitled "An act amending the act entitled 'An act granting half-pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States,' in case of deceased officers and soldiers of the militia and volunteers, passed July fourth, eighteen hundred and thirty-six," approved July twenty-one, eighteen hundred and forty-eight.

APPROVED, March 3, 1855.

No. 123.—An Act for the Relief of L. R. Lyon and Dean S. Howard, of the State of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury of the United States cause to be paid to L. R. Lyon and Dean S. Howard, late partners under the name and style of Lyon and Howard, of the State of New York, or to their legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of eight thousand six hundred and seventeen dollars and eighty-one cents, in full for the balance due them for constructing a dredging machine at Whitehall, New York, under contract entered into on the second day of November, eighteen hundred and thirty-six; and a dredging machine to be delivered at Monroe, in the State of Michigan, by contract entered into on the fifteenth of October, eighteen hundred and thirty-six.

APPROVED, March 3, 1855.

No. 124.—An Act for the Relief of Frederic Vincent, Administrator of James le Caze, survivor of Le Caze and Mallet.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay to Frederic Vincent, administrator of James le Caze, the sum of four thousand eight hundred and ninety-six dollars and eighty-two cents, which sum appears to be due to him on the books of the Treasury for advances made to the Government of the United States, in the year seventeen hundred and eighty-three: *Provided*, That the same shall be received in full of all demands against the Government on this account.

APPROVED, January 31, 1855.

PRIVATE RESOLUTIONS.

No. 1—Joint Resolution for the Relief of the Children of Captain Thomas Porter, deceased.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper officer be, and he is hereby, directed to pay to the administrator of Captain Thomas Porter, deceased, out of the money appropriated for the payment of invalid pensions, the amount of pension due the said Captain Thomas Porter on the day of his decease, by virtue of an act of Congress passed on the fifth day of August, eighteen hundred and fifty-four, to be, by the said administrator, distributed to the children of the said Captain Thomas Porter, in the same manner as arrearages of pensions are distributed to the children of deceased pensioners.

APPROVED, December 14, 1854.

No. 2.—Joint Resolution for the Settlement of the Claim of Don Juan Jesus Vigil, of New Mexico.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to cause to be audited the claim of Don Juan Jesus Vigil, for a flock of sheep seized from him by a detachment of troops in the service of the United States in the month of January, eighteen hundred and forty-seven; and to make compensation to him for so many of said sheep as may have been used by said troops, or were lost to the owner in consequence of said seizure: *Provided*, That the whole amount of compensation allowed shall not exceed the sum of nine thousand dollars, and that the justice and equity of the allowance be established to the satisfaction of the auditing officer and the Secretary of War; and the amount so allowed shall be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, December 19, 1854.

No. 3.—Joint Resolution for the Relief of Lieutenant J. C. Carter.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the settlement of his accounts, Lieutenant J. C. Carter shall be allowed such expenses as were incurred by him whilst acting as purser on board the ship Massachusetts, undergoing repairs at San Francisco: *Provided*, The amount shall not exceed the sum of one thousand eight hundred and sixty-nine dollars and five cents.

APPROVED, February 13, 1855.

No. 4.—A Resolution for the Relief of Rebecca Hinton.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States district attorney for the district of Ohio is hereby authorized to settle the suit pending in the circuit court for said district against the bail of Otho Hinton, and to discharge the bail bond upon the payment of one thousand dollars and the taxable costs of said suit.

APPROVED, February 24, 1855.

No. 5.—Joint Resolution in favor of William Monagan.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay

to William Monagan thirty-six dollars and fifty cents, it being one fourth of the moneys awarded by the umpire on the claim of Martin, Sherlock, Monagan, and McCartney, reported to the Twenty-Third Congress at their first session.

APPROVED, February 24, 1855.

No. 6.—Joint Resolution for the Relief of George W. McCerren.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to adjudicate and settle the claim of George W. McCerren, for such bread, beans, and pork, or bacon, in barrels, as were taken out of the possession of said McCerren, in eighteen hundred and forty-seven, by order of the commanding officer of the United States Army in command at Brazos St. Jago, and used in the construction of Fort Harney; and that the value of said articles or provisions, when ascertained by the Secretary of War, be paid to the said George W. McCerren, out of any moneys in the Treasury not otherwise appropriated.

APPROVED, March 3, 1855.

No. 7.—Joint Resolution to pay the Pension due James Capen to his Administrator.

Whereas, at the last session of Congress, an act was passed granting a pension to James Capen, of eight dollars per month, commencing on the fourth day of March, eighteen hundred and fifty-one, who is now dead, and in order to secure said pension to his representatives,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper officer is hereby directed to pay to the administrator of James Capen, deceased, out of the money appropriated for payment of invalid pensions, the amount of pension due the said Capen by act of Congress of fifth day of August, eighteen hundred and fifty-four.

APPROVED, March 3, 1855.

No. 8—A Resolution explanatory of an Act entitled "An Act for the Relief of Abigail Stafford."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in making payment under the act of Congress entitled "An act for the relief of Abigail Stafford," the Secretary of the Treasury is hereby directed to settle the same in conformity with the resolution passed by Congress on the third day of June, seventeen hundred and eighty-four.

APPROVED, March 3, 1855.

No. 9.—Joint Resolution for the Final Adjustment of the Account of John D. Colmesnil.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be directed to cause the account of John D. Colmesnil, president of the Ohio and Mississippi Mail Line Company, to be re-examined, for the purpose of determining whether any further compensation is due, in law or equity, to said John D. Colmesnil, and to pay to him such sum as may be adjudged to be due, for the use of himself and associates, out of any funds in the Treasury appropriated to the transportation of the mails; the decision of the Department being subject, as in all other cases, to the proviso of the eighth section of the act of July second, eighteen hundred and thirty-six, entitled "An act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof."

APPROVED, March 3, 1855.

No. 10.—Joint Resolution for the Relief of James Hughes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to adjudicate and settle the claim of James Hughes, of Madison county, Tennessee, for such clothing as was furnished by him to a company of volunteers engaged in the Seminole war, commanded first by Captain Alexander B. Bradford, and afterwards by Captain Jesse McMahon, and that the value of said clothing, when ascertained by the Secretary of War, be paid to the said James Hughes, out of any moneys in the Treasury not otherwise appropriated.

APPROVED, March 3, 1855.

No. 11.—Joint Resolution for the Relief of Joel Henry Dyer.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury pay to Joel Henry Dyer, who was a private in Captain Alexander Baler's company of Tennessee volunteers, in the Seminole war, the sum of eight hundred and twenty dollars and forty-three cents, in full satisfaction for the services of said Joel Henry Dyer as judge-advocate in the regiment, in said war, commanded by Colonel Alexander B. Bradford, less the amount which has been paid said Dyer for his services as a private in said company.

APPROVED, March 3, 1855.

No. 12.—Joint Resolution for the Relief of John Dugan.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior issue to John Dugan, late a private in company C, Mississippi volunteers, in the Mexican war, a bounty land warrant for one hundred and sixty acres of land; and also that the proper accounting officer of the Treasury Department pay to said John Dugan the arrears of pay and extra pay that would be due to him, as though it had not been marked opposite his name on the rolls of said company, "absent without leave."

APPROVED, March 3, 1855.

No. 13.—Joint Resolution for the Relief of Clark Mills.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause the sum of five thousand dollars to be advanced to Clark Mills, in addition to the sum already advanced out of the fifty thousand dollars appropriated by the act of January twenty-fifth, eighteen hundred and fifty-three, "to erect at the capital of the nation an equestrian statue of Washington," on the personal application and receipt of the said Mills.

APPROVED, March 3, 1855.

APPROPRIATIONS, NEW OFFICES, ETC.

STATEMENTS, SHOWING

I. Appropriations made during the second session of the Thirty-Third Congress.

II. Offices created and the salaries thereof.

III. The offices the salaries of which have been increased, with the amount of such increase, during the same period.

APRIL 19, 1855.—*Prepared under the direction of the Secretary of the Senate and the Clerk of the House of Representatives, in compliance with the sixth section of the "Act to authorize the appointment of additional paymasters, and for other purposes," approved July 4, 1836.*

I.—APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE THIRTY-THIRD CONGRESS.

By the act to provide for the extinguishment of the title of the Chippewa Indians to the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, and for their domestication and civilization.

To enable the President to cause negotiations to be entered into with the Chippewa Indians, for the extinguishment of their title to all the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin	$10,000 00

By the act to provide for the contingent expenses of the Territory of Nebraska.

To defray the contingent expenses for the government of the Territory of Nebraska for the remainder of the present fiscal year	$1,000 00

By the act for the liquidation of the penitentiary indebtedness.

To enable the Secretary of the Interior to liquidate the present indebtedness of the penitentiary in the District of Columbia	$7,186 92

By the act to amend an act entitled "An act to establish an auxiliary watch for the protection of public and private property in the city of Washington," approved August twenty-three, eighteen hundred and forty-two.

To pay the auxiliary watch an annual compensation of six hundred dollars each, commencing with the present fiscal year	[Indefinite.]

By the act making appropriations for the construction of certain military roads in the Territories of Nebraska and Washington.

For the construction of a military road from the Great Falls of the Missouri river, in the Territory of Nebraska, to intersect the military road now established leading from Walla Walla to Puget's Sound	$30,000 00
For the construction of a military road from the Dalles of the Columbia to Columbia City Barracks	25,000 00
For the construction of a military road from Columbia City Barracks to Fort Steilacoom, on Puget's Sound	30,000 00
	$85,000 00

By the act changing the appropriation for the erection of a building in the city of Milwaukie, for a custom-house, post office, and the United States courts.

To enable the Secretary of the Treasury to cause to be constructed at the said city of Milwaukie, for the accommodation of the custom-house, post office, and United States courts, a building of stone or brick, with fire-proof floors, constructed of iron beams and brick-work, iron roof, shutters, and sills, eighty-five feet by sixty feet, sixty feet in height from the foundation	$88,000 00
For cost of superintendence of erection and other contingent expenses	8,800 00
	$96,800 00

By the act to refund to the officers of the customs and others, of the district of Passamaquoddy, certain moneys.

To pay to the late officers of the customs of the district of Passamaquoddy, and informers, their proportion of the net proceeds of sale, by virtue of existing laws, arising from the condemnation of the schooners L'Etang and Josephine, and the bark Phenix, for a violation of the revenue laws in the district of Maine; the same having been wrongfully paid into the Treasury of the United States through mistake	Indefinite.

By the act for the construction of a military road in Oregon Territory.

For the construction of a military road from Astoria to Salem, in the Territory of Oregon	$30,000 00

By the act making an appropriation for a territorial road in the Territory of Nebraska.

For the purpose of constructing a territorial road from a point on the Missouri river, (opposite the city of Council Bluffs,) in the Territory of Nebraska, to New Fort Kearny, in said Territory	$50,000 00

By the act for the erection of a military post on or near the Pembina river, in the Territory of Minnesota, and for other purposes.

For the erection of a military post in the Territory of Minnesota, on the line of forty-nine degrees north latitude, on or near the Pembina river	$5,000 00
For the establishment of military posts in the Territories of Kansas and Nebraska, at such points in said Territories as the Secretary of War may designate	10,000 00
	$15,000 00

By the act making appropriation for completing the public buildings of Oregon Territory and Minnesota.

For completing the penitentiary, according to the provisions of the act of the Legislative Assembly relating to the public buildings of the Territory of Oregon	$40,000 00
For completing the State house, or house for the meeting of the Legislative Assembly, according to the provisions of said act	27,000 00
To complete the territorial Capitol and build a workshop for the territorial prison in the Territory of Minnesota, in accordance with estimates made by the agent appointed by the Secretary of the Treasury	11,500 00
	$78,500 00

By the act making appropriations for improving certain military roads in the Territory of Minnesota.

For cutting out the timber on the territorial road from the Falls of St. Anthony to Fort Ridgely	$5,000 00
For cutting out the timber on the road from Fort Ripley, via Crow Wing river, to the point where said road intersects the main road leading to the Red river of the North	$10,000 00
	$15,000 00

By the act making appropriations for the payment of invalid and other pensions of the United States for the year ending thirtieth of June, one thousand eight hundred and fifty-six, and for other purposes.

For invalid pensions, under various acts	$514,600 00
For pensions to widows and orphans, under the acts of the fourth of July, one thousand eight hundred and thirty-six, and twenty-first of July, one thousand eight hundred and forty-eight	78,150 00
For pensions under special acts of Congress	9,750 00
For pensions to widows, under the acts of seventeenth of June, one thousand eight hundred and forty-four, second of February and twenty-ninth July, one thousand eight hundred and forty-eight	338,000 00
For pensions and half-pay to widows and orphans, under the act of the third of February, one thousand eight hundred and fifty-three	456,000 00
	$1,396,500 00

By the act making an appropriation for military defenses at Proctor's Landing, in Louisiana.

For the purchase of site, and the erection and completion of such military defenses as may be deemed expedient, at Proctor's Landing, at the terminus of the Mexican Gulf railway, in the State of Louisiana	$125,000 00

By the act to provide for the payment of such creditors of the late republic of Texas as are comprehended in the act of Congress of September nine, eighteen hundred and fifty.

To pay to the creditors of the late republic of Texas, who hold such bonds or other evidences of debt for which the revenues of that republic were pledged, as were reported to be within the provisions of the said act of September the ninth, eighteen hundred and fifty, by the report of the late Secretary of the Treasury to the President of the United States, and approved by him on the thirteenth day of September, eighteen hundred and fifty-one, or which come within the provisions of said act, according to the opinion upon the Texas compact of the present Attorney General of the United States, addressed to the Secretary of the Treasury, under date of September twenty sixth, eighteen hundred and fifty-three	$7,750,000 00

By the act authorizing the purchase or construction of four additional revenue cutters.

To enable the Secretary of the Treasury to cause to be built or purchased, in such mode as he may deem best for the public interest, four vessels of suitable size and construction, to be employed as revenue cutters on such stations as the said Secretary may designate	$90,000 00

By the act to amend "An act to carry into effect a treaty between the United States and Great Britain," signed on the fifth June, eighteen hundred and fifty-four, and approved August fifth, eighteen hundred and fifty-four.

To refund to the several persons entitled thereto such sums of money as shall have been collected as duties on "fish of all kinds, the products of fish, and of all other creatures living in the water," imported into the United States from and after the eleventh day of September,	

eighteen hundred and fifty-four, the date of the promulgation by the President of the United States of the reciprocity treaty aforesaid, on proof, satisfactory to the said Secretary, that the articles aforesaid were the products of some one of the British provinces of New Brunswick, Canada, Nova Scotia, Newfoundland, or Prince Edward's Island, and imported therefrom into the United States, and duties duly paid thereon, which have not been refunded on export ..... [Indefinite]

By the act to provide for the erection of public buildings in the Territory of Kansas.

For the continuation and erection of public buildings for the use of the Legislature of the Territory of Kansas, to be expended under the direction of the Governor of said Territory..... $25,000 00

By the act to provide for the erection of public buildings in the Territory of Nebraska.

For the construction of public buildings in the Territory of Nebraska, to be expended under the direction of the Governor of said Territory, $50,000 00

By the act making appropriations for the support of the army, for the year ending the thirtieth of June, one thousand eight hundred and fifty-six, and for other purposes.

For pay of the army..... $2,600,806 00
For pay, supplies, and traveling expenses of six companies of Texas volunteers, called into service by the Governor of Texas, and mustered into the service of the United States..... 137,755 38
For commutation of officers' subsistence..... 623,168 00
For commutation of forage for officers' horses.. 104,832 00
For payments in lieu of clothing for officers' servant..... 36,350 00
For expenses of recruiting, transportation of recruits, three months' extra pay to non-commissioned officers, musicians, and privates on reenlistment..... 100,000 00
For subsistence in kind..... 1,381,068 75
For clothing for the army, camp and garrison equipage..... 574,876 59
For the regular supplies of the Quartermaster's Department, consisting of fuel, forage in kind for the horses, mules, and oxen of the quartermaster's department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and, also, for the authorized number of officers' horses when serving in the field and at the outposts; of straw for soldiers' bedding, and of stationery, including company and other blank books for the army, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments, and for the printing of division and department orders, army regulations, and reports..... 690,000 00
For the incidental expenses of the Quartermaster's Department, consisting of postage on letters and packets received and sent by officers of the army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation to judges-advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed, under the direction of the quartermaster's department, in the erection of barracks, quarters, store-houses, and hospitals; the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers, and trains, when military escorts cannot be furnished; expenses of the interment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including hire of interpreters, spies, and guides, for the army; compensation of clerk to officers of the quartermaster's department; compensation of forage and wagon-masters, authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz: for the purchase of horse equipments, as saddles, bridles, saddle-blankets, nose-bags, iron combs, curry-combs, spurs, and straps; of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes, iron and steel for shoeing, hire of veterinary surgeons, purchase of medicines for horses and mules, shoeing horses of mounted corps, and repairing dragoon and rifle equipments..... 375,368 00
For constructing barracks and other buildings at posts which it may be necessary to occupy during the year, and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty; hire of quarters for troops, of store-houses for the safe-keeping of military stores, and of grounds for summer cantonments; for encampments and temporary frontier stations..... 490,456 00
For mileage to officers of the army, for transportation of themselves and baggage when traveling on duty, without troops or escorts... 100,000 00
For transportation of the army, including the baggage of the troops when moving either by land or water; of clothing, camp, and garrison equipage and horse equipments, from the depôt at Philadelphia to the several posts and army depôts; of subsistence from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small-arms, from the founderies and armories to the arsenals, fortifications, frontier posts, and army depôts; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, drays, ships, and other seagoing vessels and boats for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance, and for clearing roads and removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops on the frontier..... 1,200,000 00
For the purchase of horses for the first and second regiments of dragoons, the companies of light artillery, the mounted riflemen, and such infantry as the commanding officers at the frontier posts may find it necessary to mount.. 200,000 00
For contingencies of the army..... 6,000 00
For the medical and hospital departments.... 58,500 00
For contingent expenses of the Adjutant General's department, at division and department headquarters..... 400 00
For armament of fortifications..... 125,000 00
For ordnance, ordnance stores, and supplies.... 100,000 00
For the current expenses of the ordnance service, 100,000 00
For the manufacture of arms at the national armories..... 250,007 00
For repairs and improvements and new machinery at Harper's Ferry..... 23,673 00
For repairs and improvements and new machinery at Springfield armory..... 54,000 00
For new machinery at Harper's Ferry armory.. 20,000 00
For repairs, preservation, and contingencies of arsenals..... 50,000 00
For continuing the construction of the arsenal at Benicia, California..... 40,000 00
For the annual compensation of the civil superintendents of the national armories, without perquisites, allowance, or additions of any kind, quarters excepted..... 5,000 00
For continuing the survey of the northern and northwestern lakes, including Lake Superior, 50,000 00
For surveys for military defenses of the sea and inland frontier..... 15,000 00
For printing a new system of light infantry and rifle tactics, to be stereotyped, with engraved plates, and for procuring for distribution to the militia of the United States books of tactical instruction, including the system of regulations now in course of preparation..... 30,000 00
For compensation of the clerk and messenger in the office of the commanding general..... 2,000 00
For contingent expenses of the office of the commanding general..... 300 00
For arrearages prior to July first, one thousand eight hundred and fifteen, payable through the office of the Third Auditor, under an act approved May the first, one thousand eight hundred and twenty, in addition to the balance undrawn in the Treasury..... 2,000 00
For the Capitol extension..... 325,000 00
To complete the road from Point Douglas, on the Mississippi river, to the mouth of the St. Louis river, of Lake Superior, in Wisconsin, 34,213 50
To complete the road from Point Douglas to Fort Gaines, now Fort Ripley..... 13,494 09
To complete the road from Swan river to the Winnebago agency..... 2,535 30
To complete the road from Wabashaw to Mendota..... 13,871 76
To complete the road from Mendota to the Big Sioux river..... 27,475 68
For the improvement of the road from Fort Union to Santa Fé..... 16,000 00
For the improvement of the road from Secalote to Albuquerque, via Cañon Blanco and Cañon Carnue..... 10,000 00
For the improvement of the road from Canada to Abiquea..... 6,000 00
For the purchase and importation of camels and dromedaries, to be employed for military purposes..... 30,000 00
To enable the President of the United States to carry into effect the provisions of so much of this act as relates to the employment of an additional military force..... 2,500,000 00

$12,733,146 14

By the act to appropriate money to remove the obstructions in the Savannah river, below the city of Savannah, in the State of Georgia.

To remove the obstructions in the Savannah river, below the city of Savannah, in the State of Georgia, placed there during the revolutionary war for the common defense..... $161,000 00

By the act making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the thirtieth of June, one thousand eight hundred and fifty-six.

For Fort Montgomery, at outlet of Lake Champlain, New York..... $15,000 00
For Fort Knox, at narrows of Penobscot river, Maine..... 60,000 00
For preservation of the site of Fort Warren, at the narrows of Boston harbor, Massachusetts. 10,000 00
For Fort Schuyler, entrance to Long Island sound, New York..... 25,000 00
For Fort Richmond, at the narrows, New York harbor..... 75,000 00
For Fort Delaware, Delaware river, Delaware.. 150,000 00
For Fort Carroll, Baltimore harbor, Maryland... 100,000 00
For Fort Monroe, entrance to Hampton Roads, Virginia..... 55,000 00
For Fort Calhoun, entrance to Hampton Roads, Virginia..... 20,000 00
For Fort Sumter, Charleston harbor, South Carolina..... 60,000 00
For Fort Clinch, entrance to Cumberland sound, Florida..... 25,000 00
For Fort Barrancas, Pensacola harbor, Florida, 30,000 00
For Fort McRee, and preservation of its site, Florida..... 25,000 00
For Fort Gaines, Dauphin Island, Alabama..... 50,000 00
For Fort Taylor, Key West, Florida..... 150,000 00
For Fort Jefferson, Tortugas, Florida..... 150,000 00
For forts on the western frontier of Texas..... 50,000 00
For fortifications at Fort Point, entrance to San Francisco bay, California..... 300,000 00
For fortifications at Alcatraz Island, San Francisco bay, California..... 200,000 00
For repairs of Fort Niagara, New York..... 6,000 00
For construction and repairs of quarters and barracks at Fort Columbus, New York harbor... 26,500 00
For construction of an additional magazine for batteries Hudson and Morton, Staten Island, New York..... 5,000 00
For repairs of Fort Madison, Annapolis harbor, Maryland..... 10,600 00
For repairs of Fort Moultrie, Charleston harbor, South Carolina..... 5,000 00
For repairs of Fort Jackson, Savannah river, Georgia..... 20,000 00
For repairs of Fort Macomb, Chef Menteur Pass, Louisiana..... 9,500 00
For the extension of battery at Fort Jackson, Mississippi river..... 10,000 00
For repairs of Fort St. Philip, Mississippi river, Louisiana..... 35,000 00
For contingent expenses of the fortifications not herein mentioned, the preservation of sites, the protection of titles, and repairs of sudden damages to forts..... 20,000 00

$1,717,600 00

By the act for the construction of certain military roads in the Territory of Kansas.

For the construction of a road from Fort Riley to such point on the Arkansas river as may, in the opinion of the Secretary of War, be most expedient for military purposes..... $50,000 00
For the construction of a road from Fort Riley to Bridger's Pass, in the Rocky mountains... 50,000 00

$100,000 00

By the act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-six, and for other purposes.

Legislative.

For compensation and mileage of Senators.... $185,710 00
For compensation of the officers, clerks, messengers, and others, receiving an annual salary in the service of the Senate, viz:
Secretary of the Senate..... 3,000,00
Officer charged with the disbursements of the Senate..... 480 00
Principal clerk and principal executive clerk in office of the Secretary of the Senate, at two thousand one hundred and sixty dollars each, 4,320 00
Eight clerks in office of the Secretary of the Senate, at one thousand eight hundred and fifty dollars each..... 14,800 00
Keeper of the stationery..... 1,752 00
Two messengers..... 1,830 00
One page..... 500 00
Sergeant-at-Arms and Doorkeeper..... 2,000 00
Assistant Doorkeeper..... 1,700 00
Postmaster to the Senate..... 1,750 00
Assistant postmaster and mail carrier..... 1,450 00
Two mail boys, at nine hundred dollars each... 1,800 00
Superintendent of the document room..... 1,500 00
Two assistants in document room, at one thousand two hundred dollars each..... 2,400 00

Superintendent of the folding room..... $1,500 00
Two messengers, acting as assistant doorkeepers, at one thousand five hundred dollars each.... 3,000 00
Fifteen messengers, at one thousand two hundred dollars each..... 18,000 00
Superintendent in charge of Senate furnaces.... 1,080 00
Assistant in charge of furnaces..... 600 00
Laborer in private passage..... 600 00
Two laborers, at four hundred and eighty dollars each..... 960 00
Clerk or secretary to the President of the Senate, 1,752 00
Draughtsman..... 2,160 00
Chaplain of the Senate..... 750 00

For the contingent expenses of the Senate, viz:

For binding..... 45,000 00
For lithographing and engraving..... 45,000 00
For books..... 5,000 00
For stationery..... 12,000 00
For newspapers..... 3,000 00
For Congressional Globe, and binding the same. 3,000 00
For reporting proceedings..... 13,000 00
For clerks to committees, pages, police, horses and carry-alls..... 48,000 00
For miscellaneous items..... 20,000 00
For compensation and mileage of members of the House of Representatives and Delegates from Territories..... 694,976 00

For compensation of the officers, clerks, messengers, and others receiving an annual salary, in the service of the House of Representatives, viz:

Clerk of the House of Representatives..... 3,600 00
Two clerks at two thousand one hundred and sixty dollars each..... 4,320 00
Seven clerks, at one thousand eight hundred dollars each..... 12,600 00
Sergeant-at-Arms..... 2,160 00
Doorkeeper..... 2,160 00
Postmaster..... 2,160 00
One messenger..... 1,756 00
Librarian..... 1,800 00
Reading clerk..... 1,800 00
Clerk to Committee of Claims..... 1,800 00
Clerk to Sergeant-at-Arms..... 1,800 00
Five messengers at one thousand four hundred and forty dollars each..... 7,200 00
Chaplain..... 750 00

For the contingent expenses of the House of Representatives, viz:

For binding documents..... 70,000 00
For furniture and repairs..... 3,000 00
For stationery for members..... 12,000 00
For twenty one messengers, including superintendent of folding and document rooms..... 28,413 20
For horses and carriages..... 4,500 00
For fuel, oil, and candles..... 2,500 00
For newspapers for members..... 12,500 00
For engraving and lithographing..... 60,000 00
For Capitol police..... 5,490 00
For miscellaneous items..... 30,000 00
For messenger in charge of Hall..... 1,740 00
For two messengers in Clerk's office..... 3,600 00
For saddle horses..... 650 00
For laborers..... 2,500 00
For pages..... 5,938 00
For folding documents, including pay of folders, folding paper, twine, and paste..... 20,000 00
For compensation of draughtsman and clerks, per resolution of the fourth May, one thousand eight hundred and forty-eight..... 9,000 00
For compensation to F. W. Lander, civil engineer, for furnishing report of his reconnoissance for a railroad route from Washington and Oregon Territory, by way of Fort Hall, to Salt Lake..... 5,000 00

Library of Congress.

For compensation of librarian, three assistant librarians, and messenger..... 9,000 00
For contingent expenses of said library..... 1,000 00
For purchase of books for said library..... 5,000 00
For purchase of law books for said library..... 2,000 00
For paper required for the printing of the first session of the Thirty-Fourth Congress..... 158,406 00
For printing required for the first session of the Thirty-Fourth Congress..... 115,000 00

Executive.

For compensation of the President of the United States..... 25,000 00
For compensation of the Secretary to sign patents for lands..... 1,500 00

Department of State.

For compensation of the Secretary of State, and Assistant Secretary of State, clerks, messenger, assistant messenger, and laborers in his office..... 52,692 00

For the incidental and contingent expenses of said Department.

For publishing the laws in pamphlet form, and in the newspapers of the States and Territories and in the city of Washington..... 19,725 00
For proof-reading, packing, additional compensation to packer, and distributing laws and documents, including cases, labor, and transportation..... 15,900 00
For stationery, blank books, binding, labor, and attendance, furniture, fixtures, repairs, painting and glazing..... 6,500 00
For copperplate printing, books and maps..... 1,000 00
For newspapers..... 400 00
For extra clerk hire and copying..... 2,000 00
For miscellaneous items..... $1,000 00
For compiling and supervising the publication of the Biennial Register..... 500 00
For binding books and music in the copyright bureau, and procuring portfolios for the prints and engravings..... 500 00
To enable the Secretary of State to purchase of Messrs. Little, Brown and Company five hundred copies of their new edition of Wheaton's Elements of International Law, to be distributed to the foreign ministers and consuls, and to the departments at home..... 2,500 00
To enable the Secretary of State to purchase fifty copies each of volumes sixteen and seventeen of Howard's Reports of the Decisions of the Supreme Court of the United States..... 500 00
To enable the Secretary of State to purchase of Messrs. Little, Brown and Company two thousand copies of the tenth volume of the United States Statutes at Large, for distribution, agreeably to acts of Congress directing the distribution of the other volume..... 7,000 00

Northeast Executive Building.

For compensation of the superintendent, four watchmen, and two laborers of the northeast executive building..... 3,802 00

For contingent expenses of said building, viz:

For fuel, light, labor, and repairs..... 300 00

Treasury Department.

For compensation of the Secretary of the Treasury, and Assistant Secretary of the Treasury, clerks, messenger, assistant messenger, and laborers in his office..... 55,572 00
For compensation of the First Comptroller, and the clerks, messenger, and laborers in his office..... 29,492 00
For compensation of the Second Comptroller, and the clerks, messenger, and laborer in his office..... 29,216 00
For compensation of the First Auditor, and the clerks, messenger, assistant messenger, and laboror in his office..... 41,936 00
For compensation of the Second Auditor, and the clerks, messenger, assistant messenger, and laborer in his office..... 35,416 00
For compensation of the Third Auditor, and the clerks, messengers, assistant messenger, and laborers in his office..... 107,532 00
For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office..... 30,900 00
For compensation of the Fifth Auditor, and the clerks, messenger, and laborer in his office.... 15,016 00
For compensation of the Auditor of the Post Office Department, and the clerks, messenger, assistant messenger, and laborers in his office, 165,694 00
For compensation of the Treasurer of the United States, and the clerks, messenger, assistant messenger, and laborers in his office..... 35,482 00
For compensation of the Register of the Treasury, and the clerks, messenger, assistant messengers, and laborers in his office..... 47,032 00
For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office..... 12,900 00
For compensation of the Commissioner of Customs, and the clerks, messenger, and laborer in his office..... 20,416 00
For compensation of the clerks and messenger of the Light-House Board..... 8,976 00

Contingent expenses of the Treasury Department.

In the office of the Secretary of the Treasury:

For labor, blank books, stationery, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress, and for miscellaneous items.. 13,000 00

In the office of the First Comptroller:

For furniture, blank books, binding, stationery, public documents, State and Territorial statutes, and miscellaneous items..... 1,800 00

In the office of the Second Comptroller:

For blank books, binding, stationery, pay for the National Intelligencer and Union, to be filed and preserved for the use of the office, office furniture, and miscellaneous items..... 1,500 00

In the office of the First Auditor:

For blank books, binding, stationery, office furniture, and cases for records and official papers, 1,500 00
For miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office..... 300 00

In the office of the Second Auditor:

For blank books, binding, stationery, office furniture, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office..... 1,200 00

In the office of Third Auditor:

For blank books, binding, stationery, office furniture, carpeting, two newspapers, the Union and Intelligencer, preserving files and papers, expenses of bounty-land service, miscellaneous items, and arrearages..... 3,540 00

In the office of Fourth Auditor:

For stationery, books, and binding..... 600 00
For labor..... 100 00
For miscellaneous items..... 200 00

In the office of the Fifth Auditor:

For blank books, binding, and stationery..... $250 00
For miscellaneous items..... 350 00

In the office of the Auditor of the Post Office Department:

For stationery, blank books, binding, and ruling, 10,050 00
For miscellaneous items, file-boards, repairs, cases and desks for safe keeping of papers, furniture, lights, washing towels, ice, horse for messenger, telegraphic dispatches, and stoves, 2,500 00

In the office of the Treasurer:

For blank books, binding, stationery, and miscellaneous items..... 1,200 00

In the office of the Register:

For ruling and full binding twenty-eight books for recording collectors' quarterly abstracts of the commerce and navigation, and blank abstracts for their use..... 3,000 00
For blank books, binding, stationery, cases for official papers and records, and miscellaneous items..... 4,000 00
For arranging and binding canceled marine papers..... 1,000 00

In the office of the Solicitor:

For blank books, binding, stationery, labor, and miscellaneous items..... 1,200 00
For statutes and reports..... 1,000 00

In the office of the Commissioner of Customs:

For blank books, stationery, and miscellaneous items..... 2,000 00

Light-House Board.

For blank books, binding, and stationery..... 250 00
For miscellaneous expenses and postage..... 500 00

For the general purposes of the Southeast Executive Building.

For the continuation of the Treasury building, under the direction of the President of the United States, according to the plan proposed by Thomas U. Walter, architect, and approved of by the committees of the Senate and House of Representatives on buildings and grounds, at the last session of Congress..... 300,000 00
For compensation of eight watchmen of the southeast executive building..... 4,800 00
For compensation of nine laborers of the southeast executive building..... 5,184 00

For contingent expenses of said building, viz:

Fuel, lights, repairs and miscellaneous..... 8,500 00
To enable the department to provide a suitable protection from the weather for the fuel consumed in said buildings, and to clean, repair, and furnish twenty-six rooms in the third story, when they shall be vacated by the General Land Office..... 7,000 00
For rent of building occupied in part by the Attorney General, and in part by the First Auditor of the Treasury..... 3,500 00
For fuel and miscellaneous items for the same.. 2,500 00
For compensation of four watchmen for said building..... 2,400 00
For compensation of four laborers for said building..... 2,304 00
For rent of the building occupied by the Third Auditor of the Treasury..... 600 00
For fuel and other miscellaneous items for the same..... 2,200 00
For compensation of two watchmen for said building..... 1,200 00
For rent of building occupied by the Fifth Auditor of the Treasury..... 800 00
For fuel and other miscellaneous items for the same..... 2,200 00
For compensation of two watchmen for said building..... 1,200 00

Department of the Interior.

For compensation of the Secretary of the Interior, and the clerks, messengers, and assistant messenger in his office..... 30,060 00
For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, and laborers in his office..... 168,186 00
For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office..... 29,840 00
For compensation of the Commissioner of Pensions, and the clerks, messenger, and assistant messenger in his office..... 107,840 00
For the repairs of the Potomac, Navy-Yard, and upper bridges..... 7,000 00
To refund to the Commissioner of Public Buildings the amount advanced to him by the Corporation of Washington, in eighteen hundred and fifty-three, and expended on the Potomac bridge..... 3,000 00

Contingent expenses of the Department of the Interior.

Office of the Secretary of the Interior:

For books, stationery, furniture, and other contingencies..... 3,700 00
For library, books, and maps..... 1,000 00

General Land Office:

For cash system and military patents, under laws prior to twenty-eighth September, eighteen hundred and fifty; patents and other records, tract books and blank books, for this and the district land offices; binding plats and field-

notes; stationery, furniture, and repairs of same, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office..... $33,525 00
For contingent expenses in addition, under swamp land act of twenty-eighth September, eighteen hundred and fifty; military bounty acts of twenty-eighth September, eighteen hundred and fifty, and twenty-second March, eighteen hundred and fifty-two, and act thirty-first August, eighteen hundred and fifty-two, for the satisfaction of Virginia land warrants. 26,100 00
For tract and other books for new land offices, created during the first session of the Thirty-Third Congress, including blanks for the same, 6,000 00
To enable the register and receiver of the land office at Indianapolis, Indiana, to rent suitable rooms for the preservation of the records and papers of the several land offices in said State which have been discontinued, and the books and papers thereof transferred to the said land offices at said city of Indianapolis 500 00
To enable the Secretary of the Interior to execute the provisions of the "Act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved fourth August, one thousand eight hundred and fifty-four..... 30,000 00

Office of Indian Affairs:

For rent of building on Seventh street, for office, 1,200 00
For compensation of four watchmen..... .... 2,400 00
For compensation of laborer..... 576 00
For fuel and lights..... 616 00
For blank books, binding, and stationery..... 900 00
For miscellaneous items, including two of the daily city newspapers to be filed, bound, and preserved for the use of the office..... 800 00

Pension Office:

For engraving and printing bounty land certificates..... 5,000 00
For stationery..... 3,000 00
For binding books..... 2,500 00
For furniture..... 500 00
For compensation of laborers..... 1,500 00
For miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office..... 5,000 00

For the general purposes of the Department of the Interior:

For compensation of four night watchmen and one day watchman for the eastern wing of the Patent Office, occupied by the Secretary of the Interior..... 3,000 00
For expenses incurred by Dr. John Evans, in geological explorations in Oregon, Washington, &c., and for the completion of those explorations in Washington Territory, and on Coose bay..... 23,560 00

For contingent expenses of the Eastern wing of the Patent Office Building.

For fuel, lights, and incidental expenses..... 2,500 00
For compensation of three laborers..... 1,728 00

For the preservation of the collections of the exploring expedition:

For compensation of keepers, watchmen, and laborers..... 2,980 00
For contingent expenses..... 200 00

Surveyors General and their Clerks.

For compensation of the surveyor general northwest of the Ohio, and the clerks in his office, 8,300 00
For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office..... 5,820 00
For compensation of the surveyor general of Louisiana, and the clerks in his office..... 4,500 00
For compensation of the surveyor general of Florida, and the clerks in his office..... 5,500 00
For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office..... 8,300 00
For compensation of the surveyor general of Arkansas, and the clerks in his office..... 8,300 00
For compensation of the surveyor general of Oregon, and the clerks in his office..... 7,500 00
For compensation of the surveyor general of California, and the clerks in his office..... 39,500 00
For compensation of the surveyor general of Washington Territory, and the clerks in his office..... 7,500 00
For compensation of the surveyor general of New Mexico, and the clerks in his office..... 7,000 00
For compensation of the surveyor general of Kansas and Nebraska, and the clerks in his office..... 8,300 00
For compensation of clerks in the offices of surveyors general, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field-notes of surveys for the purpose of preserving them at the seat of Government 61,000 00
For salary of the recorder of land titles in Missouri..... 500 00
For compensation to the Commissioner of Public Buildings, and the clerk in his office..... 3,200 00
For compensation of the Superintendent of the Public Printing, and the clerks and messenger in his office..... 11,517 00
To entitle the superintendent and the clerks and messenger in his office, and the librarian, and assistants and messenger in the Library of Congress, to the benefits of the joint resolution, approved July twentieth, eighteen hundred and fifty-four, fixing the compensation of the legislative employees of the Government in the same manner and to the same extent as officers of the same grade in the legislative department. [Indefinite.]

For contingent expenses of his office, viz:

For blank books, stationery, postage, advertising for proposals for paper, and miscellaneous items..... $1,000 00
For rent of wareroom..... 250 00
For cartage and labor in storing and transportation of paper..... 550 00

War Department.

For compensation of the Secretary of War, and the clerks, messenger, assistant messenger, and laborer in his office..... 22,348 00
For compensation of the clerks and messenger in the office of the Adjutant General..... 13,400 00
For compensation of the clerks and messenger in the office of the Quartermaster General.... 16,200 00
For compensation of the clerks and messenger in the office of the Paymaster General..... 12,440 00
For compensation of the clerks, messenger, and laborer in the office of the Commissary General of Subsistence..... 9,776 00
For compensation of the clerks and messenger in the office of the Chief Engineer 8,200 00
For compensation of the clerks and messenger in the office of the Surgeon General..... 5,000 00
For compensation of the clerks, messenger, and laborer in the office of Colonel of Topographical Engineers..... 6,976 00
For compensation of the clerks and messenger in the office of the Colonel of Ordnance..... 12,000 00

Contingent Expenses of the War Department.

Office of the Secretary of War:

For blank books, stationery, and labor..... 1,450 00
For miscellaneous items..... 550 00
For books, maps, and plans..... 1,000 00
For extra clerk hire 1,500 00

Office of the Adjutant General:

For blank books, binding, and stationery..... 600 00
For miscellaneous items, including office furniture..... 600 00

Office of the Quartermaster General:

For blank books, binding, and stationery..... 500 00
For labor..... 150 00
For miscellaneous items..... 350 00

Office of the Commissary General:

For blank books, binding, stationery, advertising, and miscellaneous items 2,500 00

Office of the Chief Engineer:

For blank books, binding, and stationery..... 400 00
For miscellaneous items, including two daily Washington papers..... 500 00

Office of the Surgeon General:

For blank books, binding, and stationery..... 200 00
For miscellaneous items..... 200 00

Office of the Colonel of Ordnance:

For blank books, binding, and stationery..... 600 00
For miscellaneous items..... 500 00

Office of the Colonel of Topographical Engineers:

For blank books, binding, and stationery..... 700 00
For miscellaneous items..... 500 00

For the general purposes of the Northwest Executive Building.

For compensation of four watchmen of the northwest executive building..... 2,400 00
For compensation of two laborers of the northwest executive building..... 864 00
For fuel and light..... 2,400 00
For miscellaneous items..... 1,600 00

For the general purposes of the building corner of F and Seventeenth streets.

For compensation of superintendent, four watchmen, and two laborers, for said building..... 3,803 00
For repairs and improvements..... 10,253 40
For fuel and compensation of firemen..... 1,943 50
For contingent expenses..... 1,400 00

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, assistant messenger, and laborer in his office..... 29,296 00
For compensation of the chief of the Bureau of Ordnance and Hydrography, and the clerks, messenger, and laborer in his office..... 12,316 00
For compensation of the chief of the Bureau of Navy-Yards and Docks, and the civil engineer, clerks, messenger, and laborers in his office... 17,092 00
For compensation of the chief of the Bureau of Construction, Equipment, and Repairs, and of the engineer-in chief, and the clerks, messenger, and laborers in his office..... 20,792 00
For compensation of the clerks, messenger, and laborer in the Bureau of Provisions and Clothing..... 8,816 00
For compensation of the chief of the Bureau of Medicine and Surgery, and the clerks, messenger, and laborer in his office..... 9,016 00

Contingent Expenses of the Navy Department:

Office of the Secretary of the Navy:

For blank books, binding, stationery, labor, newspapers, periodicals, and miscellaneous items.. 2,840 00

Bureau of Ordnance and Hydrography:

For blank books and stationery..... $500 00
For miscellaneous items..... 250 00

Bureau of Construction, Equipment, and Repairs:

For blank books, binding, stationery, and miscellaneous items..... 800 00

Bureau of Yards and Docks:

For stationery, books, plans, drawing, and incidental labor..... 800 00

Bureau of Provisions and Clothing:

For blank books, binding, stationery, and miscellaneous items..... 700 00

Bureau of Medicine and Surgery:

For blank books and stationery 350 00
For miscellaneous items. 100 00

For the general purposes of the Southwest Executive Building.

For compensation of four watchmen of the southwest executive building 2,400 00

For contingent expenses of said building, viz:

For labor, fuel, lights, and miscellaneous items.. 3,865 00

Post Office Department.

For compensation of the Postmaster General, three assistant Postmasters General, and the clerks, messengers, assistant messengers, watchmen, and laborers of said department... 150,552 00

Contingent expenses of said department:

For blank books, binding, and stationery, fuel for the General Post Office building, including the Auditor's office, oil, gas, and candles, printing, labor, day watchman, and miscellaneous items, 9,500 00
For the continuation of the Post Office building, under the direction of the President of the United States, according to the plan submitted by Thomas U. Walter, architect, to the Postmaster General, and approved of by the committees of the Senate and House of Representatives, at the present session of Congress.....300,000 00
For repairs of the General Post Office building, for office furniture, glazing, painting, whitewashing, and for keeping the fire-places and furnaces in order..... 4,000 00
For the renewal of the furnaces in the General Post Office building, and for repairing the mantles and fire places therein..... 2,000 00
For paper and printing for the Executive Departments, including the Annual Statement of Commerce and Navigation, the Biennial Register, and annual estimates of appropriation....146,500 00

Mint of the United States.

At Philadelphia:

For salaries of the director, treasurer, assayer, melter and refiner, chief coiner and engraver, assistant assayer, assistant melter and refiner, and seven clerks..... 27,900 00
For wages of workmen and adjusters..... 50,000 00
For specimens of ores and coins, to be reserved at the Mint..... 300 00
For transportation of bullion from New York assay office to the United States Mint, for coinage..... 10,000 00
For incidental and contingent expenses, including fuel, materials, stationery, water rent, gas, wastage, freight on bullion, in addition to other available funds..... 60,000 00

At New Orleans:

For salaries of superintendent, treasurer, assayer, coiner, melter and refiner, and three clerks..... 17,700 00
For wages of workmen..... 37,000 00
For incidental and contingent expenses, including fuel, materials, stationery, wastage, in addition to other available funds..... 42,300 00

At Charlotte, North Carolina:

For salaries of superintendent, coiner, assayer, and clerk. 6,000 00
For wages of workmen..... 4,100 00
For incidental and contingent expenses, including fuel, materials, stationery, wastage, in addition to other available funds..... 1,500 00

At Dahlonega, Georgia:

For salaries of superintendent, coiner, assayer, and clerk..... 6,000 00
For wages of workmen..... 3,600 00
For incidental and contingent expenses, including fuel, materials, stationery, wastage, in addition to other available funds..... 2,500 00

At San Francisco, California:

For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and five clerks..... 28,000 00
For wages of workmen and adjusters.....100,000 00
For ordinary expenses, including wastage, in addition to other available means..... 20,000 00

Assay Office, New York:

For salaries of officers and clerks..... 14,400 00
For wages of workmen, in addition to an available balance of former appropriations..... 40,000 00
For incidental and contingent expenses, repairs, including fuel, and materials, and wastage on gold and silver, in addition to other available means..... 70,000 00

Government in the Territories.

Territory of Oregon:

For salaries of Governor, three judges, and secretary..... 12,500 00

For contingent expenses of said Territory..... $1,500 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

Territory of Minnesota:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary..... 10,300 00
For contingent expenses of said Territory..... 1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

Territory of New Mexico:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary..... 12,500 00
For contingent expenses of said Territory..... 1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

Territory of Utah:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary..... 12,000 00
For contingent expenses of said Territory..... 1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00
For the construction of a warden's house and outer yard, and twelve cells and fixtures for the penitentiary in the Territory of Utah..... 13,000 00

Territory of Washington:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary..... 12,500 00
For contingent expenses of said Territory..... 1,500 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

Territory of Nebraska:

For salaries of Governor, three judges, and secretary..... 10,500 00
For contingent expenses of said Territory..... 3,125 00
For expenses of taking the census, authorized by fourth section of act of May thirtieth, one thousand eight hundred and fifty-four..... 2,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00
For salaries of Governor, three judges, and secretary..... 10,500 00
For contingent expenses of said Territory..... 1,500 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00
For expenses of taking the census, authorized by fourth section of act of May thirtieth, one thousand eight hundred and fifty-four..... 2,000 00
For the expenses of the election of a Delegate to the House of Representatives of the United States, second session of the Thirty-Third Congress..... 700 00

Judiciary.

For salaries of the Chief Justice of the Supreme Court and eight Associate Judges..... 54,500 00
For salary of the circuit judge of California..... 4,500 00
For salaries of the district judges, inclusive of the deficiency for the year ending thirtieth June next..... 111,668 00
For salaries of the chief judge of the District of Columbia, the assistant judges, and the judges of the criminal court, and the orphans' court.. 11,700 00
For salaries of the Attorney General and the clerks and messengers in his office..... 18,040 00
For contingent expenses of the office of the Attorney General..... 1,000 00
For purchase of law books for the office of the Attorney General..... 1,500 00
For salary of the reporter of the Decisions of the Supreme Court..... 1,300 00
For one hundred and fifty copies of volume sixteen of Howard's Reports of Decisions of the Supreme Court of the United States, furnished by the reporter thereof to the State Department, for distribution according to existing laws..... 1,300 00
For compensation of the District Attorneys..... 10,150 00
For the marshal of the southern district of New York, for repairs made in, and furniture supplied for, the court rooms and offices of the circuit and district judges, district attorney, and marshal of the southern district of New York, rendered necessary in consequence of the destruction of the court buildings by fire..... 7,148 81
For compensation of the marshals..... 8,000 00

Miscellaneous.

For annuities and grants..... 700 00

Independent Treasury.

For salaries of the assistant treasurers of the United States, at New York, Boston, Charleston, and St. Louis..... 13,500 00
For additional salary of the treasurer of the Mint at Philadelphia..... 1,000 00
For additional salary of the treasurer of the branch Mint at New Orleans..... 500 00
For salaries of six of the additional clerks, authorized by the acts of August sixth, one thousand eight hundred and forty-six, August twelfth, one thousand eight hundred and forty-eight, March third, one thousand eight hundred and fifty-one, and August thirty first, one thousand eight hundred and fifty-two, and August fourth, one thousand eight hundred and fifty-four..... 6,500 00
For salary of additional clerk in office of assistant treasurer at Boston..... $1,200 00
For salary of a clerk to the treasurer of the branch Mint at San Francisco, California..... 2,500 00
For salaries of clerks, messengers, and watchmen, in the office of the assistant treasurer at New York..... 13,900 00
For contingent expenses under the act for the safe-keeping, collecting, transfer, and disbursement of the public revenue, of August sixth, one thousand eight hundred and forty-six..... 16,500 00
For compensation to special agents to examine the books, accounts, and money on hand, of the several depositories, under the act of August sixth, one thousand eight hundred and forty-six..... 5,000 00
For the discharge of such miscellaneous claims, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury... 5,000 00
For salaries of nine supervising and fifty local inspectors, appointed under the act of August thirtieth, one thousand eight hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them..... 80,000 00

Survey of the Coast.

For survey of the coast of the United States, (including compensation to superintendent and assistants, and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work)..... 250,000 00
For continuing the survey of the western coast of the United States..... 130,000 00
For continuing the survey of the Florida reefs and keys, (excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work)..... 40,000 00
For publishing the observations made in the progress of the survey of the coast of the United States..... 15,000 00
For fuel and quarters, and for mileage and transportation for officers and enlisted soldiers of the army, serving in the coast survey, in cases no longer provided for by the quartermaster's department..... 10,000 00

Light-House Establishment.

For supplying five hundred and ten light-houses and beacon-lights with oil, glass chimneys, wicks, chamois skins, polishing powder, whiting, and cleaning materials, transportation, and other necessary expenses of the same, repairing and keeping the lighting apparatus.. 987,940 50
For repairs and incidental expenses, refitting, and improvements of all the light-houses, and buildings connected therewith..... 142,489 21
For salaries of five hundred and forty-three keepers of light-houses and lighted beacons, and their assistants, and including one thousand two hundred dollars for salary of superintendent of supplies on the upper lakes..... 218,400 00
For salaries of forty-nine keepers of light-vessels..... 27,650 00
For seamen's wages, repairs, supplies, and incidental expenses, of forty-nine light-vessels... 186,861 23
For expenses of raising, cleaning, painting, repairing, mooring, and supplying losses of buoys and day beacons, and for chains and sinkers for the same, and for coloring and numbering all the buoys..... 89,357 32
For expenses of visiting and inspecting lights, and other aids to navigation..... 2,000 00
For commissions, at two and a half per centum, to such superintendents as are entitled to the same, under the proviso to the act of third of March, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them..... 8,000 00
For the coasts of California, Oregon, and Washington:
For oil and other supplies for twenty-one lights, cleaning materials of all kinds, and transportation of the same, expenses of keeping lamps and machinery in repair, publishing notices to mariners of changes of aids to navigation..... 38,094 25
For repairs and incidental expenses of twenty-one lights and buildings connected therewith.. 12,750 00
For salaries of forty-one keepers and assistant keepers of light-houses, at an average not exceeding eight hundred dollars per annum..... 32,800 00
For expenses of raising, cleaning, repairing, remooring, and supplying losses of floating beacons and buoys, and chains, and sinkers for the same, and for coloring and numbering all the buoys..... 11,500 00
For commissions, at two and a half per centum, to such superintendents as are entitled to the same, under the proviso to the act of the third of March, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them..... 800 00
For continuing the construction of the light-house near Coffin's Patches, off Dry Bank, on the Florida reef, between Cary's Fort reef and Sandy Key light houses..... 65,000 00
For continuing the construction of the light-house on Minot's ledge, one of the Cohasset rocks, Boston bay, Massachusetts..... 75,000 00
For continuing the construction of the light-house on Ship shoal, Louisiana, to take the place of the light-vessel at that point..... 30,000 00
To enable the Secretary of the Treasury to replace lost light-vessels, to mark the dangerous New South shoals, off Nantucket, Massachusetts..... 30,000 00
For continuing the appropriation of the third of March, eighteen hundred and fifty-three, for a first-class light house at the mouth of the Sabine river..... 30,000 00
For continuing the system of protecting human life from shipwreck as heretofore established, by life-boats and other means, on the coast of Massachusetts..... 10,000 00
For fuel and quarters for officers of the army serving on light-house duty, the payment of which is no longer provided for by the quartermaster's department..... 5,063 67
To supply deficiencies in the revenue of the Post Office Department..... 1,106,187 00
For the continuation of the custom-house at Charleston, South Carolina..... 200,000 00
For the continuation of the custom-house at New Orleans, Louisiana..... 275,000 00
To complete the custom-house at Bath, Maine.. 10,000 00
For the completion of the custom-house at Mobile, with granite facing in place of brick..... 95,000 00

Intercourse with Foreign Nations.

For salaries of envoys extraordinary and ministers plenipotentiary of the United States..... 267,500 00
For salaries of secretaries of legation..... 44,500 00
For salary of the commissioner to the Sandwich Islands..... 6,000 00
For the dragoman to the mission to Turkey..... 2,500 00
For the interpreter to the mission to China..... 2,500 00
For the salaries of consuls of the United States, 271,750 00
For contingent expenses of all the missions abroad, or so much thereof as may be necessary..... 96,543 75
For contingent expense of foreign intercourse... 60,000 00
For expenses of intercourse with the Barbary powers..... 6,000 00
For office rent of the commercial agent at St. Martin, from the twelfth of November, eighteen hundred and fifty-two, to the end of the present fiscal year, at the rate of one hundred dollars per annum..... 263 33
To enable the Secretary of the Treasury to pay to James Keenan, consul at Hong Kong, in China, the sum expended by him for the relief of American citizens shipwrecked in Chinese waters in August last..... 581 58
For the relief and protection of American seamen in foreign countries..... 125,000 00
For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens and vessels of the United States from shipwreck..... 2,000 00
For the purchase of blank books, stationery, arms of the United States, presses, and flags, and for the payment of postages for the consuls of the United States..... 10,000 00
For compensation of a consul general, to reside at Simoda, in Japan, at the rate of five thousand dollars per annum..... 3,750 00
To reimburse Commodore M. C. Perry, of the United States Navy, the extraordinary expenses incurred by him on his recent mission to Japan, and as a consideration for his eminent public service in effecting a treaty of amity and commerce with that power..... 20,000 00
To pay to Robert C. Schenck, of Ohio, for his full compensation while employed as envoy extraordinary and minister plenipotentiary of the United States on special mission to the Oriental Republic of Uruguay, in the year eighteen hundred and fifty-two..... 9,000 00
For his full compensation as envoy extraordinary and minister plenipotentiary of the United States on special mission to the Argentine confederation in the year eighteen hundred and fifty-three..... 9,000 00
To enable the Secretary of State to reimburse to Edward Riddle such sums as shall be satisfactorily shown to have been expended by him, or which said Riddle may have obligated himself to pay, on account of his official position at the Industrial Exhibition at London, England.... 26,000 00

Expenses of the collection of revenue from Lands.

To meet the expenses of collecting the revenue from the sale of public lands in the several land States, and Territory of Minnesota, in addition to the balances of former appropriations:
For salaries and commissions of registers of land offices and receivers of public moneys..... 318,000 00
For expenses of depositing public moneys by receivers of public moneys..... 100,000 00
For incidental expenses of the several land offices, 74,300 00

Survey of the Public Lands.

For surveying the public lands, (exclusive of California, Oregon, Washington, New Mexico, Kansas, and Nebraska,) including incidental expenses and island surveys in the interior, and all other special and difficult surveys demanding augmented rates, to be apportioned and applied to the several surveying districts according to the exigencies of the public ser-

vice, including expenses of selecting swamp lands, and the compensation and expenses to surveyor to locate private land claims in Louisiana, in addition to the unexpended balances of all former appropriations for the same objects.....$115,000 00

For the resurvey and correction of thirty townships in Michigan, situated north of the first correction line, and west of the meridian, averaging sixty miles each, at a rate not exceeding six dollars per mile..... 10,800 00

For the resurvey and correction of townships forty-four to forty-eight north, inclusive of ranges eighteen, nineteen, and twenty west, situated in the upper peninsula of Michigan, estimated at thirteen full townships, averaging sixty miles each, at a rate not exceeding six dollars per mile..... 4,680 00

For correcting erroneous and defective lines of public and private surveys in Illinois and Missouri, at a rate not exceeding six dollars per mile..... 3,000 00

For the resurvey and correction of old erroneous surveys in Arkansas, discovered since the last report by the surveyor general, at a rate not exceeding six dollars per mile..... 9,504 00

For the renewal and correction of old, erroneous and defective surveys in Arkansas, discovered since the last estimate by the surveyor general where the marks have become obliterated by time, accident, and other causes, at a rate not exceeding four dollars per mile..... 4,896 00

For surveying in Louisiana, at augmented rates, now authorised by law..... 23,091 00

For retracing and renewing old, obliterated, imperfect, and defective surveys in the State of Florida, and making relocations of the lines of private land claims therein, and for locating private land claims under the act of twenty-eighth June, one thousand eight hundred and forty eight; also for detached and unfinished surveys, and for the execution of surveys rendered difficult by reason of swamps and lakes, and to be expended at rates not exceeding six dollars per mile..... 10,000 00

For preparing the unfinished records of public and private surveys, to be transferred to the State authorities under the provisions of the act of the twelfth June, one thousand eight hundred and forty, in those districts where the surveys are about being completed..... 20,000 00

For resurveys and examinations of the survey of the public lands in those States where the offices of the surveyors general have been, or shall be, closed under the acts of the twelfth of June, one thousand eight hundred and forty, and the twenty-second of January, one thousand eight hundred and fifty-three, including two thousand dollars for the salary of the clerk detailed for this special service in the General Land Office..... 3,000 00

For Surveys in California, Oregon, Washington, New Mexico, Kansas, and Nebraska.

For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work.....150,000 00

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, and pay of messengers, 18,000 00

For continuing the surveys of standard parallels in Oregon, over the coast range of mountains to the Pacific, estimated at one hundred and fifty miles..... 3,000 00

For surveying township and subdivision lines in Oregon Territory, at a rate not exceeding twelve dollars per mile..... 25,920 00

For rent of surveyor general's office in Oregon, fuel, books, stationery, and other incidental expenses..... 2,000 00

For surveying township and subdivision lines in Washington Territory, at a rate not exceeding twelve dollars per mile..... 30,000 00

For office rent for the surveyor general of Washington Territory, fuel, books, stationery, and other incidental expenses..... 3,000 00

For rent of surveyor general's office in New Mexico, fuel, books, stationery, and other incidental expenses..... 3,000 00

For compensation of a translator in the office of the surveyor general of New Mexico..... 2,000 00

For surveying the necessary base, meridian, standard parallels, and section lines in Kansas and Nebraska, also outlines of Indian reservations.....101,000 00

For rent of surveyor general's office in Kansas and Nebraska, fuel, books, stationery, and other incidental expenses..... 6,000 00

For continuing the survey of the keys off the coast of Florida, by the officers of the coast survey... 30,000 00

For continuing the survey of the islands off the cost of California..... 40,000 00

For running and marking the boundary line between the United States and the Republic of Mexico, under the treaty concluded at the city of Mexico on the thirtieth of December, one thousand eight hundred and fifty-three..... 71,450 00

For compensation of the surveyor general of Utah Territory..... 3,000 00

For clerks in his office..... 4,000 00

For office rent for the surveyor general of Utah Territory, fuel, books, stationery, furniture, and other incidental expenses..... 3,000 00

For surveying the base, principal meridian, correction parallels, township and section lines, in the Territory of Utah, at augmented rates..$50,000 00

Penitentiary.

For compensation of the warden, clerk, physician, chaplain, assistant keepers, guards, and porter of the penitentiary of the District of Columbia..... 11,229 31

For twenty per centum additional salary, to be paid to the said officers of the penitentiary, which per centum shall commence from the first day of July, eighteen hundred and fifty-three. [Indefinite.]

For compensation of three inspectors of said penitentiary..... 750 00

For the present fiscal year..... 450 00

For the support and maintenance of said penitentiary..... 6,312 50

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-six, and previous years; likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners 800,000 00

For the support, clothing, and medical treatment of the insane of the District of Columbia, and of the army and navy at the asylum in said District..... 16,800 00

For finishing and furnishing the two last sections of the hospital building, which comprises all that has been commenced 23,512 00

For the erection of a lodge for the colored insane, fences, repair of the farm-houses, for ten cows for the use of the asylum, for a carriage and harness for the patients, and for ditching, grading, and setting out trees..... 12,020 00

Public Buildings and Grounds.

For compensation, in part, for the messenger in charge of the main furnace in the Capitol..... 420 00

For compensation to the laborer in charge of the water-closets in the Capitol..... 438 00

For removing fences, grading streets, &c., preparatory to the extension of the Capitol square in accordance with the plan submitted by the Commissioner of Public Buildings..... 15,000 00

For compensation of the Public Gardener..... 1,440 00

For compensation of sixteen laborers, employed in the public grounds and President's garden, at forty-eight dollars per month each..... 9,216 00

For compensation of the keeper of the western gate, Capitol square..... 876 00

For compensation of two day watchmen, employed in the Capitol square, at six hundred dollars each..... 1,200 00

For compensation of two night watchmen, employed at the President's house, at six hundred dollars each..... 1,200 00

For compensation of the doorkeeper at the President's house..... 600 00

For compensation of assistant doorkeeper at the President's house..... 438 00

For compensation of four draw-keepers at the Potomac bridge, and for fuel, oil, and lamps.. 3,986 00

For compensation of two draw-keepers at the two bridges across the eastern branch of the Potomac, and fuel, oil, and lamps..... 1,180 00

For compensation of the Auxiliary Guard, fuel, and oil for lamps..... 19,400 00

For support, care, and medical treatment of eighteen transient paupers, medical and surgical patients, in Washington Infirmary..... 3,000 00

For purchase of manure for the public grounds, 1,000 00

For hire of carts on the public grounds..... 1,000 00

For purchase and repair of tools used in the public grounds..... 500 00

For purchase of trees and tree-boxes, to replace, where necessary, such as have been planted by the United States, and the repair of pavements in front of the public grounds..... 5,000 00

For compensation of one night watchman, employed for the better protection of the buildings lying south of the Capitol, and used as public stables and carpenter's shop..... 600 00

For annual repairs of the Capitol, water-closets, public stables, water pipes, pavements, and other walks within the Capitol square, broken glass and locks..... 5,000 00

For annual repairs of the President's house, improvements of grounds, purchasing trees and plants for garden, and making hot-beds therein, 6,000 00

For removing the stone wall which now forms the southern boundary of the park at the President's, in accordance with the recommendation and plan submitted by the Commissioner of Public Buildings..... 15,000 00

For removing the old engine house of the Franklin Fire Company from the triangular space on Pennsylvania avenue, between Thirteenth and Fourteenth streets, and enclosing said space with an iron fence, and improving it..... 6,000 00

For removing the present dome over the central portion of the Capitol, and the construction of one upon the plan as designed by Thomas U. Walter, architect of the Capitol extension, under the direction of the President of the United States.....100,000 00

For public reservation number two, and Lafayette square..... 3,000 00

For enclosing the circle at the intersection of Pennsylvania avenue with New Hampshire avenue, and K and Twenty-third streets, and improving the space within said circle..... $3,000 00

For inclosing the triangular space upon which the western market-house recently stood, with an iron fence, and improving the same..... 5,000 00

For repairs of Pennsylvania avenue..... 1,000 00

For footway on north front of the President's House, in lieu of the brick pavement now much broken, containing seventeen thousand one hundred and seventy-six square feet, at twenty-eight cents per foot..... 3,899 28

For finishing the brick pavement on the south front of Lafayette square..... 1,000 00

For purchase of books for library at the Executive Mansion, to be expended under the direction of the President of the United States..... 250 00

To complete and revise the grades of the city of Washington, and to determine the plans for the drainage and sewerage thereof, per act of August thirty-one, eighteen hundred and fifty-two..... 5,000 00

For taking care of the grounds south of the President's House, continuing the improvements of the same, and keeping them in order . . 3,000 00

For the completion of the east wing of the Patent Office building, and the improvements connected therewith..... 10,700 00

For lighting the President's House and Capitol, the public grounds around them, and around the executive offices and Pennsylvania avenue, east Capitol street to Second street..... 25,000 00

For fuel for the President's House..... 1,000 00

For furnace keeper at the President's House.... 365 00

To complete the furnishing of the rooms of the new wing of the Patent Office building, with furniture, and providing the saloon therein with cases for models..... 15,000 00

For the collection of agricultural statistics, and procuring and distributing cuttings and seeds, 25,000 00

For continuing the work on the Washington aqueduct.....250,000 00

For completing the engravings and illustrations of the Mexican boundary survey..... 10,000 00

To meet the expenses of the transportation of certain persons from San Diego to San Francisco, California, charged with a violation of the neutrality laws of the United States, and who surrendered themselves to the military authorities..... 1,200 00

For salaries and incidental expenses of the commission appointed under the act of third March, eighteen hundred and fifty-one, for settling land claims in California, from third March, eighteen hundred and fifty-five, to third March, eighteen hundred and fifty six, in addition to unexpended balance.....120,000 00

For compensation of thirty clerks of class one, ten of class two, nine of class three, and one at two thousand dollars per annum, one messenger at eight hundred and forty dollars, one messenger at six hundred dollars, two laborers at five hundred and seventy-six dollars each, and four watchmen at six hundred dollars each per annum, for temporary service at the discretion of the Secretary of the Interior, in the Pension Office on account of bounty lands.... 71,390 00

For contingent expenses, viz:

For rent of rooms, stationery, engraving plates for bounty land warrants, paper, and printing the same, binding books, blank books for registers, office furniture, and miscellaneous items, 20,000 00

For expenses of the current fiscal year on account of military bounty lands..... 30,000 00

For clerk hire, patents, records, stationery, and miscellaneous items in the General Land Office, on account of military bounty lands... 70,000 00

For compensation of ten clerks of class one, to be employed temporarily in the office of the Third Auditor, on account of military bounty lands.. 12,000 00

To pay to Jacob P. Chase the usual compensation for the services of his two sons, as clerks in the Pension Office, for the time they were engaged as such. [Indefinite.]

To enable the Secretary of War to cause to be constructed on such site, in a central position on the public grounds, in the city of Washington, as may be selected by the President of the United States, a suitable building for the care and preservation of the ordnance, arms, and accouterments of the United States, required for the use of the volunteers and militia of the District of Columbia, and for the care and preservation of the military trophies of the revolutionary and other wars, and for the deposit of newly invented and model arms, for the military service, the said ordnance and arms, and the building to be used by the volunteers and militia of the District of Columbia, under such regulations as may be prescribed by the President..... 30,000 00

To supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five, for additional to the appropriations by the act of fourth August, eighteen hundred and fifty-four, for the contingent expenses of the Senate, viz:

For binding..... 30,000 00

For lithographing and engraving..... 25,000 00

For the House of Representatives, viz:

For twenty-four copies of Globe for each member and Delegate of the second session of the Thirty-Third Congress..... 17,352 00

For binding twenty four copies of Globe for each member and Delegate of the second session of the Thirty-Third Congress..... $6,940 80
For reporting the debates of the second session of the Thirty-Third Congress..... 7,500 00
To enable John C. Rives to pay the reporters of the House for the Congressional Globe, viz: William W. Curran, William Hincks, Francis H. Smith, John J. McElbone, Theodore F. Andrews, Charles B. Collar, and Henry G. Hayes, the same amount of additional compensation for reporting the debates of the House, for the present session of Congress, as has been heretofore paid them, eight hundred dollars each..... 5,600 00
For the payment of a like sum to each of the reporters of the Senate, namely: Richard Sutton, D. F. Murray, [D. F. Murphy,] E. M. Patterson, Henry Pardon, James J. Murphy, and David W. Brown..... 4,800 00
To pay for twenty-four copies of the Congressional Globe and Appendix of the first session of the present Congress, for each of the Delegates from Nebraska and Kansas, being forty-eight copies, at six dollars per copy..... 288 00
For binding the same, one hundred and ninety-two volumes, at sixty cents a volume..... 115 20
For additional amount required for binding documents..... 30,000 00
For additional amount required for engraving and lithographing..... 30,000 00
For the payment of salaries and other expenses of the Census Bureau, until the completion of the mortality statistics..... 5,000 00
For supplying a deficiency in the appropriation for the printing of the executive departments.. 39,875 00
For the completion of the printing of the Senate, ordered at the present session, and paper for the same..... 30,000 00
For the completion of the printing of the House, ordered at the present session, and paper for the same..... 60,000 00
To pay Norman R. Haskell, of Michigan, in full of charges as custodian of public property..... 350 56
To pay the draughtsmen and clerks employed upon the maps of the public lands for the House of Representatives and the Committee on Public Lands, for the balance of the present fiscal year..... 4,000 00
For amount equal to drafts, checks, and deposits, awaiting decisions in certain applications for approval of sales of Indian reserves, including eight hundred dollars collected by, and deposited with, the late firm of Selden, Withers & Company, by a former disbursing officer of Government..... 4,000 00

Contingent expenses of Department of State.

For publishing the laws in pamphlet form, and in the newspapers in the states and Territories, and in the District of Columbia, in addition to any balance that may remain of former appropriations..... 21,396 00

Territory of Oregon.

For compensation of chief justice, two associate judges, and secretary..... 5,000 00
For amount ascertained to be due to Governor Joseph Lane, for and on account of his disbursements in eighteen hundred and forty-nine and fifty, for the necessary contingent expenses of his office..... 1,434 25

Territory of Washington.

For compensation of chief justice, two associate judges, and secretary..... 3,504 11

Territory of Minnesota.

For compensation of chief justice, and two associate judges..... 600 00

Territory of Utah.

For compensation of chief justice, two associate judges, and secretary..... 2,300 00
For contingent expenses of the Territory of Utah, to discharge such sums as the accounting officers, subject to the approval of the Secretary of the Interior, may deem to have been necessarily expended by the executive of said territory, during the years one thousand eight hundred and fifty-two, fifty-three, and fifty-four... 1,168 37

Territory of New Mexico.

For compensation of Governor, chief justice, two associate judges, and secretary..... 2,800 00

Support of the Army.

For clothing for the army, camp and garrison equipage, and horse equipments 195,069 03

Mint at Philadelphia.

For increased compensation of clerks, by the thirteenth section of act of fourth August, eighteen hundred and fifty four..... 3,000 00
For supplying deficiency in the appropriation, in the current fiscal year, made for the Mint in Philadelphia..... 37,000 00
For supplying deficiency in the appropriation, in the current fiscal year, for the branch Mint in San Francisco..... 66,000 00
For increased compensation of the chief clerk of the branch Mint at New Orleans, by the thirteenth section of the act of fourth August, eighteen hundred and fifty-four 400 00
For construction of new roof to branch Mint at Charlotte, North Carolina..... 8,860 00

Independent Treasury.

For additional compensation of the assistant treasurer at New York..... $2,000 00
For additional compensation of clerk to treasurer of Mint at Philadelphia, as depositary, per act fourth August, eighteen hundred and fifty-four..... 500 00

Custom-Houses.

For furnishing the custom-house, post office, and United States court room, at Bangor, Maine, one thousand five hundred dollars for each..... 4,500 00
For the completion of the custom-house at San Francisco, California..... 141,271 09

Miscellaneous.

To complete the penitentiary in Utah Territory.. 12,000 00
For lighting and ventilating the upper story of the Treasury building, and for giving additional security to Treasury vault..... 24,840 00
To render the Mint at Philadelphia fire-proof, and to give additional security to the funds deposited in its vaults..... 125,000 00
To enable the Secretary of State to pay Messrs. Little, Brown & Company, for one hundred and ninety-seven pages of additional post office routes in the pamphlet volume of the United States Statutes at Large, first session of the Thirty-Third Congress..... 4,125 00
To defray expenses incurred, and to be incurred, in complying with the resolution of the House of Representatives, twenty-sixth December, one thousand eight hundred and fifty four.... 5,000 00
To enable the Secretary of State to pay Blythe & Company, of Port Louis, in the island of Mauritius, the amount of two bills of exchange drawn upon the Department of State by George M. Farnum, commercial agent, in payment of the expenses incurred in relieving destitute American citizens, which drafts were cashed by said Blythe & Company..... 7,854 50
For professional services additional to his regular and ordinary official duties, rendered by the United States attorney for the northern district of California, on behalf of the United States, in the district court of San Francisco, in appeals from the land commissioner, to ascertain and settle the private land claims in California, from the first of June, eighteen hundred and fifty-three, to first of June, eighteen hundred and fifty-five..... 10,000 00
To enable the Commissioner of Indian Affairs to pay the amount due George R. Herrick, for arrears of pay for services from first of April, eighteen hundred and forty-six, to the eighteenth of July, eighteen hundred and forty-nine, in the business of reservations and grants under Indian treaties, as provided for, one clerk at fourteen hundred dollars per annum, by the act of ninth of May, eighteen hundred and thirty-six, entitled "An act providing for the salaries of certain officers therein named, and for other purposes"..... 1,109 79
For payment of clerks temporarily employed in the office of the Postmaster General, from first July to tenth August, eighteen hundred and fifty-four..... 367 38
For compensation and expenses of the commissioner and the agent of the United States under the convention for the adjustment of claims between the United States and Great Britain, at twelve thousand dollars each for the entire service..... 24,000 00
To enable the Secretary of State to cause the accounts of Joseph Eve, deceased, late charge d'affaires of the United States to the late Republic of Texas, to be audited and adjusted by the proper accounting officers of the Government, and that the amount found due thereon be paid to Betsey W. Eve, widow of said Joseph Eve. [Indefinite.]
For salaries of the three judges of the court of claims..... 12,000 00
For salary of solicitor of said court..... 3,500 00
For salaries of the two clerks..... 3,500 00
For contingent expenses of said court..... 2,000 00
For the salaries of the judges, solicitor, and clerks of said court, and for other expenses thereof, prior to the first day of July, eighteen hundred and fifty-five, or so much thereof as may be required..... 5,000 00
For outfit of minister of the United States to Spain..... 9,000 00
For outfit of chargés des affaires, or minister resident to New Granada..... 4,500 00
For expenses of depositing public moneys by receivers of public moneys..... 41,000 00
For salaries and commissions of registers of land offices, and receivers of public moneys..... 110,000 00
For incidental expenses of the several land offices..... 11,000 00
To enable the Clerk of the House of Representatives to purchase for the new members from Virginia, Kentucky, and New York, and the delegates from Kansas and Nebraska, the same books as have been furnished the other members of the present House of Representatives.. 7,452 00
For the contingent expenses of the House of Representatives:
For stationery for members..... 4,910 00
For miscellaneous items..... 10,000 00
For oil for light houses, being the difference between the estimated and the actual cost of that article..... 22,094 17

For compensation of commissioner provided in the first article of the reciprocity treaty with Great Britain..... $2,000 00
For boats and other incidental expenses connected with the duties of the commissioner provided in the first article of the reciprocity treaty with Great Britain..... 3,000 00
For completing the publications of the works of the exploring expedition..... 22,380 00
To enable the Committee on the Library to pay to William H. Powell, in full for the picture painted by him for the United States, in addition to the sums heretofore appropriated by law..... 2,000 00
To settle and pay the account of C. W. Hinman, third assistant librarian, from the first day of July, eighteen hundred and fifty-four, at the rate of fifteen hundred dollars per annum..... 1,500 00
For the erection of a suitable house for the plants recently brought from Japan for the United States..... 1,500 00
For the support of the public green houses, including the pay of horticulturist and assistants, 3,000 00
To enable the Commissioner of Public Buildings to provide additional furnaces for the library of Congress..... 1,000 00
To construct suitable iron railings in front of the alcoves of the library, and other repairs, in addition to the balance of appropriations unexpended for the repairs of the Congressional Library, under the direction of the architect.. 3,500 00
For the construction, under the direction of the Secretary of the Treasury, of a marine hospital at Charlestown, Massachusetts, of faced brick exterior walls, upon a hammered granite underpinning, one hundred and forty feet long, fifty-two feet deep in the center, and one hundred feet deep at the wings, and forty-five feet high from top of entrance-story floor to the eaves, with verandas to each story on each side between the wings, and on each end of the building. [Indefinite.]
To supply a deficiency in the appropriation for building four steam dredge-boats, in use by the War Department, on Lakes Champlain, Erie, Michigan, and Ontario, to be applied for materials, machinery, tools, and labor, furnished in painting said boats..... 1,696 15
To authorize the Secretary of the Treasury to cause to be constructed the following buildings:
At Burlington, Vermont, a marine hospital 35,000 00
At Wilmington, North Carolina, a marine hospital, including a pest-house for the separate accommodation of patients with contagious and infective diseases..... 40,000 00
To cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings. [Indefinite.]
For the building of a light-house on the Government reservation at Minnesota Point, near the head of Lake Superior, in the Territory of Minnesota..... 15,000 00
For the construction of two light-houses in California, one at Crescent city, and one at Trinity Bay, fifteen thousand dollars each, should the Secretary of the Treasury decide that said light-houses were necessary, after proper examination and surveys..... 30,000 00
To pay the balance directed to be paid James P. Miller, and Pyne-y-oh-te-mah, or either of them, by the Senate amendment to the treaty with the Miami Indians, made in August, eighteen hundred and fifty-four..... 765 00
To pay this amount for interest due to the Chickasaws, at the rate of five per cent. per annum, in pursuance of the treaty of eighteen hundred and thirty-two, on the sum of one hundred and twelve thousand forty-two dollars and ninety-nine cents, improperly charged to said nation, according to the decision of the proper accounting officers of the Treasury, from the first September, eighteen hundred and thirty-seven, until March 9, 1850..... 72,960 25
To enable the Secretary of the Treasury to cause to be constructed the following buildings:
At Bristol, Rhode Island, for the accommodation of the custom-house and post office, a building of brick, with fire proof floors, constructed of iron beams, and brick work, iron roof, shutters, sills, &c., twenty-five feet by thirty, and twenty-five feet high..... 12,500 00
At Pensacola, Florida, for the accommodation of the custom-house, post office, and United States court, a building of like materials, thirty-five by fifty feet, and forty feet high.... 35,000 00
At Cleveland, Ohio, for the accommodation of the custom-house, post office, and United States court, a building of stone, eighty-five by sixty feet, and sixty feet high, of like floors, beams, roof, shutters, &c..... 88,000 00
At Plattsburg, New York, for the accommodation of the custom-house, post office, and United States court, a building of brick, of like floors, roof, beams, shutters, &c., forty-five feet by sixty, and forty-eight feet high..... 50,000 00
At Alexandria, Virginia, to accommodate the custom-house, post office, and United States court, a building of brick, of like floors, beams, roof, shutters, &c., forty-five feet, by sixty, and forty-eight feet high..... 50,000 00
At Barnstable, Massachusetts, for the accommodation of the custom house and post office, a

building of brick, of like floors, beams, roof, shutters, &c., forty-five feet by thirty-two, and thirty-two feet in height. $20,000 00

To cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings. [Indefinite.]

To settle the claim of John Randon, deceased, a friendly Creek Indian, (of the half-blood,) for losses sustained and property destroyed by the hostile Creek Indians, in the war of eighteen hundred and fourteen, in such manner and upon such terms as may be just and equitable, 5,925 00

For the salary of a consul general to reside in the British North American provinces..... 4,000 00

For the reimbursement of the Patent Office fund for moneys heretofore paid out by appropriation of acts of Congress, for seeds, and the collection of agricultural statistics..... 40,876 78

For filling up and draining the grounds in the vicinity of the national green-houses, known as the Botanic Garden; and for walling with brick the creek which passes through the same..... 12,000 00

To pay the necessary expenses of six companies of volunteers called into the service of the United States, by Brigadier General Smith, in the State of Texas, to be paid under the direction of the Secretary of War..... 25,000 00

For the employment of temporary clerks by superintendents of Indian affairs on such occasions and for such periods of time as may be deemed necessary to the public service..... 5,000 00

For taking up and relaying and renewing so much as has washed away at the sewer along Fifteenth street west, contiguous to the public grounds south of the President's..... 3,000 00

To settle and adjust the accounts of John Adair, collector of customs at Astoria, Oregon, upon fair and equitable principles. [Indefinite.]

To enable the Secretary of the Treasury to pay, in accordance with the memorial of the Menomonee Indians to the President and Congress, dated the fourth of October, eighteen hundred and fifty four, and executed in general council of the nation, to Richard W. Thompson, one half of the amount stipulated in said memorial, and in an agreement of said Indians with said Thompson, dated the fifteenth of February, eighteen hundred and fifty-one, for his services as attorney for said Indians in the prosecution of a claim in their behalf for additional compensation for lands ceded by them to the United States by the treaty of eighteen hundred and forty-eight, and that the sum so paid be deducted from the annuities, when due and payable, that are to be paid to the said Indians under the treaty of the twelfth of May, eighteen hundred and fifty-four, and the amendments thereto. [Indefinite.]

For rebuilding and repairs of the building for the branch Mint at New Orleans..... 55,000 00

For the erection of a building for a court-house, post office, and other public purposes, at Indianapolis, Indiana..... 50,000 00

To enable the President of the United States to contract with Hiram Powers for some work of art executed or to be executed by him, and suitable for the ornament of the Capitol..... 25,000 00

For fulfilling treaty with the Chippewa Indians, negotiated February twenty-second, eighteen hundred and fifty five..... 197,986 66

For fulfilling treaties with the Winnebagoes, per articles of twenty-seventh February, eighteen hundred and fifty-five..... 73,700 00

For fulfilling the articles with the Umpquas and Calapooias of the Umpqua Valley, Oregon, of the twenty-ninth November, eighteen hundred and fifty-four..... 23,980 00

For fulfilling the articles negotiated November eighteenth, eighteen hundred and fifty-four, with certain bands of Chasta, Scoton, and Umpqua Indians..... 35,780 00

For fulfilling treaty with the Rogue River Indians, per articles of fifteenth November, eighteen hundred and fifty-four..... 2,150 00

For fulfilling the articles negotiated December twenty-sixth, eighteen hundred and fifty-four, with certain bands of Indians of Puget's Sound, Washington Territory..... 16,500 00

For fulfilling the articles negotiated January tenth, eighteen hundred and fifty-five, with certain confederated bands of Calapooia, Molala, and Clackamas Indians of Oregon..... 62,960 00

For the increased pay of Indian agents and pay of additional agents authorized by the act passed the first March, eighteen hundred and fifty-five..... 6,375 00

For the increase of pay to Indian sub-agents, authorized by the act passed March first, eighteen hundred and fifty-five..... 1,334 00

For pay of three Indian agents in California, per act twenty-eighth September, eighteen hundred and fifty, and act passed March first, eighteen hundred and fifty five..... 12,000 00

For expenses of the reconnoissance of the boundary line between the Choctaw and Chickasaw Indians..... 1,000 00

For fulfilling treaty with the Wyandot Indians of thirty-first January, eighteen hundred and fifty-five..... 128,566 67

For arrearages due the Choctaw Indians under various treaty stipulations, as per report on statement of the proper accounting officer of the Treasury, transmitted by the Secretary of the Interior, in answer to a resolution of the Senate of the tenth March, eighteen hundred and fifty-three, to be paid over or expended for the benefit of the Choctaw nation, as may be requested by the authorized delegation thereof now in Washington..... $92,258 50

$15,686,335 90

By the act making appropriations for the naval service, for the year ending thirtieth of June, one thousand eight hundred and fifty-six.

For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the navy..... $3,515,111 20

For the compensation of the chiefs of Bureau of Construction, Equipment, and Repair, and of Medicine and Surgery, the same as now allowed to the other chiefs of bureaus of the Navy Department. [Indefinite.]

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations..... 194,480 00

For paying to the clerks and others in the Washington navy-yard the compensation authorized by the act approved April twenty-second, eighteen hundred and fifty-four. [Indefinite.]

For provisions for commission, warrant, and petty officers, and seamen, including engineers and marines, attached to vessels for sea-service..... 686,900 00

For surgeons' necessaries and appliances for the sick and hurt of the navy, including the marine corps..... 34,395 00

For increase, repair, armament, and equipment of the navy, including the wear and tear of vessels in commission, fuel for steamers, and purchase of hemp for the navy..... 2,799,500 00

To continue the construction of the six steam frigates authorized to be built by an act of the first session of the Thirty-Third Congress..... 3,000,000 00

For Stevens's war steamer..... 250,000 00

To enable the Secretary of the Navy to carry into effect the "joint resolution respecting the Arctic expedition, commanded by Passed Assistant Surgeon E. K. Kane."..... 156,000 00

For ordnance and ordnance stores and small-arms, including incidental expenses..... 540,000 00

For preparing for publication the American Nautical Almanac..... 20,880 00

For the purchase of nautical instruments required for the use of the navy, for repairs of the same, and also of astronomical instruments; and for the purchase of nautical books, maps and charts, and for backing and binding the same.. 23,000,00

For printing and publishing sailing directions, hydrographical survey, and astronomical observations..... 10,000 00

For models, drawing and copying, postage, freight, and transportation, and for working lithographic press, including chemicals, for keeping grounds in order, for fuel and lights, and for all other contingent expenses of the hydrographical office of the United States observatory..... 7,600 00

For continuing the publication of the series of wind and current charts, and for defraying all the expenses connected therewith..... 18,000 00

For the wages of persons employed at the Observatory and Hydrographical Office, viz: one lithographer, one instrument maker, two watchmen, and one porter..... 3,160 00

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy, for the current fiscal year ending June thirtieth, eighteen hundred and fifty-six..... 2,000 00

For contingent expenses that may accrue for the following purposes, viz:

Freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber-wheels, and the purchase and repairs of workmen's tools, postage of public letters, fuel, oil, and candles, for navy-yards and shore stations, pay of watchmen, and incidental labor, not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing-boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels and assistance to vessels in distress, bills of health, and quarantine expenses of the United States Navy in foreign ports....842,048 00

For repair of buildings, for the necessary additions and repairs to the works for heating the buildings, and support of the Naval Academy at Annapolis, Maryland..... 25,044 22

For continuing the sea-wall along the northern water front of the academy grounds, grading, draining, and filling in low grounds, and for keeping the grounds in order.. ..... 23,000 00

For repainting, calking, and for other repairs of the floating balance dry dock, basin, and railway, at the navy-yard, Pensacola..... 10,000 00

For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards, viz:

Portsmouth, New Hampshire.

For completing cooper's shop and watchmen's quarters; dredging front of basin; dock basin; sewer and drainage; removing ledge back of timber shed; paving; flue boiler at smithery; repairs of floating dock; for a new shell-house for safe-keeping of shells; and repairs of all kinds.. ..... $58,258 00

Boston.

For removing and altering coal-house at smithery; stone wall north side of timber-dock, and filling area around machine-shop and smithery; packing-house and cooperage; rebuilding dock engine boiler-house; paving area around dry-dock; paving between sheds numbers thirty-one and thirty three; extension of city sewer to sea-wall; finishing coal-house at rope-walk; machinery for machine-shop and smithery; steam-engine and pump for rope-walk; completing the foundery, boiler, and machine-shop, and necessary tools for the same; and repairs of all kinds..... 255,322 00

New York.

For extension of smithery; machinery for smithery; carpenter's shop; oakum shop; quay-wall; paving and flagging; dredging channels; timber and knee-slip; dry-dock pavement; filling in low places and grading; oakum picker; and completing the foundery, boiler, and machine-shop, and necessary tools for the same..... 345,946 00

To pay amount due for iron work for engine-house..... 9,500 00

For repairs of all kinds..... 25,000 00

Philadelphia.

For adding sixty feet to ship-house F; roof of ship-house F; roof to ship-house G; wharf number four; dredging channels; repairs of dry-dock; and repairs of all kinds..... 66,700 00

Washington.

For ordnance building, completing cradle to marine railway; extension of boiler shop; conversion of ordnance to machine-shop; forge-shop for new steam hammer; shoring ways in ship-house T; lining walls of slip; pavements, drains, and gutters; grading and filling low places; raising roof of brass foundery; fire-engine house; dredging channels; reservoir for water; gas-pipes and fixtures, and repairs of all kinds..... 192,386 00

Norfolk.

For continuing quay-wall; reservoirs for rain water; dredging channels; foundery; engine of dry-dock; carpenter's work shop; rail tracks and cars at St. Helena; scowe, landing-cranes, and derricks; steam-boxes and boilers; pitch-house; completing the foundery, boiler, and machine-shops, and necessary tools for the same; and repairs of all kinds..... 321,317 00

Pensacola.

For permanent wharf, deep basin and dredging; coping for basin; filling in and paving, and removing sunk caisson; paint shop and cooperage, (to complete;) repairs of cisterns numbers fourteen, twenty-five, and twenty-six; water pipes to permanent wharf; guard-house at west gate; shell house; lightning conductors; railway to spar-house; steam-box; fire-engine house; and repairs of all kinds..... 150,000 00

For repairs of officers' houses, number one to thirteen, rebuilding small stables, repairs of warrant officers' houses, guard house, and building three kitchens..... 12,000 00

Sackett's Harbor.

For repairs of all kinds..... 2,000 00

San Francisco.

For completing store-house; completing blacksmith's shop; completing carpenter's shop; wharf; grading and leveling yard; houses for quarters; and repairs of all kinds..... 345,000 00

For continuation of basin and railway..... 400,000 00

FOR HOSPITALS.—*At Boston, Massachusetts.*

For repairs of all kinds 6,000 00

At New York, New York.

For inclosing wall; repairs of buildings and fences; grading and cemetery; machinery; labor, and repairs of all kinds..... 19,970 00

At Philadelphia, Pennsylvania.

For repairing lower floor of main building; improving wharf property; repairs to furnaces, grates, and ranges; gas, house cleaning, and white-washing; water rent; furniture, and repairs to same, and repairs of all kinds..... 7,100 00

At Norfolk, Virginia.

For repairs of hospital and dependencies..... 1,200 00

At Pensacola, Florida.

For water-closets, lightning conductors, draining ponds, wall around burial-ground, and repairs of all kinds..... 19,898 00

FOR MAGAZINES.—*At Portsmouth, New Hampshire.*

For repairs of all kinds..... $500 00

At Boston, Massachusetts.

For fire proof building for loaded shells, house for unloaded shells and workshops, platforms for stowing shot, addition to store house for gun-carriages, and for repairs of all kinds..... 22,000 00

At New York, New York.

For gunner's house, at Ellis's Island, machinery, and fitting-room for its use, gun carriage shop, building for stowing gun-carriages, fire-proof building for loaded shells, building for unloaded shells, shot platforms, stowage, and transportation of guns, and for repairs of all kinds.... 110,000 00

At Philadelphia, Pennsylvania.

For a fire-proof building for loaded shells, purchase of land, magazine, and keeper's house, and fitting-room for ordnance stores..... 20,000 00

At Washington, District of Columbia.

For a cap machine, (Wright's patent,) rebuilding experimental battery, and fuel for ordnance foundery..... 9,500 00

At Norfolk, Virginia.

For fitting up store-house for filling, shot platforms, and gun skids..... 10,000 00

At Pensacola, Florida.

For a fire proof house for loaded shells, fitting room for ordnance stores, gun-skids, shot platforms, and repairs of magazines..... 8,000 00

MARINE CORPS.

For pay of the officers, non commissioned officers, musicians and privates, clerks, messengers, stewards, and servants; for rations and clothing for servants, subsistence and additional rations for five years' service of officers; for undrawn clothing and rations, bounties for reenlistments, and for pay for unexpired terms of previous service..... 323,233 94

For provisions for marines serving on shore.... 40,934 75

For clothing..... 55,264 00

For fuel..... 90,180 62

For military stores, repairs of arms, pay of armorer; for accoutrements, ordnance stores, flags, drums, fifes, and musical instruments..... 9,000 00

For transportation of officers and troops, and expenses of recruiting..... 12,000 00

For repairs of barracks, and rent of temporary barracks and offices..... 8,000 00

For contingencies, viz:

Freight, cartage, and wharfage; compensation to judges-advocate; per diem for attending courts-martial and courts of inquiry; for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, advertising, stationery, forage, postage, pursuit of deserters, candles, oil, straw, furniture, bed sacks, spades, shovels, axes, picks, and carpenters' tools, expense of a horse for messenger, pay of matron, washerwomen, and porter for the hospital at headquarters..... 31,500 00

For two clerks, or assistants, employed from the commencement of the present fiscal year, in the United States naval astronomical expedition, to be paid as the first or lowest class of clerks..... 2,400 00

For their compensation for the next fiscal year.. 2,400 00

For the erection of a marine hospital at Galena, Illinois..... 15,000 00

For the purpose of continuing experiments in testing Lieutenant Rodman's plan of casting cannon hollow, so as to effect the cooling of the mass from the interior instead of the exterior..... 6,000 00

For transportation of the mails from New York to Liverpool and back..... 819,500 00

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back..... 261,000 00

For transportation of the mails from Panama to California and Oregon, and back..... 398,350 00

For carrying out the contract entered into by the Post Office Department, under the provisions of the act approved thirtieth August, one thousand eight hundred and fifty-two, establishing a tri-monthly mail by steam vessels, between New Orleans and Vera Cruz, via Tampico.... 69,750 00

For transportation of the mails, in two steamships, from New York, by Southampton, to Bremen and back, at one hundred thousand dollars for each ship; and in two steamships, from New York, by Cowes, to Havre and back, at seventy-five thousand dollars for each ship, under the contract with the Ocean Steam Navigation Company of New York..... 350,000 00

For transportation of the mails between Charleston and Havana..... 50,000 00

For transportation of the mails across the Isthmus of Panama..... 150,000 00

To supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five:

For transportation of the mails from New York to Liverpool and back..... $59,936 65

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back..... $202,378 91

For transportation of the mails from Panama to California and Oregon, and back..... 249,949 02

For the service of the Post Office Department for the year ending the thirtieth of June, one thousand eight hundred and fifty-five:

For transportation of the mails, in two steamships, from New York, by Southampton, to Bremen and back, at one hundred thousand dollars for each ship; and in two steamships from New York, by Cowes, to Havre, and back, at seventy-five thousand dollars for each ship, under the contract with the Ocean Steam Navigation Company of New York..... 350,000 00

For transporting of the mails between Charleston and Havana, under contract with M. C. Mordecai..... 50,000 00

For the transportation of the mails across the Isthmus of Panama..... 190,000 00

$18,586,547 41

By the act making appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-six.

For transportation of the mails..... $5,981,936 00

For transportation of the United States mail over the Michigan Central railroad, (five hundred and eighteen miles,) from the ninth June, eighteen hundred and forty-nine, to the twenty-eighth November, of the same year..... 5,177 60

For compensation to postmasters..... 2,150,000 00

For ship, steamboat, and way letters..... 20,000 00

For wrapping paper..... 48,000 00

For office furniture in the post offices..... 6,500 00

For advertising..... 100,000 00

For mail bags..... 54,000 00

For blanks..... 80,000 00

For mail-locks, keys, and stamps..... 15,000 00

For mail depredations and special agents..... 58,000 00

For clerks in the offices of postmasters..... 675,000 00

For postage stamps and stamped envelopes..... 70,000 00

For miscellaneous items..... 160,000 00

For compensation to William M. F. Magraw, for carrying the mail on route number eight thousand nine hundred and eleven, from Independence, Missouri, to Great Salt Lake City, Utah Territory, monthly, each way, according to the contract under which said service is now being performed, commencing with the eighteenth day of August, eighteen hundred and fifty-four, and continuing one year..... 36,000 00

For compensation to Jacob Hall, for carrying the mail on route number eight thousand nine hundred and twelve, from Independence, Missouri, to Santa Fé, Territory of New Mexico, monthly, each way, according to the contract under which said service is now being performed, for one year from the eighteenth day of August, eighteen hundred and fifty-four..... 22,000 00

For compensation to George H. Giddings, for carrying the mail on route number twelve thousand nine hundred, from Santa Fé, New Mexico, to San Antonio, Texas, monthly, each way, according to the contract under which said service is now being performed, commencing with the eighteenth day of August, eighteen hundred and fifty-four, and continuing one year, and in lieu of the compensation therein stipulated..... 33,500 00

To continue the fourth section of the act of Congress, approved fifth August, eighteen hundred and fifty-four, entitled, "An act making appropriations for the service of the Post Office Department, during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five," for one year from August fifth, eighteen hundred and fifty-five, and that the allowance granted by said section to the deputy postmaster at Washington city, District of Columbia, of one mill per pound upon the aggregate weight of public documents printed by order of Congress, and deposited in the office of the said postmaster to be mailed, shall be so construed as to commence on the fifth of August, eighteen hundred and fifty-three. [Indefinite.]

To establish and put in operation a semi-monthly mail, by sea, from San Francisco, in the State of California, to Olympia, in the Territory of Washington, touching at Humboldt Bay, Trinidad, and Crescent city, in the State of California; Port Orford, Gardiner city or Umpqua, and Astoria, in the Territory of Oregon; Shoal Water Bay, Port Townsend, in the Territory of Washington, and at such other points as shall be designated by the Postmaster General..... 120,000 00

To enable the First Comptroller of the Treasury to examine the claim of William R. Glover and Thomas W. Mather, and their associates, and ascertain and allow such damages as they are entitled to, in justice and equity, in consequence of the refusal of the Postmaster General to carry into effect the contract entered into between William R. Glover and Thomas W. Mather and the Postmaster General in eighteen hundred and fifty-three, for the transportation of the mails on the Mississippi and Ohio rivers..... 300,000 00

To pay to Uriah P. Monroe, his representatives or assigns, as pay in full for extra mail service on the mail route from Sacramento to Shasta, in the State of California, commencing October the first, A. D. eighteen hundred and fifty-one, and ending July the fifteenth, eighteen hundred and fifty-two..... 5,541 66

To enable the proper Comptroller of the Treasury, under the instructions of the Attorney General, to inquire whether the contract made by the Postmaster General with William L. Blanchard, for carrying the United States mail on route numbered five thousand and sixty-six, in the year eighteen hundred and fifty-three, was violated by the Postmaster General without legal and adequate cause given by said Blanchard; and if it was so violated, then to ascertain and allow such damages as he is entitled to in equity and justice by reason of such violation, and that such damages be paid to said Blanchard. [Indefinite.]

$9,840,657 25

By the act to provide accommodations for the United States courts in the city of Jackson, Mississippi.

To enable the Secretary of the Interior to contract with the public authorities of the city of Jackson, Mississippi, for the permanent use of rooms for the courts of the United States, in the new city hall now in process of construction in that city..... $20,000 00

By the act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-six, and for other purposes.

For the current and contingent expenses of the Indian department, viz:

For the pay of superintendents of Indian affairs, per acts of fifth June, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty one, and third March, eighteen hundred and fifty-two..... $12,500 00

For the pay of several Indian agents, per acts of fifth June, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty-one, and thirty-first July, eighteen hundred and fifty-four..... 43,750 00

For the pay of the several Indian agents, per act of the thirty-first July, eighteen hundred and fifty-four, and for arrearages of pay to one in the State of New York, one at Green Bay, Wisconsin, one for the Seminoles west of Arkansas, and one for the Indian tribes in Utah..... 15,362 79

For the pay of interpreters, per acts of thirtieth June, eighteen hundred and thirty-four, twenty-seventh February, eighteen hundred and fifty-one, and thirty first July, eighteen hundred and fifty-four..... 39,700 00

For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six..... 1,200 00

For the pay of clerk to superintendent in California, per act of third March, eighteen hundred and fifty-two..... 2,500 00

For presents to Indians..... 5,000 00

For provisions for Indians..... 11,800 00

For buildings at agencies, and repairs thereof... 10,000 00

For contingencies of the Indian department.... 36,500 00

Camanches, Kiowas, and Apaches, of Arkansas river.

For second of ten installments for the purchase of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three..... 18,000 00

For the expenses of transportation of the second of ten installments of goods, provisions, and agricultural implements, per sixth article treaty of twenty-seventh July, eighteen hundred and fifty-three..... 5,000 00

Cherokees.

For the payment of this sum due the Cherokees, on account of interest, between the first May, eighteen hundred and forty-five, and first May, eighteen hundred and forty-six, on stocks of the State of Michigan, held in trust by the Secretary of the Interior, under the treaty of eighteen hundred and thirty five, and the supplement of March, eighteen hundred and thirty-six..... 20 97

Chippewas of Mississippi and Lake Superior.

For nineteenth of twenty installments in money, per second article treaty twenty-ninth July, eighteen hundred and thirty-seven..... 9,500 00

For nineteenth of twenty installments in goods, per second article treaty twenty-ninth July, eighteen hundred and thirty-seven..... 10,000 00

For nineteenth of twenty installments for the purchase of provisions, per second article treaty twenty-ninth July, eighteen hundred and thirty-seven..... 4,000 00

For nineteenth of twenty installments for the purchase of tobacco, per second article treaty twenty-ninth July, eighteen hundred and thirty-seven..... 500 00

For fourteenth of twenty-five installments in money, per fourth article treaty fourth October, eighteen hundred and forty-two.....$12,500 00
For fourteenth of twenty-five installments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two..... 10,500 00
For fourteenth of twenty-five installments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two..... 2,000 00
For fourteenth of twenty-five installments for purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two..... 2,000 00

For fulfilling treaties with the Chippewas of Lake Superior, so as to conform to the treaty concluded on thirtieth September, eighteen hundred and fifty four:

For expenses (in part) of selecting reservations, and surveying and marking the boundaries thereof, per second, third, and twelfth articles of the treaty of September thirtieth, eighteen hundred and fifty-four..... 3,000 00
For the payment of the first of twenty installments in coin, goods, etc., agricultural implements, etc., and education, etc., per fourth article of the treaty of September thirtieth, eighteen hundred and fifty-four..... 19,000 00
For the purchase of clothing and other articles, to be given to the young men at the next annuity payment, as per fourth article of the treaty of September thirtieth, eighteen hundred and fifty-four..... 4,800 00
For the purchase of agricultural implements, and other articles, as presents for the mixed bloods, per fourth article of the treaty of September thirtieth, eighteen hundred and fifty-four..... 6,000 00
For the payment of such debts as may be directed by the chiefs in open council, and found to be just and correct by the Secretary of the Interior, per fourth article of the treaty of September thirtieth, eighteen hundred and fifty-four..... 00,000 00
For the payment of such debts of the Bois Forte bands as may be directed by their chiefs, and found to be just and correct by the Secretary of the Interior, per twelfth article of the treaty of September thirtieth, eighteen hundred and fifty-four.....10,000 00
For the payment of the first of five installments in blankets, cloth, &c., to the Bois Forte band, per twelfth article of the treaty of September thirtieth, eighteen hundred and fifty-four..... 2,000 00
For the first of twenty installments for the pay of six smiths and assistants, per fifth and second articles of the treaty of September thirtieth, eighteen hundred and fifty four..... 5,040 00
For the first of twenty installments for the support of six smith-shops, per fifth and second articles of the treaty of September thirtieth, eighteen hundred and fifty-four..... 1,320 00
For defraying expenses incurred in negotiating treaty concluded on the thirtieth September, eighteen hundred and fifty-four, with the Chippewas of Lake Superior..... 15,744 71

Chippewas of Saginaw.

For permanent annuity in goods, or other useful articles, per fourth article treaty third of August, seventeen hundred and ninety-five..... 1,000 00
For permanent annuity in money, or otherwise, per second article treaty seventeenth November, eighteen hundred and seven..... 800 00
For permanent annuity in silver, per fourth article treaty twenty-fourth September, eighteen hundred and nineteen..... 1,000 00
For permanent provision for support of blacksmith, and for farming utensils and cattle, and the employment of persons to aid them in agriculture, per eighth article treaty twenty-fourth September, eighteen hundred and nineteen, and seventh article treaty fourteenth January, eighteen hundred and thirty-seven..... 2,000 00
For education during the pleasure of Congress, per sixth article treaty fifth August, eighteen hundred and twenty-six..... 1,000 00

Chickasaws.

For permanent annuity in goods, per act of twenty fifth February, seventeen hundred and ninety-nine..... 3,000 00

Chippewas, Menomonies, Winnebagoes, and New York Indians.

For education during the pleasure of Congress, per fifth article treaty eleventh August, eighteen hundred and twenty seven..... 1,500 00

Choctaws.

For permanent annuity, per second article treaty sixteenth November, eighteen hundred and five..... 3,000 00
For permanent annuity for support of light horsemen, per thirteenth article treaty eighteenth October, eighteen hundred and twenty..... 600 00
For permanent provision for education, per second article treaty twentieth January, eighteen hundred and twenty-five..... 6,000 00
For permanent provision for blacksmith, per sixth article treaty eighteenth October, eighteen hundred and twenty, and ninth article treaty twentieth January, eighteen hundred and twenty five..... 600 00
For permanent provision for iron and steel, per sixth article treaty eighteenth October, eighteen hundred and twenty, and ninth article treaty twentieth January, eighteen hundred and twenty-five..... $390 00

Christian Indians.

For permanent annuity in money, per acts twenty-sixth May, eighteen hundred and twenty-four, and twentieth May, eighteen hundred and twenty-six..... 400 00

Creeks.

For permanent annuity in money, per fourth article treaty seventh August, seventeen hundred and ninety..... 1,500 00
For permanent annuity in money, per second article treaty sixteenth June, eighteen hundred and two..... 3,000 00
For permanent annuity in money, per fourth article treaty twenty fourth January, eighteen hundred and twenty-six..... 20,000 00
For permanent provision for blacksmith and assistant, and for shop and tools, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six..... 840 00
For permanent provision for iron and steel for shop, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six.... 270 00
For nineteenth of twenty installments for two blacksmiths and assistants, and shops and tools, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two..... 1,680 00
For nineteenth of twenty installments for iron and steel for shops, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two..... 540 00
For permanent provision for the pay of a wheelwright, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six.... 600 00
For twenty-fifth of thirty-three installments for education, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two, and fourth article treaty fourth January, eighteen hundred and forty-five..... 3,000 00
For twelfth of twenty installments for education, per fourth article treaty fourth January, eighteen hundred and forty-five..... 3,000 00
For blacksmith and assistant, and shop and tools, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three..... 840 00
For iron and steel for shop, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three..... 270 00
For wagon-maker, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three.. 600 00
For assistance in agricultural operations, during the pleasure of the President, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six..... 2,000 00
For education, during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three..... 1,000 00

Delawares.

For life annuity to chief, per private article to supplemental treat twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen, 100 00
For life annuities to chiefs, per supplemental article to treaty twenty-sixth October, eighteen hundred and thirty-two..... 100 00
For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, per resolution of Senate nineteenth January, eighteen hundred and thirty-eight..... 2,304 00
For second of eight equal installments for payment of five chiefs, per sixth article treaty sixth May, eighteen hundred and fifty four..... 1,250 00
For second of two installments, in lieu of permanent annuities, per fourth article treaty sixth May, eighteen hundred and fifty-four..... 74,000 00

Florida Indians, or Seminoles.

For twelfth of fifteen installments in goods, per sixth article treaty fourth January, eighteen hundred and forty-five..... 2,000 00
For twelfth of fifteen installments in money, per sixth article treaty fourth January, eighteen hundred and forty-five, and fourth article treaty ninth May, eighteen hundred and thirty-two.. 3,000 00

Iowas.

For arrears of interest in lieu of investment on one hundred and fifty-seven thousand five hundred dollars, being for four months, from the first March to the thirtieth June, eighteen hundred and fifty-four, and on fifty thousand dollars of the same, to the thirtieth September, eighteen hundred and fifty-four, per second article treaty nineteenth October, eighteen hundred and thirty-eight..... 3,257 19
For interest in lieu of investment on one hundred and seven thousand five hundred dollars, to the first October, eighteen hundred and fifty-five, and on fifty-seven thousand five hundred dollars, for the balance of the fiscal year ending thirtieth June, eighteen hundred and fifty-six, at five per centum, per second article treaty nineteenth October, eighteen hundred and thirty-eight, and ninth article treaty seventeenth May, eighteen hundred and fifty-four, 3,500 00
For payment of second installment of fifty thousand dollars, to be applied, under the direction of the President, to agricultural purposes, per ninth article treaty seventeenth May, eighteen hundred and fifty-four.....$50,000 00

Kansas.

For interest in lieu of investment on two hundred thousand dollars, at five per centum, per second article treaty fourteenth January, eighteen hundred and forty-six..... 10 000 00

Kaskaskias, Peorias, Weas, and Piankeshaws.

For payment of second of three installments in money, of thirteen thousand dollars each, for purchase of former permanent annuities, and relinquishment of claims and damages, per sixth article treaty thirtieth May, eighteen hundred and fifty-four..... 13,000 00
For the second of five installments for support of blacksmith and assistant, per sixth article treaty thirtieth May, eighteen hundred and fifty-four..... 720 00
For the second of five installments for the purchase of iron and steel, per sixth article treaty thirtieth May, eighteen hundred and fifty-four, 220 00

Kickapoos.

For second installment of interest, at five per centum, on one hundred thousand dollars, for education, per second article treaty eighteenth May, eighteen hundred and fifty-four..... 5,000 00
For the payment of this sum, as second installment upon two hundred thousand dollars, per second article treaty eighteenth May, eighteen hundred and fifty-four..... 20,000 00

Menomonees.

For the last of twenty installments as annuity in money, per Senate's amendment to second article treaty third September, eighteen hundred and thirty six..... 20,000 00
For the last of twenty installments for two blacksmiths and assistants, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six.. 1,440 00
For the last of twenty installments for iron and steel for shops, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six..... 440 00
For the last of twenty installments for the purchase of provisions, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six..... 3,000 00
For the last of twenty installments for two thousand pounds of tobacco, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six..... 400 00
For the last of twenty installments for farming utensils and cattle, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six..... 500 00
For the last of twenty installments for thirty barrels of salt, per Senate's amendment to second article treaty third September, eighteen hundred and thirty-six..... 150 00
For fourth of fifteen installments for pay of miller, per fourth article treaty eighteenth October, eighteen hundred and forty-eight..... 600 00

Miamies.

For permanent provision for blacksmith and assistant, per fifth article treaty sixth October, eighteen hundred and eighteen, and fourth article treaty fifth June, eighteen hundred and fifty-four..... 720 00
For permanent provision for miller, in lieu of gunsmith, per fifth article treaty sixth October, eighteen hundred and eighteen, fifth article treaty twenty-third October, eighteen hundred and thirty-four, and fourth article treaty fifth June, eighteen hundred and fifty-four..... 600 00
For fifteenth of twenty installments in money, per second article treaty twenty-eighth October, eighteen hundred and forty, and fourth article treaty fifth June, eighteen hundred and fifty-four..... 12,500 00
For arrears of nine thousand seven hundred and forty-six dollars and fourteen cents, for payment in full to Jane T. Griggs, and her husband, John Griggs, and Sash-o-quash, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four..... 56 92
For interest on investment of two hundred and twenty-one thousand two hundred and fifty-seven dollars and eighty-six cents, at five per cehtum, for Miami Indians, of Indiana, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four.... 11,062 89
For interest on fifty thousand dollars, at five per centum, for edusational purposes, per third article treaty fifth June, eighteen hundred and fifty-four..... 2,500 00
For second of six equal annual installments to Miamies residing on ceded lands, for purchase of former perpetual and other annuities, and relinquishment of claims, per fourth article treaty fifth June, eighteen hundred and fifty-four.... 31,739 11

Miamies—Eel River.

For permanent annuity in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five..... 500 00

For permanent annuity in goods or otherwise, per third article treaty twenty-first August, eighteen hundred and five..... $250 00
For permanent annuity in goods or otherwise, per third and separate article to treaty thirtieth September, eighteen hundred and nine..... 350 00

Navajoes.

For fulfilling treaty stipulations with the Navajoes, pursuant to the requirements of the tenth article treaty ninth September, eighteen hundred and forty-nine..... 5,000 00

Omahas.

For first of three installments in money or otherwise, for forty thousand dollars each per annum, per fourth article treaty sixteenth March, eighteen hundred and fifty-four..... 40,000 00
For first of ten installments for support of a miller, per eighth article treaty sixteenth March, eighteen hundred and fifty-four..... 600 00
For first of ten installments for support of blacksmith and assistant, per eighth article treaty sixteenth March, eighteen hundred and fifty-four..... 720 00
For first of ten installments for support of farmer, per eighth article treaty sixteenth March, eighteen hundred and fifty-four..... 600 00
For the erection of a grist and saw-mill, per eighth article treaty sixteenth March, eighteen hundred and fifty-four..... 6,000 00
For the erection of a smith's shop, and purchase of tools therefor, per eighth article treaty sixteenth March, eighteen hundred and fifty-four..... 200 00
For payment of Lewis Saunsosee, (a half-breed,) in full for services, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, 1,000 00

Osages.

For eighteenth of twenty installments, as annuity, in money or otherwise, per second article treaty eleventh January, eighteen hundred and thirty-nine..... 20,000 00
For eighteenth of twenty installments for two smiths' establishments, per second article treaty eleventh January, eighteen hundred and thirty-nine..... 2,000 00
For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the value of fifty-four sections of land, set apart, second January, eighteen hundred and twenty-five, for educational purposes, per Senate resolution, nineteenth January eighteen hundred and thirty-eight..... 3,456 00

Ottoes and Missourias.

For the first of three installments, as annuity, in money or otherwise, per fourth article treaty fifteenth March, eighteen hundred and fifty-four..... 20,000 00
For the first of ten installments for pay of miller, per seventh article treaty fifteenth March, eighteen hundred and fifty-four..... 600 00
For first of ten installments for blacksmith and assistant, per seventh article treaty fifteenth March, eighteen hundred and fifty-four..... 720 00
For first of ten installments for farmer, per seventh article treaty fifteenth March, eighteen hundred and fifty-four..... 600 00
For the erection of a grist and saw-mill, per seventh article treaty fifteenth March, eighteen hundred and fifty four..... 6,000 00
For the erection of a smith's shop, and purchase of tools therefor, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, 200 00
For payment of Lewis Barnard, for services rendered the tribe, per twelfth article treaty fifteenth March, eighteen hundred and fifty-four..... 300 00

Ottowas.

For permanent annuity, in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five..... 1,000 00
For permanent annuity, in money or otherwise, per second article treaty seventeenth November, eighteen hundred and seven..... 800 00
For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen..... 1,500 00
For permanent annuity in specie, per fourth article treaty twenty-ninth August, eighteen hundred and twenty-one..... 1,000 00

Ottowas and Chippewas.

For interest on two hundred thousand dollars, at six per centum, to be paid as annuity, per resolution of Senate, seventeenth May, eighteen hundred and thirty-six..... 12,000 00
For education for twenty years, and during the pleasure of Congress, per fourth article treaty twenty-eighth March, eighteen hundred and thirty-six..... 5,000 00
For missions for twenty years, and during the pleasure of Congress, per fourth article treaty twenty-eighth March, eighteen hundred and thirty six..... 3,000 00
For vaccine matter, medicines, pay of physicians, so long as the Indians remain on their reservations, per fourth article treaty twenty-eighth March, eighteen hundred and thirty-six, 300 00
For three blacksmiths and assistants, for twenty years, and during the pleasure of Congress, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six..... 2,160 00
For iron and steel for shop, for twenty years, and during the pleasure of Congress, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six..... $600 00
For gunsmith, for twenty years, and during the pleasure of Congress, per seventh article treaty twenty eighth March, eighteen hundred and thirty-six..... 600 00
For iron and steel for shop, for twenty years, and during the pleasure of Congress, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six..... 200 00
For two farmers and assistants, for ten years, and during the pleasure of the President, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six..... 1,200 00
For two mechanics, for ten years, and during the pleasure of the President, per seventh article treaty twenty-eighth March, eighteen hundred and thirty-six..... 1,200 00

Pawnees.

For agricultural implements, during the pleasure of the President, per fourth article treaty ninth October, eighteen hundred and thirty-three... 1,000 00

Pottawatomies.

For permanent annuity in silver, per fourth article treaty third August, seventeen hundred and ninety-five..... 1,000 00
For permanent annuity in silver, per third article treaty thirtieth September, eighteen hundred and nine..... 500 00
For permanent annuity in silver, per third article treaty second October, eighteen hundred and eighteen..... 2,500 00
For permanent annuity in money, per second article treaty twentieth September, eighteen hundred and twenty-eight..... 2,000 00
For life annuity to chief in goods, per second article treaty twentieth September, eighteen hundred and twenty-eight..... 100 00
For permanent annuity in specie, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine..... 16,000 00
For life annuity to chiefs, per third article treaty twentieth October, eighteen hundred and thirty-two..... 400 00
For life annuity to chiefs, per third article treaty twenty-sixth September, eighteen hundred and thirty-three..... 700 00
For education during the pleasure of Congress, per third article treaty sixteenth October, eighteen hundred and twenty-six..... 2,000 00
For permanent provision for blacksmith and assistant, per third article treaty sixteenth October, eighteen hundred and twenty-six..... 720 00
For permanent provision for iron and steel for shop, per third article treaty sixteenth October, eighteen hundred and twenty-six..... 220 00
For education, during the pleasure of Congress, per second article treaty twentieth September, eighteen hundred and twenty-eight..... 1,000 00
For permanent provision for the payment of money, in lieu of tobacco, iron, and steel, per second article treaty twentieth September, eighteen hundred and twenty-eight, and tenth article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six..... 300 00
For permanent provision for blacksmith and assistant, per second article treaty twentieth September, eighteen hundred and twenty eight... 720 00
For permanent provision for iron and steel for shop, per second article treaty twentieth September, eighteen hundred and twenty-eight... 220 00
For permanent provision for blacksmith and assistant, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine..... 720 00
For permanent provision for iron and steel for shop, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine..... 220 00
For permanent provision for fifty barrels of salt, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine..... 250 00
For education, during the pleasure of Congress, per fourth article treaty twenty seventh October, eighteen hundred and thirty-two..... 2,000 00
For interest on six hundred and forty-three thousand dollars, at five per centum, per seventh article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six..... 32,150

Pottawatomies of Huron.

For permanent annuity in money or otherwise, per second article treaty seventeenth November, eighteen hundred and seven..... 400 00

Quapaws.

For education, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three..... 1,000 00
For blacksmith and assistant, shop and tools, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three..... 840 00
For iron and steel for shop, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, 220 00
For farmer, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three..... 600 00

Rogue Rivers.

For second of sixteen installments in blankets, clothing, farming utensils, and stock, per third article treaty tenth September, eighteen hundred and fifty-three..... 2,500 00

Sacs and Foxes of Mississippi.

For permanent annuity in goods, or otherwise, per third article treaty third November, eighteen hundred and four..... $1,000 00
For twenty-fourth of thirty installments, as annuity in specie, per third article treaty twenty-first September, eighteen hundred and thirty-two..... 20,000 00
For twenty-fourth of thirty installments for gunsmith, per fourth article treaty twenty-first September, eighteen hundred and thirty-two.. 600 00
For twenty-fourth of thirty installments for iron and steel for shop, per fourth article treaty twenty-first September, eighteen hundred and thirty-two..... 220 00
For twenty-fourth of thirty installments for blacksmith and assistant, shop and tools, per fourth article treaty twenty-first September, eighteen hundred and thirty-two..... 840 00
For twenty-fourth of thirty installments for iron and steel for shops, per fourth article treaty twenty first September, eighteen hundred and thirty-two..... 220 00
For twenty-fourth of thirty installments, for forty barrels of salt, and forty kegs of tobacco, per fourth article treaty twenty-first September, eighteen hundred and thirty-two..... 1,000 00
For interest on two hundred thousand dollars, at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven..... 10,000 00
For interest on eight hundred thousand dollars, at five per centum, per second article treaty eleventh October, eighteen hundred forty-two, 40,000 00

Sacs and Foxes of Missouri.

For the second installment upon forty-eight thousand dollars, per second article treaty eighteenth May, eighteen hundred and fifty-four.. 12,000 00
For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, per second article treaty twenty first October, eighteen hundred and thirty-seven..... 7,870 00

Senecas.

For permanent annuity in specie, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen..... 500 00
For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen..... 500 00
For blacksmith and assistant, shop and tools, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one..... 840 00
For iron and steel for shop, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one..... 220 00
For miller, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one..... 600 00

Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty-one..... 6,000 00
For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty seventh June, eighteen hundred and forty-six..... 3,750 00

Senecas and Shawnees.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen..... 1,000 00
For blacksmith and assistant, shop and tools, during the pleasure of the President, per fourth article treaty twentieth July, eighteen hundred and thirty-one..... 840 00
For iron and steel for shop, per fourth article treaty twentieth July, eighteen hundred and thirty-one..... 240 00

Shawnees.

For permanent annuity for educational purposes, per fourth article treaty third August, seventeen hundred and ninety-five, and third article treaty tenth May, eighteen hundred and fifty-four..... 1,000 00
For second installment of interest, at five per centum, on forty thousand dollars, for education, per third article treaty tenth May, eighteen hundred and fifty-four..... 2,000 00
For second of eight annual installments of money, in payment for lands, per third article treaty tenth May, eighteen hundred and fifty-four.... 100,000 00
For permanent annuity for educational purposes, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, and third article treaty tenth May, eighteen hundred and fifty-four..... 2,000 00

Six Nations of New York.

For permanent annuity, in clothing and other useful articles, per sixth article treaty eleventh November, seventeen hundred and ninety-four, 4,500 00

Sioux of Mississippi.

For interest on three hundred thousand dollars, at five per centum, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven..... 15,000 00
For nineteenth of twenty installments in goods, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven..... 10,000 00

For ninetieth of twenty installments for the purchase of medicines, agricultural implements, and stock, and for the support of physician, farmers, and blacksmiths, and for other beneficial objects, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven $8,250 00

For nineteenth of twenty installments for provisions, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven, 5,500 00

For fifth of fifty installments of interest, at five per centum, on one million three hundred and sixty thousand dollars, per fourth article treaty twenty-third July, eighteen hundred and fifty-one 68,000 00

For fifth of fifty installments of interest, at five per centum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservations set apart in the third article per Senate's amendment to treaty twenty-third July, eighteen hundred and fifty-one..... 5,600 00

For fifth of fifty installments of interest, at five per centum, on one million one hundred and sixty thousand dollars, per fourth article treaty fifth August, eighteen hundred and fifty-one.. 58,000 00

For fifth of fifty installments of interest, at five per centum, on sixty-nine thousand dollars, being the amount allowed in lieu of the reservation of lands set apart by the third article per Senate's amendment to treaty fifth August, eighteen hundred and fifty-one..... 3,450 00

For expenses of transportation of annuity, goods, and provisions, to the Sioux of Mississippi, during the fiscal years ending the thirtieth of June, eighteen hundred and fifty-five, and thirtieth of June, eighteen hundred and fifty-six..... 22,000 00

Stockbridges.

For interest on sixteen thousand five hundred dollars, at five per centum, per ninth article of treaty of twenty-fourth November, eighteen hundred and forty-eight..... 825 00

Treaty of Fort Laramie.

For the fifth of ten installments, in provisions and merchandise, for payment of annuities and transportation of the same to certain tribes of Indians, per seventh article of treaty of seventeenth September, eighteen hundred and fifty-one, and Senate's amendment thereto..... 72,000 00

Umpquas, (Cow Creek Band.)

For second of twenty installments in blankets, clothing, provisions, and stock, per third article of treaty tenth September, eighteen hundred and fifty-three 550 00

Utahs.

For fulfilling treaty stipulations with the Utahs, pursuant to the requirements of eighth article of treaty thirtieth December, eighteen hundred and forty-nine..... 5,000 00

Winnebagoes.

For twenty-seventh of thirty installments as annuity in specie, per second article of treaty first August, eighteen hundred and twenty nine... 18,000 00

For twenty-fourth of twenty-seven installments as annuity in specie, per third article of treaty fifteenth September, eighteen hundred and thirty-two..... 10,000 00

For twenty-seventh of thirty installments, for fifty barrels of salt, per second article of treaty first August, eighteen hundred and twenty-nine..... 250 00

For twenty-seventh of thirty installments, for three thousand pounds of tobacco, per second article of treaty first August, eighteen hundred and twenty-nine 600 00

For twenty-fourth of twenty-seven installments, for one thousand five hundred pounds of tobacco, per fifth article of treaty fifteenth September, eighteen hundred and thirty-two..... 300 00

For twenty-seventh of thirty installments, for three blacksmiths and assistants, per third article treaty first August, eighteen hundred and twenty-nine 2,160 00

For twenty-seventh of thirty installments, for iron and steel for shop, per third article of treaty first August, eighteen hundred and twenty-nine 660 00

For twenty seventh of thirty installments, for laborer and oxen, per third article of treaty first August, eighteen hundred and twenty nine... 365 00

For twenty-fourth of twenty-seven installments, for education, per fourth article of treaty fifteenth September, eighteen hundred and thirty-two 3,000 00

For twenty-fourth of twenty-seven installments, for six agriculturists, purchase of oxen, plows, and other implements, per fifth article of treaty fifteenth September, eighteen hundred and thirty two 2,500 00

For twenty-fourth of twenty-seven installments, for the pay of two physicians, per fifth article of treaty fifteenth September, eighteen hundred and thirty-two..... 400 00

For interest on one million one hundred thousand dollars, at five per centum, per fourth article of treaty first November, eighteen hundred and thirty-seven..... 55,000 00

For ninth of thirty installments of interest on eighty-five thousand dollars, at five per centum, per fourth article of treaty thirteenth October, eighteen hundred and forty-six. 4,250 00

Wyandots.

For permanent annuity in specie, per third article of treaty seventeenth March, eighteen hundred and forty-two..... $17,500 00

For permanent provision for blacksmith and assistant, shop and tools, per eighth article of treaty seventeenth March, eighteen hundred and forty two..... 840 00

For permanent provision for iron and steel for shop, per eighth article of treaty seventeenth March, eighteen hundred and forty two..... 270 00

For permanent provision for education, per fourth article of treaty seventeenth March, eighteen hundred and forty-two..... 500 00

For the general incidental expenses of the Indian service in Washington Territory..... 30,000 00

For the expenses of adjusting difficulties, and preventing outbreaks among the Indians in Washington Territory, prior to and during the fiscal year ending thirtieth June, one thousand eight hundred and fifty-six..... 10,000 00

For the general incidental expenses of the Indian service in California, embracing expenses of travel of the superintendent and agents..... 28,850 00

For the pay of physicians, smiths, carpenters, and agricultural and mechanical laborers, on the reservations in California..... 54,300 00

For defraying the expenses of the removal and subsistence of Indians in California, to three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President..... 125,000 00

For the general incidental expenses of the Indian service in Oregon Territory..... 10,000 00

For adjusting difficulties, and preventing outbreaks among the Indians in Oregon Territory, 10,000 00

For expenses of insurance and tranportation of annuities, payable to Indian tribes in the Territory of Oregon..... 3,000 00

For payment of the liabilities incurred for the Indian service in Oregon, under the supervision of the late superintendent..... 10,000 00

For the general incidental expenses of the Indian service in the Territory of New Mexico..... 25,000 00

For the general incidental expenses of the Indian service in the Territory of Utah..... 20,000 00

For compensation of three special agents, and four interpreters, for the Indian tribes of Texas, and for purchase of presents..... 15,000 00

For actual necessary expenses incurred, and that may hereafter be incurred, by officers of the Indian department in the rescue of prisoners from Indian tribes, and returning them to their homes, and for expenses incident to the arrest and confinement within the territory of the United States, by order of these officers, of persons charged with crimes against Indians, 5,000 00

To meet the necessary expenses of colonizing, supporting, and furnishing agricultural implements for the Indians in Texas..... 86,430 00

For the purpose of enabling the proper department to adopt such measures as may be necessary for opening communications with the Texas Comanches and Apaches, who have not heretofore been parties to any treaties with the United States..... 10,000 00

For reimbursing to John W. Whitfield, late agent for the Indians on the Upper Platte, the amount expended by him for ransom from the Cheyennes, and clothing, and transportation to the States, of one white and ten Mexican prisoners..... 170 00

For pay of an additional clerk of the Indian office, under the appropriation per act of August five, eighteen hundred and fifty-four, for one year..... 1,400 00

For paying the expenses of one commissioner and two clerks, employed by the Attorney General in the investigation directed by the resolution of the Senate of fourth August, eighteen hundred and fifty-four..... 2,000 00

For collecting, removing, and subsisting the Indians of California (as provided by law) on two additional military reservations, to be selected as heretofore, and not to contain exceeding twenty five thousand acres each, in or near the State of California..... 150,000 00

For the purpose of enabling the President to treat with, and arrange the difficulties existing among, the Stockbridge and Munsee Indians of Lake Winnebago, in the State of Wisconsin, arising out of the acts of Congress of third of March, eighteen hundred and forty-three, and August sixth, eighteen hundred and forty-six, and the treaty of twenty fourth of November, eighteen hundred and forty-eight, in such manner as may be just to the Indians, and with their assent, and not inconsistent with the legal rights of white persons who may reside on the Stockbridge reserve, of the claim of the United States under the treaty of eighteen hundred and forty-eight..... 1,500 00

For the completion of the collection of the sixth and last volume of the statistics and other information of Indian tribes, authorized by the act of third of March, eighteen hundred and forty seven, and subsequent acts..... 17,200 00

To pay to the North Carolina Cherokees embraced in the roll of John C. Mullay, or the legal representatives of such of them as have died since their enrollment, the sum of fifty-three dollars and thirty-three cents, respectively, for the expenses of their removal and subsistence, now held in trust by the United States, according to the terms of the fourth section of the act of twenty-ninth July, anno Domini eighteen hundred and forty eight..... $42,290 69

To enable the President of the United States to carry out, in good faith, the recent treaties with the Ottoes and Missourias, Omahas, Delawares, Iowas, Sacs and Foxes of Missouri, Kickapoos, and the united tribes of Kaskaskias and Peorias, Piankeshaws and Weas, Shawnees and Miamies..... 20,000 00

To enable the Secretary of War to execute the contract entered into by Joel R. Poinsett, late Secretary of War, on the twelfth day of March, eighteen hundred and thirty nine, with Jean B. Faribault, and Pelagie, his wife, pursuant to a joint resolution of Congress, approved the thirteenth of February, eighteen hundred and thirty-nine..... 2,1000 00

$2,263,845 27

By the act making appropriations for the support of the Military Academy, for the year ending the thirtieth of June, eighteen hundred and fifty-six.

For pay of officers, instructors, cadets, and musicians..... $90,106 00

For commutation of subsistence..... 2,044 00

For forage for officers' horses..... 864 00

For general repairs and improvements of academic buildings, barracks, mess-rooms, officers' quarters, stables, roads, fences, parade and drill grounds, miscellaneous and incidental expenses, fuel, forage, and departments of instruction..... 35,070 00

For gradual increase and expense of library..... 1,000 00

For expenses of the board of visitors..... 4,160 00

For forage for artillery and cavalry horses..... 8,640 00

For replacing dead and worn out cavalry and artillery horses..... 1,000 00

For furnishing hospital for cadets..... 500 00

For deficiency for expenses of the board of visitors, for the year ending the thirtieth of June, eighteen hundred and fifty-five..... 688 52

For additional pay allowed to enlisted men, employed on extra duty as mechanics and laborers, per act of fourth of August, eighteen hundred and fifty-four, for the year ending the thirtieth of June, eighteen hundred and fifty-five..... 2,888 40

$146,940 92

By the act for carrying into effect the convention upon the subject of claims between the United States and her Britannic Majesty, of the eighth of February, one thousand eight hundred and fifty-three.

To pay the amount awarded by the commission to the British subjects, claimants under the convention, which sum shall be paid to the duly authorized agent of her Britannic Majesty's Government, deducting therefrom, pursuant to the sixth article of the said convention, on account of the expenses of the said convention, such ratable proportion, not exceeding five per cent. of the whole amount awarded to both citizens of the United States and British subjects, as may be sufficient to defray the said expenses..... $277,198 88

By the act for the relief of Jacob McLellan.

For part of the penalty imposed upon the ship George Turner, and paid by the said McLellan, in December, eighteen hundred and fifty-one, for an alleged violation of the laws of the United States restricting the number of passengers in merchant vessels..... $450 00

By the act for the relief of James S. Graham and Walter H. Finnall.

For the losses sustained by said Graham and Finnall, by reason of the abandonment, by the Postmaster General, of two contracts made by that officer with them for the transportation of the mail from Washington to Fredericksburg, and from Fredericksburg to Richmond, which contracts bear date the third day of December, anno Domini eighteen hundred and forty seven..... $3,000 00

By the act for the relief of Brigadier General John E. Wool.

For double rations, from the twenty-first of July, eighteen hundred and twenty one, to the third of March, eighteen hundred and thirty-three, being the same as have been allowed by War Department to other officers of the staff.....[Indefinite.]

By the act for the relief of Purser Francis B Stockton.

For the amount of loss sustained by him by reason of making his deposites of public money in the Phœnix Bank, Charlestown, Massachusetts..... $67 67

By the act for the relief of Thomas B. Parsons.

For disability received while in the naval service of the United States, in the successful effort to save the lives of seven persons, the sum of three dollars per month from the first day of September, eighteen hundred and eight, to the first day of June, eighteen hundred and thirty-five, the same being the difference between the rate of pension of a seaman and that of a coxswain, which grade he filled at the time of the injury $963 00

By the act for the relief of Thomas Butler.

For extra work performed and materials furnished in the construction of a light-house on Execution Rocks, in Long Island Sound, by order of the engineer in charge, and not within the terms of a contract executed by said Thomas Butler for the construction of said light-house, on the fourth day of August, eighteen hundred and forty-seven..... $2,922 00

By the act for the benefit of Charles J. Porcher, acting purser of the sloop-of-war Falmouth.

For his services as acting purser of the United States sloop-of-war Falmouth, whilst on service in the Pacific ocean, from the date of the death of Purser William B. Hartwell until the appointment of John Y. Mason, junior, in his stead, to wit, from the twelfth day of July, eighteen hundred and forty nine, to the fourteenth day of March, eighteen hundred and fifty, deducting therefrom the amount paid to the said Porcher for the same period as commander's clerk.....[Indefinite.]

By the act for the relief of William Duer.

For necessary expenses incurred by William Duer, while consul of the United States at the port of Valparaiso, in Chili, during the year eighteen hundred and fifty-two, in the support and defense of William N. Stuart, an American citizen, arrested and arraigned before the courts of Chili upon a charge of murder, and for the transportation of said Stuart to the United States after his release, together with an equitable advance upon the amount thus ascertained, for the use of the money during the interval.....[Indefinite.]

By the act for the relief of Susan Coody, and others.

For property destroyed near Fort Gibson, by United States soldiers, on the twelfth of March, eighteen hundred and forty-five, in the proportion and sums respectively due them, according to the report of the Committee on Indian Affairs of the Senate, of date June twenty-four, eighteen hundred and fifty..... $1,992 62

By the act for the relief of the legal representatives of James Erwin, of Arkansas, and others.

For the actual losses he sustained in consequence of a contract he made with the United States in September, eighteen hundred and thirty-four, to supply provisions and transportation for the use of the Creek Indians expected to emigrate from the eastern to the western side of the Mississippi river, but who did not emigrate.....[Indefinite.]

For the actual losses sustained in consequence of a contract made by said Erwin and Daniel Greathouse, in his lifetime, and the United States, in December, eighteen hundred and thirty five, to supply provisions and transportation for the use of the Seminole Indians expected to emigrate from the eastern to the western side of the Mississippi river, but who failed to emigrate.....[Indefinite.]

By the act for the relief of the representatives of Thomas D. Anderson, deceased, late consul of the United States at Tripoli.

For contingent expenditures of said consulate from the thirty-first of December, in the year eighteen hundred and twenty-one, up to the period when he ceased acting as such consul, and in full for all claims for such expenditures and other demands arising out of said consulate, after said thirty-first December, eighteen hundred and twenty-one, to allow them at the rate of seven hundred and fifty dollars per annum during the said period.....[Indefinite.]

By the act for the relief of the administrator of Thomas Wishart.

For five years' full pay of a lieutenant of infantry in the continental line of the Army of the United States, in the war of the Revolution..[Indefinite.]

By the act for indemnifying Moses D. Hogan, for cattle destroyed by the Indians in eighteen hundred and forty-two.

For cattle taken or destroyed, in the year one thousand eight hundred and forty-two, by a band of Indians, supposed to be a portion of the Sioux, while the said Hogan was conveying said cattle to a post of the United States, at or near Fort Snelling, in pursuance of a contract entered into by Amos J. Bruce, sub-agent on the part of the United States for the Sioux Indians..... $500 00

By the act for the relief of the legal representatives of Colonel John H. Stone.

For the half-pay of a colonel in the continental line of the Army of the United States, the said half-pay to commence on the first day of August, seventeen hundred and seventy-nine, and to terminate on the fifth day of October, eighteen hundred and four, the day of his death. The same being then due and unpaid to the said Colonel John H. Stone, in virtue of the resolution of Congress, of the twenty sixth of August, seventeen hundred and seventy six..[Indefinite.]

By the act for the relief of the children and heirs of Major General Baron DeKalb.

For claims for services and sacrifices in the war of the Revolution..... $66,099 76

By the act for the relief of Sylvester Humphrey and the heirs of Alexander Humphrey, deceased.

For rebuilding the wharf at Staten Island after it had been destroyed by the storm of the third of September, eighteen hundred and twenty-one..... $2,500 00

By the act for the relief of William Hankins.

For all claim against the United States growing out of a contract made on the fifteenth of August, one thousand eight hundred and thirty-five, for the delivery of wood at Fort Johnson, in the State of North Carolina..... $944 80

By the act for the relief of the administrators of Oliver Lee, deceased.

For the amount of a judgment recovered by the said Oliver Lee against Pierre A. Barker, formerly collector of the port of Buffalo Creek, in the circuit court of the United States for the northern district of New York, in the second circuit, and which was docketed on the thirtieth August, eighteen hundred and forty-four $580 32

By the act for the relief of Samuel A. Belden and Company.

For the duties paid by Samuel A. Belden and Company, to the officers of the United States charged with their collection, in the city of Matamoros, in the Republic of Mexico, whilst that city was in the military possession of the United States, upon merchandise, except tobacco, imported by them into Matamoros during that period, which, after the restoration of peace between the two countries, they were deprived of, either in the form in which imported, or in the proceeds of sales, by illegal seizure, confiscation, sequestration, or their forced abandonment of the same by the judicial authorities of the Mexican Government..[Indefinite.]

By the act for the relief of E. J. McLane.

For his services and expenses as inspector of the customs in the collection district of Brazos de St. Jago, in the State of Texas, while seizing and detaining horses and mules smuggled into the United States from Mexico..... $1,692 45

By the act for the relief of Polly Carver, widow and executrix of Nathan Carver, deceased.

For the payment and full satisfaction of the claims against the Government of the said Polly Carver, as widow and executrix of the said Nathan Carver, deceased..... $334 79

By the act for the relief of Lincoln Bates.

For the damages sustained by him as a night watchman in the public stores at New York, in July, one thousand eight hundred and forty-nine, in suppressing a fire therein, being the amount of his account, as now on file in the Treasury Department..... $55 00

By the act for the relief of Eleanor Hoople, of the Province of Canada.

For care, services, and attention rendered by herself and husband, in eighteen hundred and fourteen, to David Holden, an American soldier..... $300 00

By the act for the relief of the legal representatives of John Putnam.

For his services and money paid for the United States at the port of Genesee, New York..... $795 78

By the act for the relief of Gilbert C. Russell.

For full satisfaction of all balance of claims and demands of every description in his favor against the Government of the United States, growing out of, or in any manner connected with, the construction of the fort at Mobile Point, in the State of Alabama..... $30,000 00

By the act for the relief of the heirs of Larkin Smith.

For five years' full pay of a captain of cavalry, the same being due the said Larkin Smith for services as a captain of cavalry in the Army of the United States in the war of the Revolution.....Indefinite.

By the act for the relief of the widow and children of Ezra Chapman, deceased.

For seven years' half-pay of Ezra Chapman, the father of the aforesaid Ezra Chapman, deceased, who was an ensign in the army of the Revolution, and died in the service of the United States, on the first day of September, seventeen hundred and seventy-eight, and which sum of money was due to the said Ezra Chapman, deceased, on account of the services of his said father, by the provisions of the resolution of Congress passed the twenty-fourth day of August, seventeen hundred and eighty..... $840 00

By the act for the relief of Medford Caffey, of the State of Tennessee.

For full compensation for his horse and equipage lost in the Seminole campaign of eighteen hundred and eighteen..... $106 00

By the act for the relief of William Hagerty.

For full payment of his claim for grading the street around the Capitol inclosure..... $964 80

By the act for the relief of Don B. Juan Domercq, a Spanish subject.

For a quantity of tobacco belonging to him, and taken and used for purposes of defense, by order of Colonel Childs, at the siege of Puebla, in Mexico, in the year eighteen hundred and forty-seven, and to allow and pay said Domercq for so much of said tobacco, not exceeding in quantity seven hundred and twenty-one bales, and at a price not exceeding twenty-four dollars the bale, as shall be proved, to the satisfaction of said secretary, to have been destroyed or lost in consequence of said tobacco having been taken and used as aforesaid..... 17,304 00

For the injury done to eight hundred and twenty-three bales of tobacco returned to him after being used in barricading the streets, &c., of Puebla..... 823 00

$18,127 00

By the act for the relief of Zachariah Lawrence, of Ohio.

For his portion of the prize-money for capturing and taking into the port of Passamaquoddy, in eighteen hundred and thirteen, the British sloop Venture..... $2,645 40

To each of the other persons composing the boat's crew, severally, or to their legal representatives, the sum of thirteen hundred and twenty-two dollars and seventy cents, as the share of each in the capture of the said sloop Venture, on satisfactory proof being made to the Secretary of the Treasury of there being such persons, or their legal representatives.....[Indefinite.]

By the act for the relief of Mrs. Helen Mackay, administratrix of Lieutenant Colonel Æneas McKay, late a deputy quartermaster in the United States Army.

For the amount of the receipt of Captain William D. McKissack, dated the first day of May, eighteen hundred and forty-seven, as well as the receipt of the said Captain William D. McKissack for a similar amount, dated the fourteenth day of August, eighteen hundred and forty-seven..... $50,000 00

By the act for the relief of John R. Bowes, agent in charge of the property of the United States at Michigan City, in the State of Indiana, and of Isaac S. Smith, of the City of Buffalo, New York.

For all claims of said Bowes against the United States for services as said agent in charge of the property of the United States at Michigan City..... $470 33

For care and charge of the public property at the city of Buffalo, up to the thirtieth day of April,

eighteen hundred and fifty-three, by the said Isaac S. Smith, under the direction of the Topographical Bureau..... 462 32

$922 65

By the act for the relief of the heirs and legal representatives of Joseph Savage, deceased.

For five years' full pay of a surgeon's mate in the continental line of the army of the Revolution, being the full amount of the sum due to the said Joseph Savage, deceased, for commutation of half-pay as surgeon's mate in the Virginia continental line of the revolutionary army.....[Indefinite.]

By the act for the relief of Daniel Searle and Co., for extra service rendered the Post Office Department of the United States.

For extra services rendered under the orders of the Post Office Department during their contract, made in eighteen hundred and thirty-five, for carrying the mail on routes numbers nine hundred and fifty-six, nine hundred and seventy-nine, and eleven hundred and fifty-seven, from Jersey City to Owego, in the State of New York, and to allow him a pro rata compensation for said extra service.....[Indefinite.]

By the act for the relief of Charles W. Carroll.

For compensation and damages for injuries sustained by him by reason of his wrongful arrest and imprisonment as a deserter from the Army of the United States..... $5,000 00

By the act for the relief of Henry S. Sanford.

For the amount of the difference between the salary received by him as secretary of legation at Paris, from the fourteenth day of May, eighteen hundred and fifty-three, to the twenty-second day of January, eighteen hundred and fifty-four, and a salary of a chargé d'affaires for the same period, together with the usual outfit of a chargé d'affaires..... $6,223 82

For necessary clerk hire paid by him while secretary of legation at Paris, the further sum of, 1,170 63

$7,394 45

By the act for the relief of the children and grandchildren of Thomas Morris.

For the full amount of half-pay for seven years, due the said Morris as a captain of artillery in the Georgia line on the continental establishment in the revolutionary war, and who died in the service of the United States during said war.....[Indefinite.]

By the act for the benefit of the heirs of Philip R. Rice, deceased.

For the loss of a vessel in the service of the United States, during the war of the Revolution.. $3,450 00

By the act for the relief of William G. Howison.

For all services as a member of the Auxiliary Guard of the city of Washington..... $167 00

By the act for the relief of William G. Preston.

To reimburse him for subsisting his command, and foraging the horses of his company, from Ozark to Washington, in Hempstead county, in the State of Arkansas, during the war with Mexico..... $375 25

By the act for the relief of Sarah Morris, only heir of Robert Mitchell, deceased.

For services as one of the captors of the Algerine vessels taken by the American squadron under the command of Commodore Decatur..... $193 75

By the act for the relief of George W. Torrence.

For his gallant military services at the National Bridge, Mexico, on the ninth of September, eighteen hundred and forty-seven, and for extraordinary expenses incurred by him in consequence of wounds received by him in the United States service..... $1,574 00

By the act for the relief of Andrew H. Patterson.

For mail bags manufactured by him under a contract with the Post Office Department entered into on the twenty-third of May, eighteen hundred and forty..... $6,898 00

By the act for the relief of Stephen Lutz, of New York.

For the amount paid for thirty-one cases, containing machinery and apparatus for the light, or lant rn of a light-house, imported into the port of New York, in the United States, and which were, through mistake or inadvertence, sold by public sale, made by the direction of the then collector of the port of New York, as being property liable to the payment of duties, and which had remained in public store for more than nine months without being claimed by any person, and on which no duties or expenses of storage had been paid.....[Indefinite.]

By the act for the relief of the heirs of Lieutenant Andrew Finly.

For one year's extra pay as a lieutenant in the Pennsylvania line in the continental establishment of the war of the Revolution, as promised in the resolves of Congress.....[Indefinite.]

By the act for the relief of Ferdinand Clark.

For the duties imposed by the act of June thirtieth, eighteen hundred and thirty-four, entitled "An act concerning tonnage upon Spanish vessels," on the Spanish brig Conde de Villanueva, Captain Carlos de Agao, and paid to the collector of the port of Charleston, in South Carolina, previous to the clearance of said vessel from that port for Cuba, on the eleventh of September, eighteen hundred and thirty-five, with a cargo of rice and lard, she having been wrecked on the coast of Florida, on the seventeenth of the same month, and lost with the greater portion of her cargo.....[Indefinite.]

By the act for the relief of Thomas S. Johnson, of the Territory of New Mexico.

For thirty-two wagons, the property of the said Thomas S. J. Johnson, taken by the officers of the United States Army, and appropriated to necessary public use..... $4,800 00

By the act for the relief of Titian R. Peale.

For the losses which he sustained of his private property when wrecked in the United States ship Peacock, at the mouth of the Columbia river..... $1,782 20

By the act for the relief of the heirs of Thomas Parke, deceased.

For the value of certain sails and rigging sold by the said Thomas Parke to Captain Harding, as agent of the United States during the revolutionary war..... $800 00

By the act for the relief of Franklin Chase.

For a share of the proceeds of the sale of the schooner Oregon and cargo, seized and confiscated in the month of April, eighteen hundred and forty-eight, under the President's regulations of the first of March, eighteen hundred and forty-seven, at the port of Tampico, during the war with Mexico.....[Indefinite.]

By the act for the relief of Madalena Van Ness, widow of Cornelius P. Van Ness, deceased.

For services rendered by the said Cornelius P. Van Ness, in the seizure of goods imported into the district of Vermont, in violation of the laws of the United States, during the years eighteen hundred and thirteen and eighteen hundred and fourteen, while he was collector of the customs for said district, and for which service he did not receive the award provided by law in such cases..... $9,000 00

By the act for the relief of the widow of W. Irving, deceased.

For the services of said Irving as acting superintendent of the Census Department, in addition to the amount which he has already received as clerk of the said department, for and during the same period that he discharged the duties of superintendent of said department.. $466 67

By the act for the relief of L. R. Lyon and Dean S. Howard, of the State of New York.

For the balance due them for constructing a dredging machine at Whitehall, New York, under contract entered into on the second day of November, eighteen hundred and thirty-six, and a dredging machine to be delivered at Monroe, in the State of Michigan, by contract entered into on the fifteenth of October, eighteen hundred and thirty-six..... $8,617 81

By the act for the relief of Frederic Vincent, administrator of James Le Caze, survivor of Le Caze & Mallet.

For advances made to the Government of the United States, in the year seventeen hundred and eighty-three..... $4,896 62

By the joint resolution for the settlement of the claim of Don Juan Jesus Vigil, of New Mexico.

For a flock of sheep seized from him by a detachment of troops in the service of the United States, in the month of January, eighteen hundred and forty-seven; and to make compensation to him for so many of said sheep as may have been used by said troops, or were lost to the owner in consequence of said seizure..... $9,000 00

By the joint resolution for the relief of George W. McCerren.

For such bread, beans, and pork, or bacon, in barrels, as were taken out of the possession of the said McCerren, in eighteen hundred and forty-seven, by order of the commanding officer of the United States Army in command at Brazos St. Jago, and used in the construction of Fort Harney.....[Indefinite.]

By the joint resolution for the relief of James Hughes.

For such clothing as was furnished by him to a company of volunteers engaged in the Seminole war, commanded first by Captain Alexander B. Bradford, and afterwards by Captain Jesse McMahon.....[Indefinite.]

By the joint resolution for the relief of Joel Henry Dyer.

For the services of the said Joel Henry Dyer, as judge-advocate in the regiment, in the Seminole war, commanded by Colonel Alexander B. Bradford, less the amount which has been paid said Dyer for his services as a private in said company..... $690 43

By the joint resolution making an appropriation for the purchase of territorial libraries.

For the purchase of territorial libraries for each of the Territories of Kansas and Nebraska.... $5,000 00

By the joint resolution making appropriation for the payment of those entitled to the benefits of the resolution of the House of Representatives of the United States, passed March third, eighteen hundred and fifty-five, voting extra compensation to pages, folders, and others.

For the payment of the sum voted by the House of Representatives, March third, eighteen hundred and fifty five, for the payment of pages, folders, and other employees.....[Indefinite.]

RECAPITULATION.

Civil, diplomatic, and miscellaneous.....	$17,265,999 59
Army, fortification, Military Academy, &c.,	12,571,496 64
Indian department, naval, revolutionary, and other pensions.....	4,453,536 10
Naval service.....	15,012,091 53
Post Office Department.....	10,946,844 96
Ocean steam mail service.....	3,574,458 88
Texas debt.....	7,750,000 00
	$71,574,357 00

II.—OFFICES CREATED AND THE SALARIES THEREOF.

By the act for the better preservation of life and property from vessels shipwrecked on the coasts of the United States.

Keepers of light-house stations on the coasts of Long Island and New Jersey, and a superintendent who shall have the powers and perform the duties of an inspector of customs, authorized to be appointed. Each keeper to receive a compensation not exceeding two hundred dollars.

By the act to continue in force, for a limited time, the provisions of the act of Congress of March 3, 1851, and the second section of the supplement of January 18, 1854, so as to enable the board of land commissioners in California to close their adjudications of private land titles in that State, and for other purposes.

The district attorney for the northern district of California authorized to employ assistant counsel, at a salary not exceeding three thousand six hundred dollars per annum, and not more than two clerks, at a compensation to each of one hundred and fifty dollars per month; the offices thus created to be limited to one year.

By the act to divide the State of Illinois into two judicial districts.

A district judge, for the southern district of Illinois, authorized to be appointed, at an annual salary of twenty-five hundred dollars.

A district attorney, a marshal, and a clerk for the southern district, authorized to be appointed.

By the act to divide the State of Ohio into two judicial districts, and to provide for holding the district and circuit courts of the United States therein.

A district judge authorized to be appointed for the northern district of Ohio, who shall be allowed the same com-

pensation allowed by law to the judge of the district court of Ohio.

A marshal and a district attorney authorized to be appointed for the southern district of Ohio, whose emoluments shall be the same appertaining to the said offices in the district of Ohio.

By the act to establish the office of surveyor general of Utah, and to grant land for school and university purposes.

One surveyor general for Utah to be appointed at an annual salary of three thousand dollars.

By the act to establish a court for the investigation of claims against the United States.

Three judges authorized to be appointed, at a salary of four thousand dollars per annum each; a solicitor authorized at a salary of three thousand five hundred dollars per annum; a chief clerk authorized to be appointed by the court, at an annual salary of two thousand dollars per annum; an assistant clerk authorized to be appointed, at an annual salary of fifteen hundred dollars; a messenger also authorized at an annual salary of eight hundred dollars

By the act to establish an additional land district in the State of Wisconsin.

A register and a receiver authorized to be appointed, to receive the compensation provided by law in other cases.

By the act to establish the collection districts of Cape Perpetua and Port Orford, in the Territory of Oregon, and to fix the salaries of the officers of the customs therein.

A collector to be appointed for each of the districts of Cape Perpetua and Port Orford, to receive each an annual salary of two thousand dollars.

Deputy collectors authorized to be appointed for each of those ports, at the discretion of the Secretary of the Treasury, who shall also fix their compensation, not to exceed the sum of one thousand dollars per annum each. The Secretary of the Treasury authorized to appoint one clerk for each of said collectors, at an annual compensation not exceeding fifteen hundred dollars each.

The Secretary of the Treasury also authorized, on the nomination of said collectors, to appoint for said districts a competent number of weighers, gaugers, and measurers, at a compensation not exceeding six dollars per day each, and such number of inspectors as he shall deem expedient, at a compensation not exceeding four dollars per day each.

By the act to amend an act to establish a land district in the State of Florida, to be called the district of Tampa.

A register and a receiver authorized to be appointed, to receive the compensation and emoluments prescribed by law for other land officers in Florida.

By the act to establish a circuit court of the United States in and for the State of California.

A judge of the circuit courts of the United States, for the districts of California, authorized to be appointed, who shall be authorized to appoint a clerk, who may appoint a deputy. The said clerk to be entitled to receive double the fees allowed to the clerk for the southern district of New York. The salary of the judge to be four thousand five hundred dollars per annum.

By the act to remodel the diplomatic and consular system of the United States.

The following envoys extraordinary and ministers plenipotentiary authorized to be appointed for the countries specified, who shall receive the annual compensation hereafter mentiond:

Great Britain, seventeen thousand five hundred dollars;
France, fifteen thousand dollars;
Spain, twelve thousand dollars;
Russia, twelve thousand dollars;
Austria, twelve thousand dollars;
Prussia, twelve thousand dollars;
Switzerland, seven thousand five hundred dollars;
Rome, seven thousand five hundred dollars;
Naples, seven thousand five hundred dollars;
Sardinia, seven thousand five hundred dollars;
Belgium, seven thousand five hundred dollars;
Holland, seven thousand five hundred dollars;
Portugal, seven thousand five hundred dollars;
Denmark, seven thousand five hundred dollars;
Sweden, seven thousand five hundred dollars;
Turkey, nine thousand dollars;
China, fifteen thousand dollars;
Brazil, twelve thousand dollars;
Peru, ten thousand dollars;
Chili, nine thousand dollars;
Argentine Republic, seven thousand five hundred dollars;
New Granada, seven thousand five hundred dollars;
Bolivia, seven thousand five hundred dollars;
Ecuador, seven thousand five hundred dollars;
Venezuela, seven thousand five hundred dollars;
Guatemala, seven thousand five hundred dollars;
Nicaragua, seven thousand five hundred dollars;
Mexico, twelve thousand dollars.

Secretaries of legation, authorized to be appointed for the respective missions, to receive the salaries specified:

Great Britain, two thousand five hundred dollars;
France, two thousand two hundred and fifty dollars;
Spain, two thousand two hundred dollars;
Russia, two thousand dollars;
Austria, two thousand dollars;
Prussia, two thousand dollars;
Switzerland, one thousand five hundred dollars;
Rome, one thousand five hundred dollars;
Naples, one thousand five hundred dollars;
Sardinia, one thousand five hundred dollars;
Belgium, one thousand five hundred dollars;
Holland, one thousand five hundred dollars;
Portugal, one thousand five hundred dollars;
Denmark, one thousand five hundred dollars;
Sweden, one thousand five hundred dollars;
Brazil, two thousand dollars;
Peru, two thousand dollars;
Chili, one thousand five hundred dollars;
Argentine Republic, one thousand five hundred dollars;
New Granada, one thousand five hundred dollars;
Bolivia, one thousand, five hundred dollars;
Ecuador, one thousand five hundred dollars;
Venezuela, one thousand five hundred dollars;
Guatemala, one thousand five hundred dollars;
Nicaragua, one thousand five hundred dollars;
Mexico, two thousand dollars;

A commissioner to the Sandwich Islands authorized to be appointed, at an annual salary of six thousand dollars;

An interpreter to the mission in China authorized to be appointed, at an annual salary of two thousand five hundred dollars;

A dragoman to the mission to Turkey authorized, at an annual salary of two thousand five hundred dollars.

Consuls (not permitted to transact business) authorized to be appointed at the following places, to receive for their services the compensation specified for each:

GREAT BRITAIN.

London, seven thousand five hundred dollars;
Liverpool, seven thousand five hundred dollars;
Glasgow, four thousand dollars;
Dundee, two thousand dollars;
New Castle, one thousand five hundred dollars;
Leeds, one thousand five hundred dollars;
Belfast, two thousand dollars;
Hong Kong, three thousand dollars;
Calcutta, three thousand five hundred dollars;
Halifax, two thousand dollars;
Melbourne, four thousand dollars;
Nassau, two thousand dollars;
Kingston, Jamaica, two thousand dollars.

HOLLAND.

Rotterdam, two thousand dollars;
Amsterdam, one thousand dollars.

PRUSSIA.

Aix-la-Chapelle, twenty-five hundred dollars.

FRANCE.

Paris, five thousand dollars;
Havre, five thousand dollars;
Marseilles, two thousand five hundred dollars;
Bordeaux, two thousand dollars;
Lyons, one thousand dollars;
La Rochelle, one thousand dollars;
Nantes, one thousand dollars.

SPAIN.

Cadiz, fifteen hundred dollars;
Malaga, fifteen hundred dollars;
St. Jago de Cuba, two thousand dollars;
Matanzas, three thousand dollars;
St. John's, (P. R.,) two thousand dollars;
Trinidad de Cuba, three thousand dollars;
Ponce, (P. R.,) one thousand five hundred dollars;
Havana, six thousand dollars.

PORTUGAL.

Lisbon, fifteen hundred dollars;
Funchal, fifteen hundred dollars.

BELGIUM.

Antwerp, two thousand five hundred dollars.

RUSSIA.

St. Petersburgh, two thousand five hundred dollars.

DENMARK.

St. Thomas, four thousand dollars;
Elsineur, fifteen hundred dollars.

AUSTRIA.

Trieste, two thousand dollars;
Vienna, one thousand dollars.

SAXONY.

Leipsic, fifteen hundred dollars.

BAVARIA.

Munich, one thousand dollars.

HANSEATIC AND FREE CITIES.

Bremen, two thousand dollars;
Hamburg, two thousand dollars.

FRANKFORT-ON-THE-MAINE.

Including the Grand Duchy of Hesse Darmstadt, the Electorate of Hesse Cassel, the Duchy of Nassau, and the Landgraviate of Hesse Hombourg, two thousand dollars.

WURTEMBURG.

Stuttgardt, one thousand dollars.

BADEN.

Carlsrue, one thousand dollars.

SWITZERLAND.

Basle, fifteen hundred dollars;
Zurich, fifteen hundred dollars;
Geneva, fifteen hundred dollars.

SARDINIA.

Genoa, one thousand five hundred dollars.

TUSCANY.

Leghorn, fifteen hundred dollars.

KINGDOM OF THE TWO SICILIES.

Naples, fifteen hundred dollars;
Palermo, fifteen hundred dollars;
Messina, one thousand dollars.

TURKISH DOMINIONS.

Constantinople, two thousand five hundred dollars;
Smyrna, two thousand dollars;
Beirut, two thousand dollars;
Jerusalem, one thousand dollars;
Alexandria, three thousand five hundred dollars.

BARBARY STATES.

Tangiers, two thousand five hundred dollars;
Tripoli, two thousand five hundred dollars;
Tunis, two thousand five hundred dollars.

CHINA.

Canton, three thousand dollars;
Shanghai, three thousand dollars;
Amoy, twenty five hundred dollars;
Fouchow, two thousand five hundred dollars;
Ningpo, two thousand five hundred dollars.

JAPAN.

Simoda;
Hakodadi.

BORNEO.

Brunei.

SANDWICH ISLANDS.

Honolulu, four thousand dollars.

HAYTI.

Port-au-Prince, two thousand dollars;
City of St. Domingo, fifteen hundred dollars.

MEXICO.

Vera Cruz, three thousand five hundred dollars;
Acapulco, two thousand dollars.

CENTRAL AMERICA.

San Juan del Norte, two thousand dollars;
San Juan del Sur, two thousand dollars.

NEW GRANADA.

Panama, three thousand five hundred dollars;
Aspinwall, two thousand five hundred dollars.

VENEZUELA.

Laguayra, fifteen hundred dollars.

BRAZIL.

Rio de Janeiro, six thousand dollars;
Pernambuco, two thousand dollars.

ARGENTINE REPUBLIC.

Buenos Ayres, two thousand dollars.

PERU.

Callao, three thousand five hundred dollars.

CHILI.

Valparaiso, three thousand dollars.

Consuls and commercial agents authorized to be appointed for the following places, to receive the specified compensations, who shall be permitted to transact business:

GREAT BRITAIN.

Southampton, one thousand dollars;
Bristol, one thousand dollars;
Leith, one thousand dollars;
Dublin, one thousand dollars;
Cork, one thousand dollars;
Galway, one thousand dollars;
Bombay, one thousand dollars;
Singapore, one thousand dollars;
Gibraltar, seven hundred and fifty dollars;
Island of Malta, one thousand dollars;
Cape Town, one thousand dollars;
Port Lewis, one thousand dollars;
St. John's, (N. B.,) one thousand dollars;
Pictou, one thousand dollars;
Demarara, one thousand dollars;
Sidney, one thousand dollars;
Falkland Islands, one thousand dollars;
Hobart Town, one thousand dollars;
Bermuda, one thousand dollars;
Turk's Island, one thousand dollars;
Barbadoes, one thousand dollars;
Island of Trinidad, one thousand dollars;
St. Helena, one thousand dollars;
St. Christopher, one thousand dollars;
Antigua, one thousand dollars;
Ceylon, one thousand dollars.

RUSSIA.

Odessa, fifteen hundred dollars;
Galatza, one thousand dollars.

FRANCE.

Martinique, seven hundred and fifty dollars;
Miquelon, seven hundred and fifty dollars.

SPAIN.

Barcelona, seven hundred and fifty dollars;
Manilla, seven hundred and fifty dollars.

PORTUGAL.

Macao, one thousand dollars;
Mozambique, seven hundred and fifty dollars;
Fayal, seven hundred and fifty dollars;
St. Jago Cape Verd, seven hundred and fifty dollars.

HANOVER AND NEW BRUNSWICK.

Hanover, five hundred dollars.

MECKLENBERG-SCHWERIN AND MECKLENBERG-STRELITZ.

Schwerin, five hundred dollars.

OLDENBURG.

Oldenburg, five hundred dollars.

DANISH DOMINIONS.

Santa Cruz, seven hundred and fifty dollars.

SWEDEN AND NORWAY.

Gothenburg, seven hundred and fifty dollars.

AUSTRIA.

Venice, seven hundred and fifty dollars.

SARDINIA.

Spezzia, seven hundred and fifty dollars.

GREECE.

Athens, one thousand dollars.

TURKEY.

Candia, one thousand dollars;
Cyprus, one thousand dollars;

IONIAN ISLANDS.

Zante, one thousand dollars.

AFRICA.

Monrovia, one thousand dollars;
Zanzibar, one thousand dollars.

NEW ZEALAND.

Bay Islands, one thousand dollars.

HAYTI.

Cape Haytien, one thousand dollars;
Aux Cayes, five hundred dollars.

MEXICO.

Mexico, one thousand dollars;
Paso del Norte, five hundred dollars;
Tampico, one thousand dollars;
Matamoras, one thousand dollars;
Tabasco, five hundred dollars;
Mazatlan, five hundrek dollars;
Tehuantepec, one thousand dollars;
Manatitlan, one thousand dollars.

CENTRAL AMERICA.

Omoa and Truxillo, one thousand dollars;
San José, five hundred dollars.

NEW GRANADA.

Carthagena, five hundred dollars;
Sabanillo, five hundred dollars.

VENEZUELA.

Ciudad Bolivar, seven hundred and fifty dollars;
Puerto Cabello, seven hundred and fifty dollars;
Maracaibo, seven hundred and fifty dollars.

ECUADOR.

Guayaquil, seven hundred and fifty dollars.

BRAZIL.

Maranham Island, seven hundred and fifty dollars;
Rio Grande, one thousand dollars;
Bahia, one thousand dollars;
Para, one thousand dollars.

URUGUAY.

Montevideo, one thousand dollars.

CHILI.

Talcahuano, one thousand dollars.

PERU.

Paita, five hundred dollars;
Tumbez, five hundred dollars.

SANDWICH ISLANDS.

Lahaina, one thousand dollars;
Hilo, one thousand dollars.

NAVIGATOR'S ISLAND.

Apia, one thousand dollars.

SOCIETY ISLANDS.

Tahiti, one thousand dollars.

FEJEE ISLANDS.

Lanthala, one thousand dollars.

HOLLAND.

Batavia, one thousand dollars. (Commercial agent.)
Paramaribo, five hundred dollars. (Commercial agent.)
Padang, five hundred dollars. (Commercial agent.)
St. Martin, five hundred dollars. (Commercial agent.)
Curacoa, five hundred dollars. (Commercial agent.)

Consuls and commercial agents authorized to charge the following fees, for the specified services:

For receiving and delivering ships' papers, half cent on every ton, registered measurement, of the vessel for which the service is performed.

For every seaman who may be discharged or shipped at the consulate or commercial agency, or in the port in which they are located, one dollar; which shall be paid by the master of the vessel.

For every other certificate, except passports, the signing and verification of which shall be free, two dollars.

The President of the United States authorized to confer the title of consul general upon any consul of the United States in Asia or Africa.

By the act making appropriations for the civil and diplomatic expenses of Government, for the year ending June 30, 1856, and for other purposes.

An additional clerk in the office of the assistant treasurer of the United States at Boston, at an annual salary of $1,200.

A chaplain to the penitentiary of the District of Columbia, at $500 per annum.

A third assistant librarian for Congress, at $1,500 per annum.

Four additional principal examiners of patents, and four assistant examiners, authorized to be appointed, to receive the compensation allowed to other examiners by law; and two other examiners and assistant examiners, authorized to be appointed, for a limited time, if need be.

A Consul General, to reside in the British North American colonies, authorized to be appointed, at an annual salary of four thousand dollars per annum.

Temporary clerks authorized to be appointed by the Superintendent of Indian Affairs, and a sum not exceeding five thousand dollars appropriated for their compensation.

By the act to establish Columbus, in the State of Mississippi, Chattanooga, in the State of Tennessee, and Hickman, in the State of Kentucky, ports of delivery.

A surveyor of the customs authorized to be appointed at each of those ports, to receive the compensation and emoluments prescribed in the act of Congress approved March 2, 1831.

By the act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1856, and for other purposes.

An additional Indian agent authorized to be appointed, for the Kansas Indians, at an annual salary of one thousand dollars.

An additional Indian agent authorized to be appointed, for the Kickapoos, at a salary of one thousand dollars per annum.

An additional Indian agent authorized to be appointed, for the Delaware Indians, at an annual salary of fifteen hundred dollars.

Four additional Indian agents authorized to be appointed, for Indians in the State of New York; in Green Bay, Wisconsin; Seminoles west of Arkansas; and Indians in the Territory of Utah; whose annual salaries shall be one thousand dollars each.

By the act to establish an additional land district in the Territory of Oregon.

A register and receiver authorized to be appointed, for a district lying south of the fourth standard parallel, whose compensation, &c., shall be the same as those prescribed by the act of July 17, 1854.

By the act to amend an act to establish a land district in the State of Florida, to be called the district of Tampa.

The President of the United States authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for the land district called Tampa, whose compensation, &c., shall be the same as that prescribed by law for other land officers in said State.

By the act to improve the laws of the District of Columbia, and to codify the same.

Two persons, learned in the law, authorized to be appointed by the President of the United States, by and with the advice and consent of the Senate, to revise, simplify, digest, and codify the laws of the District of Columbia, who shall each receive for their services at the rate of three thousand dollars per annum.

The said code to be submitted to a board, consisting of five persons from the city of Washington, two from the city of Georgetown, and one person in behalf of the county of Washington, and approved by them; and each member of the board shall receive from the Treasury of the United States a reasonable compensation for their services.

By the act to organize an institution for the insane of the Army and Navy, and of the District of Columbia, in said District.

A board of visitors, consisting of nine persons; the office to be honorary and without compensation.

A superintendent or chief executive officer, who shall be a well educated physician, at an annual salary of two thousand dollars.

By the act making appropriations for the naval service for the year ending June 30, 1856.

Two clerks or assistants in the naval astronomical expedition, at the rate of twelve hundred dollars per annum while employed.

III.—THE OFFICES, THE SALARIES OF WHICH HAVE BEEN INCREASED, WITH THE AMOUNT OF SUCH INCREASE.

By the resolution relative to the construction of the laws for the allowance of additional compensation to the clerks in the Census Bureau.

The additional compensation, which was granted by the act of April 22, 1854, extended to the clerks employed in the Census Office.

By the act to divide the State of Illinois into two judicial districts.

The salary of the judge, assigned to the northern district, increased to twenty-five hundred dollars per annum.

By the act to increase the compensation of the registers of the land offices and receivers of public moneys, under the act entitled "An act to graduate and reduce the price of the public land to actual settlers and cultivators."

Each register and receiver to receive the same amount of pay for every entry, under said act, as such officer is entitled to receive for similar entries of land at the minimum price of one dollar and twenty-five cents per acre; provided, that the whole amount received by each officer shall not exceed the limitation fixed by existing laws.

By the act to regulate the salaries of the district judges of the United States.

The judges of the districts of the States of *Maine*, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, New Jersey, Iowa, and Wisconsin, to receive two thousand dollars each per annum.

The judge of the northern district of Florida, to receive two thousand two hundred and fifty dollars per annum.

The judges of the western district of Virginia, North Carolina, eastern, western, and middle districts of Tennessee, northern and southern districts of Mississippi, western district of Pennsylvania, western district of Louisiana, Texas, Kentucky, Ohio, Indiana, Missouri, eastern and western districts of Arkansas, Illinois, and Michigan, to receive two thousand five hundred dollars each per annum.

The judges of the districts of Georgia, South Carolina, eastern district of Virginia, northern district of New York, northern and southern districts of Alabama, to receive two thousand seven hundred and fifty dollars per annum.

The judges of the districts of Maryland, Massachusetts, eastern district of Pennsylvania, southern district of Florida, and southern district of California, to receive three thousand dollars per annum.

The judge of the eastern district of Louisiana, to receive three thousand five hundred dollars per annum.

The judge of the southern district of New York, to receive three thousand seven hundred and fifty dollars per annum.

The judge of the northern district of California, to receive five thousand dollars per annum.

By the act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1856, and for other purposes.

The Superintendent of Public Printing and the clerks and messenger in his office; the librarian and assistants, and messenger in the Library of Congress, shall be entitled to receive the benefits of the joint resolution, approved June 20, 1854, fixing the compensation of the legislative employees of the Government, in the same manner and to the same extent as officers of the same grade in the legislative department.

The salary of the chief justice of the supreme court raised from five thousand dollars to six thousand five hundred dollars per annum.

The salaries of the associate justices of the supreme court raised from four thousand five hundred dollars to six thousand dollars per annum.

The annual salaries of the assistant treasurers of Boston and St. Louis raised from two thousand five hundred dollars to four thousand dollars each.

The annual compensation of the chaplain of the penitentiary shall be five hundred dollars.

The envoys extraordinary and ministers plenipotentiary who shall be continued without reappointment after the 30th of June, 1855, to receive the same compensation as the newly-appointed envoys and ministers for the respective countries after that time.

The clerks in the Department of State to be placed on the same footing, in regard to compensation, as the clerks in the other executive departments by the provisions of the third section of the act "making appropriations for the civil and diplomatic expenses of Government, approved 3d March, 1853," and to be classified accordingly.

The salary of the principal clerk in the National Observatory at Washington increased to fifteen hundred dollars per annum, and twenty per cent. on former salary allowed from 1852. Twenty per centum additional salary to be paid to the officers of the penitentiary in the District of Columbia to commence from the 1st of July, 1853.

The fees and costs allowed to the clerks, marshals, and attorneys of the circuit and district courts of the United States in the Territories of Minnesota and Utah to be the same as those allowed to the same officers in the several States by the act of February 26, 1853.

The clerks in the branch Mint of the United States at New Orleans, to receive eighteen hundred dollars per annum salary each from July 1, 1854.

The first assistant examiners in the Patent Office to be rated as of the fourth class of clerks, and the second assistant examiners, machinist and librarian, as of the third class.

The salaries of the Indian agents for the Kansas, Great Nemaha, and Osage river Indians, raised from their present salaries respectively to fifteen hundred dollars per annum each.

The compensation of the collector of the customs at Sandusky, Toledo, and Cleveland, to be same as that of the collector at Detroit.

By the act making appropriations for the support of the Military Academy for the year ending June 30, 1856.

The yearly allowance of the Professor of the French and Spanish languages and the Professor of Drawing made equal to that of the other professors.

By the act making appropriations for the Navy service for the year ending June 30, 1856.

For compensation of the chiefs of bureau of construction equipment, and repair, made equal to that allowed to the other chiefs of bureaus of the Navy Department.

The purser of the navy-yard at Washington to receive the same pay allowed by law to the pursers at Boston, New York, Norfolk, and Pensacola.

The salary of the surveyor of the customs at the port of Cairo, Illinois, to be eight hundred dollars per annum instead of that heretofore allowed.

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